CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, APRIL 22, 2024 - 5:00 PM
ALCAZAR ROOM

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1. CALL TO ORDER

- Roll Call
- Moment of Silence and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. ***Proclamation 2024-12***: Proclaims Saturday, April 27, 2024 as World T'ai Chi and Qigong Day in the City of St. Augustine.

3.B. Presentation of plaque to the Nao Trinidad for their support and participation of the 100th Celebration of the city's relationship with Avilés, Spain. *(M. Wissel, Director Communications)*

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. Madeira Planned Unit Development: 1. Presentation by City on tree removal and PUD details. 2. Presentation by Developer on tree removal and PUD details. 3. Open public comment period. *(A. Skinner, Director Planning and Building)*

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.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 2024-17***: Amends Chapter 11 to add protection for Longleaf Pine trees and amend the criteria for docks. *(A. Skinner, Director Planning and Building)*

9.B. Resolutions

9.B.1. ***Resolution 2024-10***: Discussion of the proposed City purchase in the amount of $500,000 of Fish Island Preserve Inholding property consisting of 2.5 acres and sponsored by Commissioner Blonder. *(D. Birchim, City Manager)*

9.B.2. ***Resolution 2024-14***: Establishing West City Community Redevelopment Area. *(J. Perkins, Neighborhood Services & CRA Manager)*

10. STAFF REPORTS AND PRESENTATIONS

10.A. Discussion of proposed CRA budget amendment procedures. *(J. Perkins, Neighborhood Services and CRA Manager)*

11. ITEMS BY CITY ATTORNEY

12. ITEMS BY CITY CLERK

12.A. Request to fill one alternate member of the Historic Architectural Review Board (HARB). *(D. Galambos, City Clerk)*

13. ITEMS BY 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 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 - APRIL 22, 2024

CA.1. Preview of upcoming Commission meetings.

CA.2. **THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON MAY 13, 2024:**

Ordinance 2024-17 amending Chapter 11

CA.3. **Reminder of Upcoming Meetings:**

- May 13, 2024, 3:30pm, Special Meeting (Strategic Plan and CIP)
- May 13, 2024, 4:30pm, Presentation of the 2024 Adelaide Sanchez Award
- May 13, 2024, 5:00pm, Regular City Commission Meeting
- June 10, 2024, 5:00pm, Regular City Commission Meeting

CA.4. **APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:**

- March 25, 2024 - Regular City Commission Meeting

CA.5. **RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S): NONE.**

CA.6. **PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).**

Proclamation 2024-17: Proclaiming April 2024 as Landscape Architecture Month.

CA.7. **NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.**

CA.8. Notification to St. Johns County of the City's exclusion in the urban county to maintain independent grant participation eligibility under Florida Small Cities Program funding. *(C. Sakryd, Director General Services)*

CA.9. Timeline for the naming of a public park at 81 Weeden Street. *(J. Perkins, Neighborhood Services and CRA Manager)*

CA.10. Fiscal Year 2025 Budget Preparation Schedule. *(M. Breidenstein, Assistant City Manager)*

CA.11. March 31, 2024 financial update. *(N. Hall, Deputy Director Finance)*

CA.12. Authorization for City Manager to sign as authorized official to extend timeframe for the Fountain of Yough Elks Lodge Grant Agreement Amendment. *(J. Perkins, Neighborhood Services and CRA Manager)*

End Consent Agenda

City of St. Augustine

La Lealisíma y Valerosa Ciudad de San Agustín de la Florida

Est. 1565

P R O C L A M A T I O N

***WHEREAS**, World T'ai Chi & Qigong Day is now celebrated in hundreds of cities in over 70 nations annually, and*

***WHEREAS**, T'ai Chi & Qigong, traditional Chinese exercises involve a series of mindful relaxed movements, and/or mind-body meditations increasingly found to benefit many health issues, for people of many fitness levels; and*

***WHEREAS**, T'ai Chi has been called "medication in motion" by Harvard Health Publication for the myriad health benefits it offers, and numerous studies have pointed to the benefits of T'ai Chi as stress relief , improved balance and coordination, among the elderly, indicated by an Emory University School of Medicine in Atlanta study, and improved behavior for adolescents with Attention Deficit and Hyperactivity Disorder, indicated by the University of Miami School of Medicine study; and*

***WHEREAS**, numerous other studies relating to stress and immune system and general health have been reviewed by the National Institute of Health and can be found at: www.tchain.com/taichi/ and www.worldtaichiday.org; and*

***WHEREAS**, T'ai Chi and Qigong are used as helpful stress managers and behavior modifiers for drug abusers and prison inmates in penal systems throughout the State of Florida, including St Johns County; and*

***WHEREAS**, World T'ai Chi & Qigong Day is meant to bring practitioners together, and allow people to learn more about T'ai Chi and Qigong through this day of celebration and practice, that will be celebrated around the world on Saturday, April 27, 2024; and*

***Now therefore, we,** the St. Augustine City Commission hereby proclaims **Saturday, April 27, 2024,** as **World T'ai Chi & Qigong Day** and urges every resident to take time to acknowledge older adults and the people who serve them as powerful and vital individuals who greatly contribute to our community.*

***IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of St. Augustine to be affixed this 22nd day of April in the year of our Lord two thousand and twenty-fourth and the four hundred and fifty-eighth year of the founding of St. Augustine, the Nation's Oldest City.*

_____

Nancy Sikes-Kline, Mayor

2024-12

ST AUGUSTINE AVILÉS 100th

Sister Cities Celebration

In recognition of your continued support through sharing the maritime heritage and culture of Spain, the native land of Don Pedro Menendez de Aviles, the explorer and founder of the City of St. Augustine, The Nation's Oldest City.

The City of St. Augustine greatly appreciates the participation of the Nao Trinidad, Nao Victoria Foundation in the 100th Anniversary Celebration of the relationship between St. Augustine, Florida and Aviles, Spain

April 22, 2024

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: April 22, 2024

RE: **Madeira Development – General Public Presentations, Items of Great Public Importance, and Other Items Requiring Public Hearings – General Public Presentation**

This memorandum is intended as a Cover Memorandum related to questions and concerns regarding the existing Madeira Development.

Questions and concerns related to this ongoing development have been raised at several City Commission meetings by residents of the development and others. At the March 25th City Commission meeting staff presented an update to the City Commission regarding the status of the Madeira Development in the north area of the city.

Since that meeting staff have met with the developer and their representatives. There is general agreement regarding the process for the development to proceed. Additionally, residents have continued to express concerns to staff and the City Commission.

Based on this ongoing discussion the developer and their representatives have provided the attached memorandum related to the history of the development and a summary of conditions and stipulations that must be met for the development to proceed. The developer has also provided a tree survey of the area referred to as Phase 3.

At this point it is staff's understanding that:

1. The Madeira development is a longstanding development with development rights up to 749 residential units including single family and potentially multifamily units, commercial frontage, conservation area, such as marsh waterward of the most restrictive jurisdictional line and the area known as Kurth Island and land set-aside for a 10-acre park.
2. The property has developed through a series of plats that have been developed consistent with the approved Planned Unit Development (PUD) and settlement agreement.
3. A significant area in the area(s) generally consistent with the location of the previous golf course have been cleared and remediated based on a plan to remove, encapsulate, and cover areas that were contaminated.

4. The developers can continue to develop the property consistent with the PUD and the settlement agreement.

It is also staff's understanding that:

1. The area known as Phase 3 has consistently been represented in development plans and is intended to be developed.
2. The Civil site plans for this area representing the general layout of the roadway and other infrastructure have been approved by the city.
3. The general layout of the infrastructure and lot layout have been consistently represented, the developer is required by the PUD to consider the location of trees and try to avoid impacting significant trees defined by the PUD as over 20".
4. The area known as Phase 3 will have to be reviewed for a preliminary plat at the Planning and Zoning Board (PZB) and eventually approved by the City Commission when the developer is ready to move forward with a specific plat proposal. In the past for previous phases reviewed between 2003 and 2007 tree removal was addressed by the builder as part of the preliminary plat approval.

Outlined below are answers to several key questions that have been raised related to the Madeira Development moving forward:

Question 1 – What is the expiration date of the Madeira PUD?

- Ordinance #2015-34 Exhibit B (6) Phasing states "All phases of the project shall be completed by January 1, 2027." The term "Completion" is also defined. See attached.

- There have been two (2) extension requests submitted by the developer's representative, in 2017 and again in 2023. The project will be completed in one (1) phase with a timeline extended to August 19, 2032. See attached.

General Chronology

- The property was a long-standing resort, restaurant, convention center golf course development within St. Johns County.
- **2001** - The property was annexed into the City with modifications to the existing (County) Planned Unit Development (PUD).
- **2003** - A settlement was reached; the City PUD is in effect.
- **2004** – Identified archaeological sites are investigated the Florida Department of State issues letter accepting the findings.
- **2007** – The city Planning and Zoning Board (PZB) approves the site plan and conservation overlay zone development.
- **2015-2016** – Site contamination issues are addressed by remediation including tree removal, site work and fill.
- **2015** – City Comprehensive Plan is updated incorporating the property into the city land use map.

- The developer continues to plat single family residential lots in phases. Currently, 461 single family lots are platted. A total of up to 749 residential units are allowed; therefore 288 additional units may be approved.

Madeira	Phase 1A	95
	Phase 1B	137
	Phase 1C	98
	Phase 2A Unit1	74
	Phase 2A Unit2	57
	Total	**461**

Question 2 – What happened related to the City Comprehensive Plan in 2016?

- When the property was annexed into the city it was never officially incorporated under the "umbrella" of the City's Comprehensive Plan.

- In 2015 and 2016 the city officially adopted ordinances to change the land use from the county to the city designations of Open Land, Residential Medium Density Mixed Use, Commercial Medium Intensity and Recreation and Open Space.

- The current development includes approximately 583 acres of wetlands (light green), approximately 454 acres of Residential Medium Density Mixed Use (pink) with a maximum of 749 residential units, 21 acres of Commercial Medium Intensity (red), and 10 acres of Recreation/Open Space (dark green). See attached map.

- Single family homes continue to be permitted on residentially platted lots (See attached map). All upland areas are considered developable as long as they meet the criteria established in the PUD and the settlement agreement.

Question 3 – What is the current PUD that is in effect?

- The attached documents are the current documents governing the development of the Madeira PUD.

Please place this item on the April 22, 2024, City Commission Agenda under General Public Presentations. This will allow for the developer and representatives to proceed with a 10-minute presentation to the City Commission, and also allow for the public to express their public comment under this Agenda item directly.

Thank you for your attention to this matter. If you have any questions, please call me at (904) 209-4320 or email at askinner@citystaug.com

Amy McClure Skinner, AICP
Director
Planning and Building Department

ROGERS | TOWERS

ATTORNEYS AT LAW

MEMORANDUM

TO: St. Augustine City Commissioners

CC: Isabelle Lopez, Esq., Reuben Franklin, Amy Skinner

FROM: Ellen Avery-Smith, Esq.

DATE: April 9, 2024

RE: Madeira at St. Augustine Planned Unit Development

This memorandum provides a brief summary of the history of the Madeira at St. Augustine ("Madeira") Planned Unit Development ("PUD") and certain requirements related to tree removal in Phase 3 of the project. The Madeira PUD rezoning ordinance was approved by the St. Augustine City Commission more than 20 years ago and has been modified, and thus this memorandum does not address every detail of the project or its development requirements. Ponce Associates, LLC (the "Owner"), the owner of the property subject to the Madeira PUD (the "Property"), is not requesting any modifications to the PUD.

History

The Property was located in unincorporated St. Johns County when a PUD rezoning for the site was first approved. In 2001, the City annexed the Property into its municipal boundaries and adopted a PUD rezoning ordinance.

The Owner's request to modify the 2001 PUD ordinance was vigorously challenged by numerous intervenors representing citizen groups and the environmental community. After the St. Augustine City Commission denied the PUD modification request, the Owner's invoked provisions for a Special Master proceeding. In 2004, a settlement agreement related to the development was reached by the parties to the lawsuit.

On March 15, 2004, the City Commission approved a PUD ordinance entitled "Order Adopting Recommended Findings of Special Master (the "2004 Ordinance"). It included certain development conditions from the negotiated settlement agreement and a revised site plan that took into consideration such conditions (the "2004 Site Plan"). The PUD approval includes 749 residential units and commercial parcels along U.S. Highway 1.

The Madeira PUD was modified in 2015 to make minor changes related to project phasing, sidewalks and parks. The Owner has requested and obtained several extensions of the PUD phasing and expiration dates pursuant to Section 252.363, Florida Statutes.

During the last 20 years, the Owner has obtained City approval of site plans, engineering plans, construction plans, and other permits and approvals for development of the Property to date. The Owner has also obtained permits and approvals from other local, state and federal agencies, including but not limited to the St. Johns River Water Management District, U.S. Army Corps of Engineers, Florida Department of Environmental Protection, State of Florida Division of Historical

Resources, the Florida Department of Transportation and others. The approvals referenced in this paragraph include Phase 3 of the PUD (see **Exhibit "1"** hereto).

Significant portions of the Property are encumbered by conservation easements which were granted by the Owner in favor of the St. Johns River Water Management District. In addition, the Owner will dedicate land for a City-owned park and the Kurth Island/Peninsula will be restricted for conservation purposes. No portion of the Property is encumbered by a view easement granted to any party.

Summary of Tree and Landscaping Conditions

The 2004 Ordinance contained certain stipulated development conditions related to trees and landscaping. While significant conservation measures were included, so too were acknowledgement and approval for tree removal in certain forested areas of the site (i.e., Phase 3) to allow for completion of the planned development. The following conditions were specifically incorporated into the 2004 Site Plan (copy included as **Exhibit "2"** hereto):

1. The site has been designed to preserve certain tree hammocks as parks and capture within lot boundaries; reduce right-of-way and realign to allow for preservation of a greater number of large (above 20 inches diameter breast height ("dbh") trees; and move and realign ponds to save significant trees. [Condition 18]

2. The 2004 Site Plan increases the size of areas preserved through lakes, wetlands, interior marshes and upland buffers to 182.6 acres (43.6 percent of site), exclusive of 23.2 acres of parks and recreation (5.5 percent of the Property). [Condition 21]

3. The 2004 Site Plan reduces impacts to wetlands to 2.87 acres, which represents 7/10ths of one percent of the overall Property (a 38-percent reduction from the April 1, 2003 plan). [Condition 22]

4. The 2004 Site Plan minimizes effects to higher quality wetlands to 0.16 acre of cypress dome, 0.01 acre of salt marsh and 0.18 acre of mixed forested wetlands, which amounts to 8/100ths of one percent of the overall Property. [Condition 23]

5. The 2004 Site Plan increases preservation of native upland communities by 69 percent to 49.2 acres. [Condition 24]

6. The 2004 Site Plan includes changes to aid in the preservation of trees within the "Oak Hammock". First, an expansive park will be included within the southern portion of the "Oak Hammock". Secondly, the size of lots located within the northern half of the Hammock has been enlarged to allow for greater tree preservation. The lots adjacent to Robinson Creek have been enlarged to a width of 100 feet. Enlargement of these lots is subject to the City's approval of standard cul-de-sac radiuses for the project. [Condition 27]

7. The 2004 Site Plan includes modifications to preserve the grove of Oak trees located in the vicinity of the green on Hole #16. This translates into eliminating one large lot, located in this general proximity, from development. [Condition 28]

8. The 2004 Site Plan realigned roads to avoid significant trees (20 inches dbh and larger). [Condition 29]

9. The 2004 Site Plan created additional open space in the form of private parks located within certain areas containing significant tree cover. [Condition 33]

10. The 2004 Site Plan expanded the 25-foot buffer along the Intracoastal Waterway ("ICW") marsh where there is significant depth on a lot to allow for increasing the buffer without compromising the ability to place a home on the lot which meets prescribed setback requirements while maximizing tree preservation. In any event, the overall average of the entire length of ICW buffer shall not be less than 35 feet. [Condition 38]

The Owner has complied with the above conditions during its development of the Property to date and will continue to do so in future development, including Phase 3.

As in the past, the Owner intends to comply with other tree and landscaping conditions as development proceeds. Those conditions include:

1. Lots will not be cleared as part of the development infrastructure. Lots will be cleared by residential builders in compliance with the City's tree ordinance. [Condition 32] *Note: Exceptions to this condition have been required to facilitate the extensive soil remediation that the site has required.*

2. Development covenants shall require "stem wall construction" for all construction in forested areas consisting of hardwoods within the northeast corner of the Property and the lots adjacent to Robinson Creek. [Condition 30]

3. During construction, the developer will place appropriate protection around buffers and preserved trees for protection. [Condition 34]

4. The City will have the opportunity to relocate trees that are approved for removal to be placed in common and recreational areas maintained by the City, and which are not to be relocated to another area of the site. [Condition 26]

5. The Owner will consult an arborist during site development to maximize tree preservation. [Condition 17]

6. Every lot will have a minimum of one tree for every 10 feet of road frontage. [Condition 20]

7. Side setbacks on lots over 85 feet wide will be increased from 7.5 to 10 feet with flexibility to allow setbacks to be reduced to 5 feet in order to save existing trees, provided adjacent lot setback is increased to 15 feet to maintain a 20-foot combined setback. [Condition 19]

8. The development will incorporate a minimum of 50 percent native vegetation in the common areas for the permanent plantings. [Condition 25]

Exhibit 1

Phase 3 City Approvals to Date

Madeira

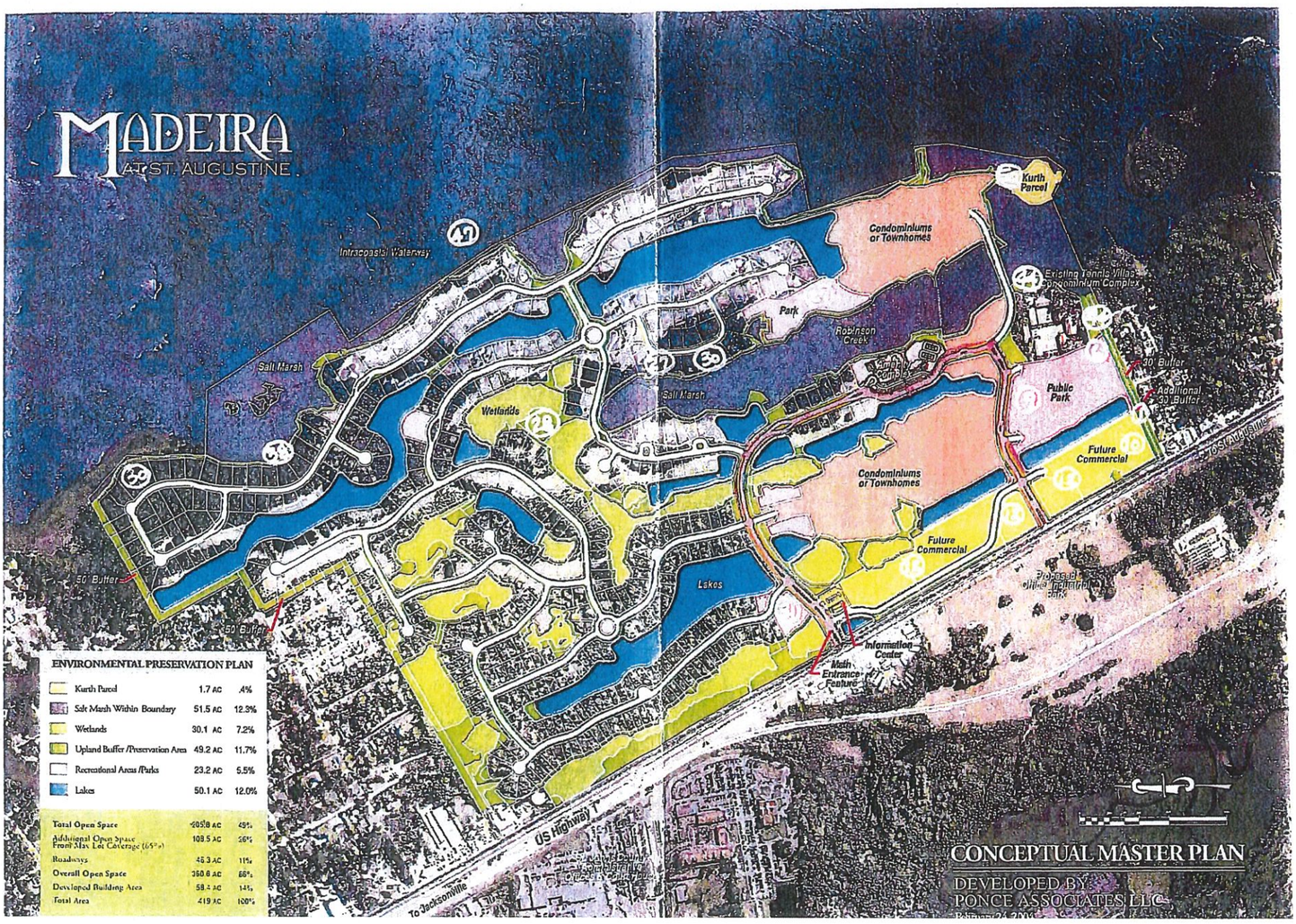
Phase 3

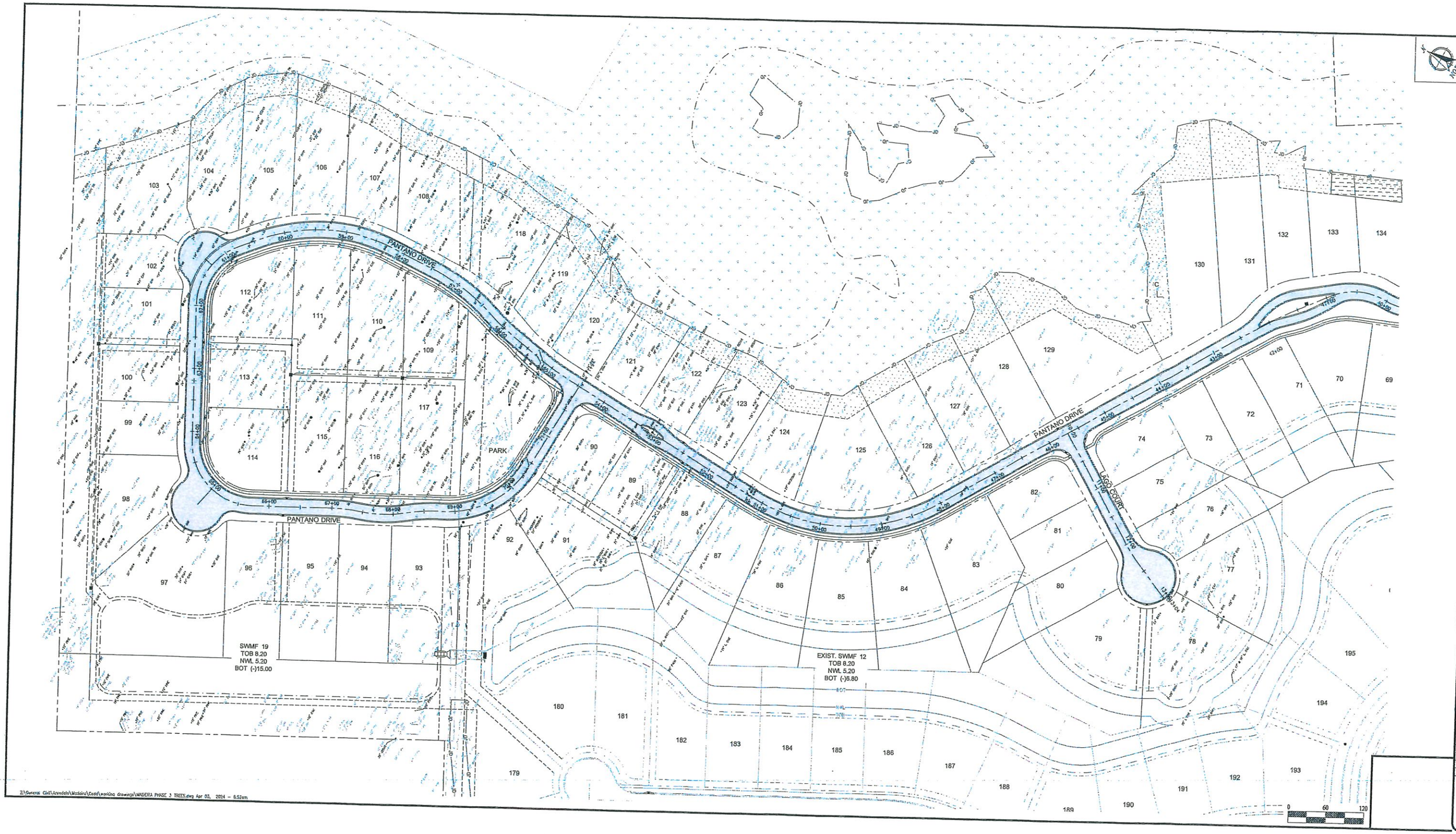
Permit Documents

Item	General Permit Approval	Description	Date
1	Annexation	St. Johns County - City of St. Augustine	2001
2	Plan Unit Development	Site Approval Per Settlement Agreement	2004
3	Conceptual Master Plan	Site Plan Approval	2004
4	Hill Boring & Dunn Engineering Plans	Engineering Approval Complete Set of Construction Plans	2004
5	State of Florida - Division of Historical Resources	State Archeology Approval	2001
6	Army Corp Permit (ACOE)	Federal Environmental Approval	2006 - Current
7	Community Development District	Establishment of the CDD based upon 749 Units	2007
8	St. Johns River Water Management (SJRWMD)	State Environmental Approval	2006 - Current
9	Master Developemt Plan	Phase Extension Approval with Master Development Plan	2015
	Phase 3 Permit Approval		
1	Phase 1C, 2C & 3 Final Approval Letter	Confirmation of Engineering Approval	12/8/2016
2	Dominion Engineering Group Modification	Engineering Approval Construction Plans	2/3/2022
3	Statement for Water Sewer Availability FEE	Capacity Fee - Water & Sewer	3/29/2023
4	Florida Department of Environmental Protection	State - General, Wastewater & Sewer Permit	10/8/2022
5	JUM Contract for Site Development	Site Improvement Agreement	2/29/2024
6	JUM Performance Bond	Surety based upon Phase SOV	3/4/2024
7	JUM Shop Drawing Approval	Precast Structure Approvals	Mar-24

Exhibit 2

2004 Approved Site Plan


MADEIRA
at ST. AUGUSTINE
Intracoastal Waterway
Salt Marsh
Wetlands
Park
Robinson Creek
Salt Marsh
Condominiums or Townhomes
Kurth Parcel
Existing Tennis Village Condominium Complex
Public Park
Future Commercial
Condominiums or Townhomes
Future Commercial
Lakes
Information Center
Main Entrance Feature
50' Buffer
50' Buffer
30' Buffer
Additional 30' Buffer
US Highway 1
To Jacksonville
ENVIRONMENTAL PRESERVATION PLAN
Kurth Parcel 1.7 AC .4%
Salt Marsh Within Boundary 51.5 AC 12.3%
Wetlands 30.1 AC 7.2%
Upland Buffer /Preservation Area 49.2 AC 11.7%
Recreational Areas /Parks 23.2 AC 5.5%
Lakes 50.1 AC 12.0%
Total Open Space 205.8 AC 49%
Additional Open Space From Max Lot Coverage (65%) 108.5 AC 26%
Roadways 46.3 AC 11%
Overall Open Space 360.6 AC 86%
Developed Building Area 58.4 AC 14%
Total Area 419 AC 100%
CONCEPTUAL MASTER PLAN
DEVELOPED BY
PONCE ASSOCIATES LLC



DOMINION ENGINEERING GROUP, INC.
PLANNERS AND ENGINEERS
4348 SOUTHPOINT BLVD, SUITE 201, JACKSONVILLE, FLORIDA 32216
TEL: 904-854-4500 C.A. NUMBER: 26821
www.dom-eng.com

MADEIRA AT ST. AUGUSTINE (PHASE 3)
FOR
PONCE ASSOCIATES, LLC

TREE LOCATIONS

PREPARED 03/28/2024

PLOT DATE:
DRAWN BY: GWM
DESIGNED BY: ----
CHECKED BY: ----
SCALE: AS NOTED
JOB NO.: ----
LATEST DATE HEREON
SHEET NO.
TR 1
123

Z:\General Civil\Arnedale\Madeira\Cadd\working drawings\MADEIRA PHASE 3 TREES.dwg Apr 03, 2024 - 6:52am

Phasing Documents

Copy 2015-34 Exhibit "B"

MADEIRA PLANNED UNIT DEVELOPMENT

MODIFICATION OF PUD NARRATIVE APPROVED IN ORDINANCE NO. 2001-12, AS MODIFIED BY ORDER ADOPTING RECOMMENDED FINDINGS OF SPECIAL MASTER DATED MARCH 24, 2004

EXHIBIT "B"

Proposed revisions are shown with additions underlined and deletions ~~stricken~~.

6. **Phasing**:

~~A revised phasing schedule showing all improvements anticipated to be constructed during Phases I, II and III shall be submitted to the Planning Department within one (1) year from the date of approval of this modification. Revised Phase I shall be commenced by July 1, 2003 and completed within five (5) years from that date. Revised Phase II shall be commenced by July 1, 2008 and completed within five (5) years from that date. Revised Phase III shall be commenced by July 1, 2003 and completed within five (5) years from that date. Provided, one (1) or more phases may be developed concurrently.~~

Project development has commenced. All phases of the project shall be completed by January 1, 2027. "Completion" shall be defined as the occurrence of each of the following: (i) the City's approval of construction plans for horizontal infrastructure within the Property, (ii) either the City's approval of the installation of horizontal infrastructure within the Property or the owner/developer posting a bond with the City in an amount equal to 110 percent of the estimated cost to complete installation of horizontal infrastructure within the Property, and (iii) either the owner/developer completing all of its common area and public land and conservation easement dedication obligations set forth in the PUD or the owner/developer posting a bond with the City in the amount of the 110 percent of the estimated cost to complete the aforementioned improvements.

10. **Sidewalks:**

Pedestrian sidewalks of a width of four feet (4') shall be incorporated within each phase of the PUD and shall serve as the walking/bicycle/jogging paths referenced in the PUD. Concurrent with its reconstruction of Ponce Island Drive to the Park site, the owner/developer shall construct a sidewalk of a width of four feet (4') from the intersection of Ponce Island Drive and U.S. Highway 1 to the western entrance into the Park.

24. **Park**:

. Upon both of the following occurring, the Park site shall be deeded to the City: (i) the owner/developer completing arsenic remediation within the Park site and all applicable governmental agencies approving such remediation work; and (ii) upon the earlier of the owner/developer reconstructing Ponce Island Drive to provide access to the Park site or January 1, 2022.

Upon the owner/developer deeding the Park site to the City, the owner/developer shall plant ten (10) trees six-inch diameter at breast height at or within the Park. Such trees shall be either live oaks, magnolias or other species mutually agreed upon by the City and the owner/developer. Placement of the trees shall be mutually agreed upon between the City and the owner/developer.

City of St. Augustine
St. Augustine, Florida
Nation's Oldest City
City Attorney
1565 – 2015
450 years

September 19, 2017

Rogers Towers, P.A.
ATTN: Ellen Avery-Smith
100 Whetstone Place, Suite 200
St. Augustine, Florida 32086

RE: DEVELOPMENT ORDER EXTENSION FOR MADEIRA PLANNED UNIT DEVELOPMENT (ORD. 2015-34)

Dear Ms. Avery-Smith,

I am in receipt of your August 22, 2017 correspondence notifying the city of your client's statutory development order extension. I apologize for the delay in responding, but as you know, the City had to prepare for Hurricane Irma, and City offices only reopened last Friday.

Although extensions are automatically granted by operation of law, your request includes Executive Orders that do not qualify your client's projects for extensions. Specifically, your notice includes Governor Scott's Executive Orders relating to the opioid epidemic. Those executive orders do not fall within section 252.363, Florida Statutes, and therefore cannot be the basis of statutory extensions. The language of the statute is explicit:

> **252.363 TOLLING AND EXTENSION OF PERMITS AND OTHER AUTHORIZATIONS.—**
>
> (1)(A) THE **DECLARATION OF A STATE OF EMERGENCY BY THE GOVERNOR** TOLLS THE PERIOD REMAINING TO EXERCISE THE RIGHTS UNDER A PERMIT OR OTHER AUTHORIZATION FOR THE DURATION OF THE EMERGENCY DECLARATION. FURTHER, THE EMERGENCY DECLARATION EXTENDS THE PERIOD REMAINING TO EXERCISE THE RIGHTS UNDER A PERMIT OR OTHER AUTHORIZATION FOR 6 MONTHS IN ADDITION TO THE TOLLED PERIOD. THIS PARAGRAPH APPLIES TO THE FOLLOWING:
>
> 1. THE EXPIRATION OF A DEVELOPMENT ORDER ISSUED BY A LOCAL GOVERNMENT.
> 2. THE EXPIRATION OF A BUILDING PERMIT.
> 3. THE EXPIRATION OF A PERMIT ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OR A WATER MANAGEMENT DISTRICT PURSUANT TO PART IV OF CHAPTER 373.

Executive Order 17-146, extended by Executive Order 17-177 and corrected by Executive Order 17-178 (collectively the opioid epidemic orders) were specifically Health Emergencies declared pursuant to the authority found in the Public Health Act (Chapter 318), not a state of emergency declared pursuant to the Emergency Management Act (Chapter 252), "NOW

75 King Street, 32084 – PO Box 210, 32085 – Office 904/825-1052 – FAX 904/825-1096

THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in my by Article IV, Section 1 (a) of the Florida Constitution and by the **Public Health Act**..." (*emphasis added*) State of Florida Office of the Governor, Executive Order Number 17-146.

Executive Order 17-120, extended by Executive Order 17-174 (collectively the wildfire orders) were declared a State of Emergency pursuant to the authority found in the Emergency Management Act (Chapter 252), "NOW THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in my by Article IV, Section 1 (a) of the Florida Constitution and by the **Emergency Management Act**..." (*emphasis added*) State of Florida Office of the Governor, Executive Order Number 17-120.

The Office of the Governor press release consistently identifies Order 17-146 as a public health emergency only and indexes this order specifically as a "Public Health Emergency" order, not a "State of Emergency" order (see attachments). The difference is critical, as the statutory extension found in section 252.363, Florida Statutes is only triggered by a "declaration of a state of emergency" under authority of the Emergency Management Act. In contrast, the zika virus outbreak last year was originally a Public Health Act declaration (16-29), which was subsequently explicitly upgraded to a state of emergency under authority of the Emergency Management Act. *See* Executive Orders 16-149 and 16-193 (*amending the original declaration of a health emergency to become a state of emergency duly enacted pursuant to the authority of the Emergency Management Act).*

Therefore, I do not concur that your client is legally entitled to development permit extensions pursuant to section 252.363, Florida Statutes based on the opioid epidemic health emergency declaration. However, I do concur that the extended wildfire state of emergency declaration creates a lawful extension to your client's development permit to April 29, 2030.

If you concur, I can place this item on the next available City Commission agenda for information only. If you do not concur, I can place it for public hearing and provide you the opportunity to present before the commission your contrary interpretation.

Sincerely,

Isabelle C. Lopez
City Attorney

/sl
Enclosure

cc: John P. Regan, City Manager

GOV. SCOTT DIRECTS STATEWIDE PUBLIC HEALTH EMERGENCY FOR OPIOID EPIDEMIC

On May 3, 2017, in News Releases, by Staff

TAMPA, Fla. – Today, following the Centers for Disease Control and Prevention (CDC) declaring a national opioid epidemic, Governor Rick Scott signed Executive Order 17-146 directing a Public Health Emergency across the state. By signing the Emergency Order, it will allow the state to immediately draw down more than $27 million in federal grant funding from the United States Department of Health and Human Services (HHS) Opioid State Targeted Response Grant which was awarded to Florida on April 21 to provide prevention, treatment and recovery support services. Without the order, it would have taken months for the state to distribute these funds to local communities. In addition to declaring a Public Health Emergency, Surgeon General Dr. Celeste Philip will issue a standing order for Naloxone, an emergency treatment for opioid overdose. This will ensure first responders have immediate access to this lifesaving drug to respond to opioid overdoses.

Governor Scott said, "Today, I issued an executive order which allows the state to immediately draw down more than $27 million in federal grant funding which will immediately be distributed to communities across the state to deal with the opioid epidemic. HHS Secretary Dr. Tom Price awarded the Opioid State Targeted Response Grant to Florida and I want to thank the Trump Administration for their focus on this national epidemic. I have also directed State Surgeon General Dr. Celeste Philip to declare a Public Health Emergency and issue a standing order for Naloxone in response to the opioid epidemic in Florida.

"Last month, I directed the Department of Children and Families (DCF), the Department of Health (DOH) and the Florida Department of Law Enforcement (FDLE) to meet with communities in Palm Beach, Manatee, Duval and Orange Counties to identify additional strategies to fight the rising opioid usage cases in Florida. They have gotten a lot of feedback this week and we will continue to look at additional ways we can fight this national epidemic which has taken the lives of many Floridians.

"I know firsthand how heartbreaking substance abuse can be to a family because it impacted my own family growing up. The individuals struggling with drug use are sons, daughters, mothers, fathers, sisters, brothers and friends and each tragic case leaves loved ones searching for answers and praying for help. Families across our nation are fighting the opioid epidemic and Florida is going to do everything possible to help our communities."

Attorney General Pam Bondi said, "This declaration will help strengthen our continued efforts to combat the national opioid epidemic claiming lives in Florida by providing additional funding to secure prevention, treatment and recovery support services. I want to thank Governor Rick Scott for his continued partnership in combating drug abuse in our state; from shutting down pill mills to outlawing deadly synthetic drugs, Governor Scott has long supported efforts by my office and law enforcement to raise awareness, stop drug abuse and save lives."

See the Executive Order and Public Health Emergency **HERE**.

###

Comments are closed.

Search

Hardnette, Shakara Monik Martin, and Gabrielle Quintesha Byrd	
#2017-167 Executive Order imposes a civil penalty re: Edward B. Braddy	6/08/2017
#2017-166 Executive Order extends EO 16-29 re: Zika Virus	6/08/2017
#2017-165 Executive Order assigns 5th circuit to the 9th circuit re: Bessman Okafor	6/08/2017
#2017-164 Executive Order amending EO 17-112, amended by EO 17-127 and EO 17-141 re: Johnny Ray Wilson	6/02/2017
#2017-163 Executive Order assigns the 17th circuit to the 11th circuit re: Lillian Rodriguez	6/02/2017
#2016-162 Executive Order declaring a Special Election for House of Representatives Seat District 44 re: Eric Eisnaugle	5/26/2017
#2017-160 Executive Order assigns the 17th circuit to the 15th circuit re: Glenn Straub	5/25/2017
#2017-159 Executive Order assigns the 15th circuit to the 17th circuit re: Demario Anderson	5/25/2017
#2017-158 Executive Order assigns the 16th circuit to the 11th circuit re: Duniel Gutierrez	5/25/2017
#2017-157 Executive Order assigns the 10th circuit to the 20th circuit re: Phillip Bennet	5/25/2017
#2017-156 Executive Order assigns the 4th circuit to the 8th circuit re: Tina Michel Christmas	5/25/2017
#2017-155 Executive Order declaring a Special Election for House of Representatives Seat District 116 re: Jose Felix Diaz	5/22/2017
#2017-154 Executive Order assigns the 17th circuit to the 15th circuit re: Robert Felder	5/18/2017
#2017-153 Executive Order extends EO 16-132 re: George Neuner	5/18/2017
#2017-152 Executive Order assigns the 8th circuit to the 4th circuit re: Melissa D. Wilkes	5/15/2017
#2017-151 Executive Order assigns the 16th circuit to the 11th circuit re: Dachel Gonzalez	5/15/2017
#2017-150 Executive Order assigns the 3rd circuit to the 2nd circuit re: Todd Chaires	5/15/2017
#2017-149 Executive Order assigns the 14th circuit to the 1st circuit re: Kelly Ann Shreffler	5/15/2017
#2017-148 Executive Order assigns the 7th circuit to the 4th circuit re: Jason Simpson	5/15/2017
#2017-147 Executive Order declaring a Special Election for Senate Seat District 40 vacancy re: Frank Artiles	5/8/2017
#2017-146 Executive Order directing a Public Health Emergency re: Opioid Epidemic	5/3/2017
#2017-145 Executive Order declares a vacancy on the Florida Rehabilitation Council for the Blind re: Jesus Garcia	5/1/2017
#2017-144 Executive Order extends EO 16-141 re: John Martin Elmore	5/1/2017
#2017-142 Executive Order amends EO 17-126 re: John Apostola	5/1/2017
#2017-141 Executive Order amends EO 17-112 and EO-127 re: Johnny Ray Wilson	5/1/2017
#2017-140 Executive Order assigns the 11th circuit to the 17th circuit re: William Walton	5/1/2017
#2017-139 Executive Order assigns the 6th circuit to the 13th circuit re: Jennifer Jeske Greene	5/1/2017
#2017-138 Executive Order assigns the 10th circuit to the 13th circuit re: Alexander Clyde Pelzer	5/1/2017
#2017-137 Executive Order assigns the 11th circuit to the 17th circuit re: Marcus Jackson and Dontavious Polk	5/1/2017
5/1/2017 #2017-136 Executive Order assigns the 11th circuit to the 17th circuit re: Louis Philuis a.k.a Louis Phillius	5/1/2017
#2017-135 Executive Order assigns the 14th circuit to the 1st circuit re: Lance Brandon Martin	5/1/2017
#2017-134 Executive Order assigns the 17th circuit to the 11th circuit re: Andrew Gerson	5/1/2017
#2017-133 Executive Order extends EO 16-102 and EO 16-114 re: Adolfo Perez Jr.	5/1/2017

HEALTH EMERGENCY NOT FL. EMERGENCY MGMT. ACT

#2017-132 Executive Order adopts a penalty re: Todd Abbott	4/27/2017
#2017-131 Executive Order adopts a penalty re: Katherine Van Zant	4/27/2017
#2017-130 Executive Order imposes a civil penalty re: Barbara Sue Revels	4/27/2017
#2017-129 Executive Order assigns the 5th Circuit to the 9th Circuit re: Alejandro Garcia Hurtado	4/27/2017
#2017-128 Executive Order Reassigns Marion County to East Central Florida Regional Planning Council	4/25/2017
#2017-127 Executive Order amends EO 17-112 re: Johnny Ray Wilson	4/20/2017
#2017-126 Executive Order assigns the 17th Circuit to the 15th Circuit re: John Apostola	4/20/2017
#2017-125 Executive Order assigns the 5th Circuit to the 9th Circuit re: Markeith Loyd	4/20/2017
#2017-124 Executive Order assigns the 7th Circuit to the 4th Circuit re: Daniel Blanks	4/20/2017
#2017-123 Executive Order assigns the 3rd Circuit to the 2nd Circuit re: Stephen B. Rice	4/20/2017
#2017-122 Executive Order assigns the 1st Circuit to the 14th Circuit re: William F. Collier, Jr.	4/20/2017
#2017-121 Executive Order declares a vacancy on the Construction Industry Licensing Board re: Hector A. Castro	4/20/2017
#2017-120 Executive Order declares a state of emergency re: Emergency Management/Wildfires	4/11/2017
#2017-119 Executive Order assigns the 13th Circuit to the 6th Circuit re: Aaron Joshua Slavin	4/10/2017
#2017-118 Executive Order assigns the 12th Circuit to the 20th Circuit re: Elizabeth Mead	4/10/2017
#2017-117 Executive Order assigns the 14th Circuit to the 1st Circuit re: Aimee Nichole Griffin	4/10/2017
#2017-116 Executive Order assigns the 5th Circuit to the 8th Circuit re: William Richard Ezzell	4/10/2017
#2017-115 Executive Order extends EO 16-29 re: Zika Virus	4/10/2017
#2017-114 Executive Order assigns the 17th Circuit to the 15th Circuit re: Felix Finnegan	4/10/2017
#2017-113 Executive Order assigns the 19th Circuit to the 15th Circuit re: Ada Ojeda	4/10/2017
#2017-112 Executive Order assigns the 14th Circuit to the 1st Circuit re: Johnny Ray Wilson	4/10/2017
#2017-111 Executive Order extends EO 16-70 re: Brahmanand Hardat	4/10/2017
#2017-110 Executive Order extends EO 16-120 re: Robert Lee Bristol	4/10/2017
#2017-109 Executive Order extends EO 16-116 re: Louis Andrew Altemar	4/10/2017
#2017-108 Executive Order extends EO 16-118 re: Lisa Taylor	4/10/2017
#2017-107 Executive Order assigns the 6th Circuit to the 13th Circuit re: Kendrick Vernard Donnelly	4/10/2017
#2017-105 Executive Order assigns the 14th Circuit to the 1st Circuit re: Adrian Alexander Vega	4/10/2017
#2017-104 Executive Order assigns the 17th Circuit to the 11th Circuit re: Adam Edri	4/10/2017
#2017-103 Executive Order assigns the 19th Circuit to the 15th Circuit re: Joshua Ackerman	4/10/2017
#2017-102 Executive Order assigns the 13th Circuit to the 12th Circuit re: Willie L. Brown III	4/10/2017
#2017-100 Executive Order declares a vacancy on the Amelia Island Mosquito Control Board re: Jack Bass	4/07/2017
#2017-99 Executive Order declares a vacancy on the Florida Humanities Council re: Brian Dassler	4/07/2017
#2017-98 Executive Order assigns the 5th Circuit to the 9th Circuit re: Dane Patrick Abdool	4/06/2017
#2017-97 Executive Order suspends the Tax Collector of Franklin County re: James A. Harris, Jr.	4/03/2017
#2017-96 Executive Order assigns the 5th Circuit to the 9th	4/03/2017

STATE OF EMERGENCY
per FL. EMERGENCY MGMT ACT

City of St. Augustine
Nation's Oldest City
City Attorney
Est. 1565

March 31, 2023

Rogers Towers, P.A.
ATTN: Ellen Avery-Smith
100 Whetstone Place, Suite 200
St. Augustine, Florida 32086

RE: DEVELOPMENT ORDER EXTENSION FOR MADEIRA PLANNED UNIT DEVELOPMENT (ORD. 2015-34)

Dear Ms. Avery-Smith,

I am in receipt of your March 31, 2023 correspondence notifying the City of your client's request for a statutory development order extension granted under Florida Statute 252.363 regarding Executive Orders 22-219, 22-253, 22-268, 23-02, 23-21, 23-48, and 23-60.

Extensions are automatically granted by operation of law:

252.363 TOLLING AND EXTENSION OF PERMITS AND OTHER AUTHORIZATIONS.—

(1)(A) THE DECLARATION OF A STATE OF EMERGENCY BY THE GOVERNOR TOLLS THE PERIOD REMAINING TO EXERCISE THE RIGHTS UNDER A PERMIT OR OTHER AUTHORIZATION FOR THE DURATION OF THE EMERGENCY DECLARATION. FURTHER, THE EMERGENCY DECLARATION EXTENDS THE PERIOD REMAINING TO EXERCISE THE RIGHTS UNDER A PERMIT OR OTHER AUTHORIZATION FOR 6 MONTHS IN ADDITION TO THE TOLLED PERIOD. THIS PARAGRAPH APPLIES TO THE FOLLOWING:

1. THE EXPIRATION OF A DEVELOPMENT ORDER ISSUED BY A LOCAL GOVERNMENT.
2. THE EXPIRATION OF A BUILDING PERMIT.
3. THE EXPIRATION OF A PERMIT ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OR A WATER MANAGEMENT DISTRICT PURSUANT TO PART IV OF CHAPTER 373.

Therefore, the enclosed chart highlights the dates covered by Executive Orders 22-219, 22-253, 22-268, 23-02, 23-21, 23-48, and 23-60 that create a lawful extension, as well as the calculation of the new expiration date of your client's Development Order. The State of Florida Department of Economic Opportunity Division of Community Planning has interpreted Florida Statute 252.363 as follows:

1) When an emergency order is extended for the same emergency, the additional days of the extension are counted, but the developer is not given multiple 6-month extensions because the executive order is for the same emergency.

Consequently, utilizing all of the above I have determined that the state of emergency declarations referenced in your request extend your client's Development Order to **August 19, 2032**.

Sincerely,

Isabelle C. Lopez
City Attorney

Enclosure

PO Box 210 – St. Augustine, Florida 32085 – Office 904/825-1052 – FAX 904/825-1096

MADEIRA PUD DEVELOPMENT ORDER EXTENSION

SEPTEMBER 2022						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

OCTOBER 2022						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NOVEMBER 2022						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER 2022						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JANUARY 2023						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY 2023						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

MARCH 2023						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL 2023						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

MAY 2023						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	30	31	

Executive Orders

22-219: 09/24/22 – 11/22/22
22-253: 11/07/22 – 01/06/23
22-268: 11/21/22 – 01/20/23
23-02: 01/05/23 – 03/06/23
23-21: 01/19/23 – 03/20/23
23-48: 03/03/23 – 05/02/23
23-60: 03/17/23 – 05/16/23

**Black = Overlapping Days*

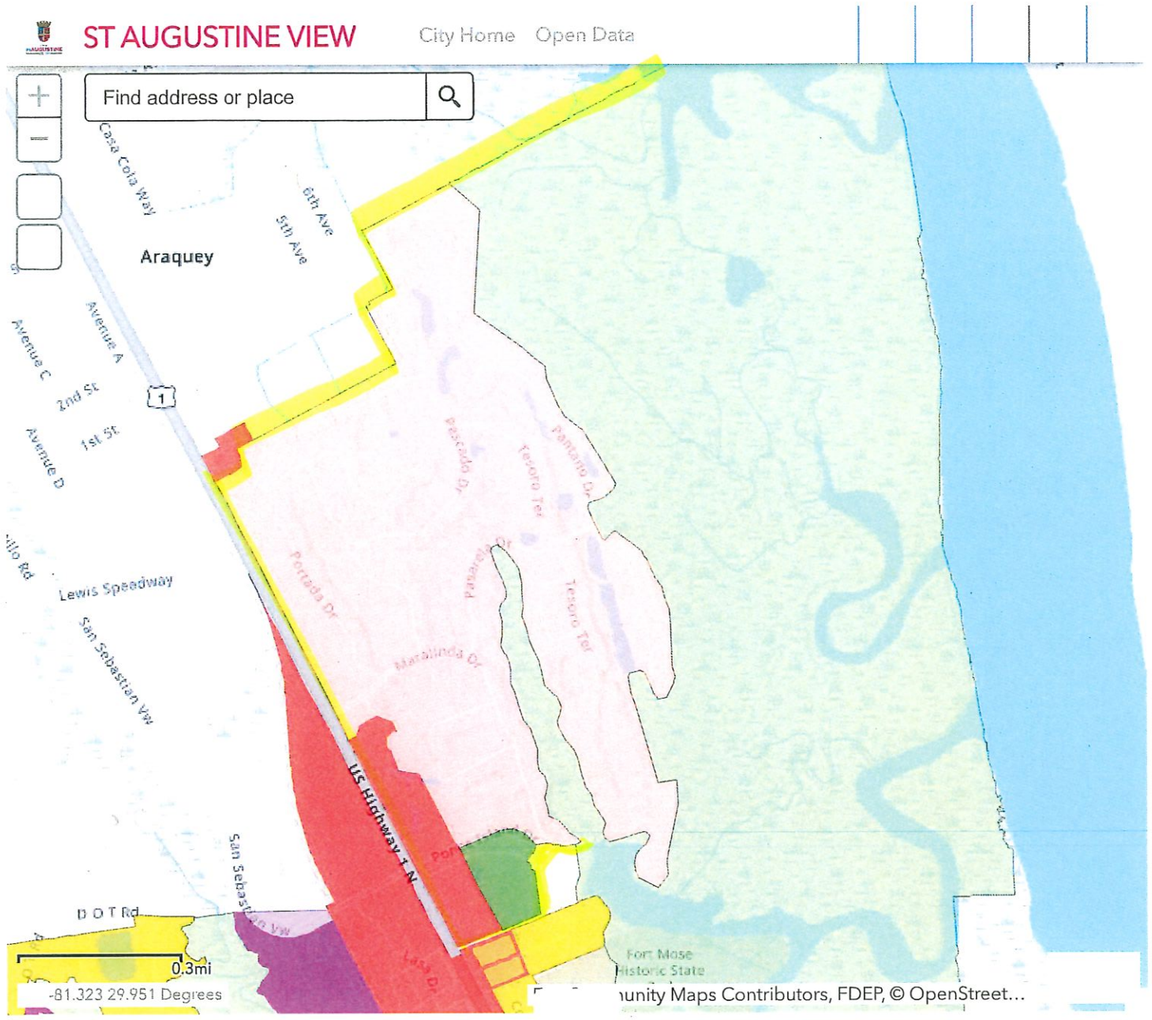
Hurricane Ian: 6 months + 44 Days
T.S. Nicole: 6 months + 14 Days
Overlap: 177 Days
Total: 12 months + 235 Days

Current Expiration Date

December 28, 2030
\+ 12 months
= December 28, 2031
\+ 235 Days
= August 19, 2032

New Expiration Date
August 19, 2032

Maps



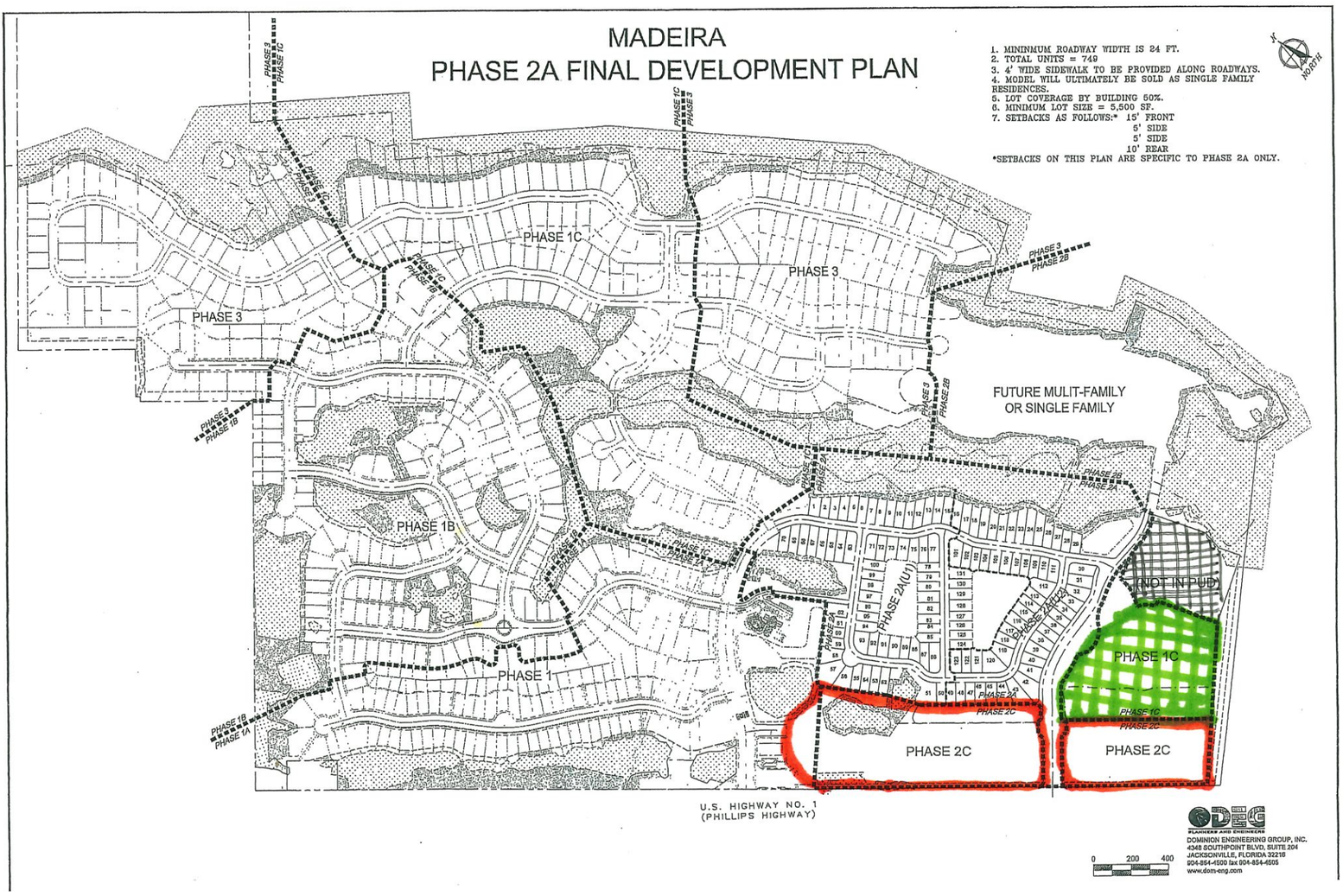
NOTICE OF CUSTODIAN OF PUBLIC RECORDS: The City of St. Augustine has designated the City Clerk, Darlene Galambos, its Custodian of Public Records pursuant to Chapter 119, Florida Statutes. Anyone wishing to inspect or copy public records consistent with Florida law should contact the Custodian of Public Records at:

City of St. Augustine
Custodian of Public Records
Darlene Galambos, City Clerk
75 King Street
PO Box 210
St. Augustine, FL 32085
Phone: (904) 825-1007

MADEIRA
PHASE 2A FINAL DEVELOPMENT PLAN

1. MININMUM ROADWAY WIDTH IS 24 FT.
2. TOTAL UNITS = 749
3. 4' WIDE SIDEWALK TO BE PROVIDED ALONG ROADWAYS.
4. MODEL WILL ULTIMATELY BE SOLD AS SINGLE FAMILY RESIDENCES.
5. LOT COVERAGE BY BUILDING 50%.
6. MINIMUM LOT SIZE = 5,500 SF.
7. SETBACKS AS FOLLOWS:* 15' FRONT
   5' SIDE
   5' SIDE
   10' REAR

*SETBACKS ON THIS PLAN ARE SPECIFIC TO PHASE 2A ONLY.



DOMINION ENGINEERING GROUP, INC.
4348 SOUTHPOINT BLVD. SUITE 204
JACKSONVILLE, FLORIDA 32216
904-854-4500 fax 904-854-4505
www.dom-eng.com

St. Johns County, FL

Overview

Legend

Parcels

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: 3/25/2024
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ORDINANCE NO. 2001-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE PLANNED UNIT DEVELOPMENT (PUD) FOR THE PONCE DE LEON RESORT AND CONVENTION CENTER PURSUANT TO DIVISION 8, CHAPTER 28, OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR TERMS AND CONDITIONS OF THE AMENDED PUD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on April 18, 1989, the State of Florida, Department of Community Affairs, issued a letter (CL-0489-052), clarifying the Development of Regional Impact (DRI) status and identifying certain vested rights for the Ponce de Leon Resort and Convention Center, and concluding that the existing hotel will not be aggregated with the other development on the site; and

WHEREAS, on June 13, 1989, the Board of County Commissioners of St. Johns County, Florida, adopted Ordinance No. 89-28 at a regular meeting, rezoning lands to Planned Unit Development (PUD); and

WHEREAS, on April 18, 1991, the Planning and Zoning Board for St. Johns County, Florida, adopted Resolution No. 91-004 at a regular meeting, approving a minor modification for the Ponce de Leon Resort and Convention Center PUD, adopted pursuant to Ordinance No. 89-28; and

WHEREAS, on September 12, 1995, the Board of County Commissioners of St. Johns County, Florida, adopted Ordinance No. 95-45 at a regular meeting, modifying the schedule of development incorporated in Ordinance No. 89-28; and

WHEREAS, on December 7, 2000, the Planning and Zoning Agency for St. Johns County, Florida, adopted Resolution No. 2000-16 at a regular meeting, approving a minor modification to Ordinance No. 89-28, as modified by Ordinance No. 95-45; and

WHEREAS, s. 163.3194, Florida Statutes, requires that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted; and

WHEREAS, the St. Johns County Comprehensive Plan provides for a Residential Density Zone C designation for the Ponce de Leon Resort and Convention Center, and provides associated use and density criteria for development within Residential Density Zone C; and

WHEREAS, s. 166.041, Florida Statutes, provides procedures for adoption of ordinances initiated by other than the municipality that change the actual zoning map designation of a parcel or parcels of land; and

WHEREAS, Division 8, Chapter 28, of the Code of the City of St. Augustine provides procedures for the establishment and modification of a PUD; and

WHEREAS, the proposed PUD does not adversely affect the orderly development of the city, as embodied in Chapter 28 of the City Code and in any adopted comprehensive plan or portion thereof.

WHEREAS, the proposed PUD will not adversely affect the health and safety of residents in the area and will not be detrimental to the natural environment or to the use or development of adjacent properties or the general neighborhood.

WHEREAS, the proposed PUD will accomplish the objectives and will meet the standards and performance criteria of Section 28-291 of the City Code.

WHEREAS, on May 1, 2001, the City of St. Augustine Planning and Zoning Board reviewed a request for approval of modifications to the Ponce de Leon Resort and Convention Center PUD and made recommendation to the City Commission; and

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

Section 1. Amendment to the Ponce de Leon Resort and Convention Center Planned Unit Development. The PUD adopted pursuant to Ordinance No. 89-28 and modified pursuant to Resolution No. 91-004, Ordinance No. 95-45 and Resolution 2000-16, is hereby incorporated herein by reference and amended to include, exclusively, property identified in Exhibit "A", attached hereto and incorporated herein by reference.

Section 2. Terms and Conditions of the Planned Unit Development. The terms and conditions of the Planned Unit Development, as established pursuant to Ordinance No. 89-28, Resolution No. 91-004, Ordinance No. 95-45 and Resolution 2000-16, and modified pursuant to the requested modifications identified in Exhibit "B", attached hereto and incorporated herein by reference, shall be the terms and conditions of the Ponce de Leon Resort and Convention Center Planned Unit Development with the condition that a detailed development plan of all or part of the PUD shall be submitted to the Planning and Zoning Board for review in accordance with the schedule of development. In addition, the activities identified in Exhibit "C", attached hereto and incorporated herein by reference, shall be the activities allowed within Conservation Overlay Zone 2 with a minimum twenty-five feet (25') buffer; however, permitted activities within the wetlands buffer shall include golf cart bridges, cart paths, walkways, gazebos, decks and accessways to all of the above, provided such activities have minimal impacts to the wetlands and are scaled to preserve the integrity of the buffer. Additionally, maximum height of structures shall be limited to fifty (50) feet unless otherwise specified at a lower height.

Section 3. 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 4. 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

11 day of June, 2001.

Mayor-Commissioner

ATTEST:

Marcia V. Porter
City Clerk

CORPORATION OF THE CITY OF ST. AUGUSTINE

EXHIBIT "B"

REQUESTED MODIFICATIONS TO
PONCE DE LEON RESORT AND CONVENTION CENTER PUD ("PUD")

1. **Golf Course:**

The owner/developer shall have the option in its sole discretion, to operate the existing eighteen (18) hole golf course or to include an additional nine (9) holes. The existing eighteen (18) holes may be remodeled or redesigned at the owner/developer's discretion. If the additional nine (9) holes are not added, the areas within the PUD designated for the additional nine (9) holes may be developed with courtyard homes, estate homes or multi-family/condominium units in the manner provided in the PUD or with those residential, commercial and hotel uses allowable under the Comprehensive Plan designations applicable to the Property from time to time and as provided in the PUD.

2. **Total Number of Units and Floor Space:**

The total number of residential units and total floor space of the commercial facilities and hotel rooms within the PUD shall not exceed 799 residential units (including multi-family), 108 new hotel rooms (not including the existing 193 hotel rooms located within the PUD) and 192,000 square feet of commercial, retail and service facilities. The actual mix of uses may be modified by the owner/developer upon approval of a modification to the PUD by the City. The owner/developer shall comply with any applicable provisions of Chapter 380, Florida Statutes. Prior to commencing the development of any mix of uses that, when added to any development previously completed by the owner/developer, are greater than 80% of any applicable Chapter 380, Florida Statutes applicable single or multi-use threshold, the owner/developer shall obtain a binding letter determination from the Florida Department of Community Affairs confirming that such proposed development is not required to undergo DRI review pursuant to Florida Statutes, Chapter 380. The owner/developer will be required to comply with the City's Concurrency Regulations with respect to any of the new development proposed herein.

3. **Access to the PUD:**

The PUD may have up to three (3) entrances from U.S. Highway 1. There will be no direct vehicular access from the PUD to Poinciana Avenue, unless otherwise required by the City, St. Johns County or other governmental authorities and only if such access is permitted in accordance with St. Johns County, Florida, rules and regulations. The owner/developer shall comply with applicable Department of Transportation ("DOT") regulations. With respect to permitting such entrances and any required signalization

improvements, the owner/developer shall be responsible to pay its fair share of any such required signalization improvements with any other land owners benefitting from such improvements being responsible to pay their fair share.

4. **Location and Relocation of Land Uses:**

The original land use plan filed with the PUD designated certain areas of the PUD as Parcel A through H. The amended PUD Site Plan filed with the application does not include these designated parcels but does include parcels designated for Future Development, Future Development - Commercial, Potential Recreation Amenity/Future Development and Potential Golf Club Site/Future Development, all as shown and described on the attached Ponce de Leon Resort and Convention Center Master Development Plan prepared by Powers and Merritt, Inc., Job No. 2001-106 dated _____, 2001 (the "PUD Site Plan"). The owner/developer may, at its option and in its sole discretion:

(i) locate any use allowable under the PUD or under any Comprehensive Plan designations applicable to the Property from time to time on any portion of the Property and/or

(ii) allocate approved uses among the various areas of the Property and/or

(iii) relocate existing and proposed uses

upon the filing of one or more amended land use plans with the City Planning Department and approval of such amended plans by the City Planning and Zoning Board based on the general criteria for approval of minor adjustments to a PUD under the City's zoning code. Provided, the total number of residential units and total floor space of all commercial uses and number of new hotel rooms shall not exceed the limits specified in Paragraph 2 above and provided, further, the existing height limits specified in the PUD for the hotel, multi-family/condominiums and single family buildings to be located throughout the PUD shall not be exceeded. Notwithstanding the above provisions, development of the Kurth Parcel shall be limited to those uses provided in Paragraph 22 hereof.

5. **Signage:**

In addition to the signage permitted under the PUD, the applicant may install such signage as is shown on the amended site plan filed with this application and any amended site plans filed with the City in the future.

6. **Phasing:**

A revised phasing schedule showing all improvements anticipated to be constructed during Phases I, II and III shall be submitted to the City Planning Department within one (1) year from the date of approval of this modification. Revised Phase I shall be commenced by July 1, 2003 and completed within five (5) years from that date. Revised Phase II shall be commenced by July 1, 2008 and completed within five (5) years from that date. Revised Phase III shall be commenced by July 1, 2013 and completed within five (5) years from that date. Provided, one (1) or more phases may be developed concurrently.

7. **Issuance of Building Permits:**

The owner/developer or builder, as the case may be, may apply for and obtain building permits from the City Planning/Building Department for improvements within the PUD prior to certification of completion of potable water and sanitary sewer systems serving such improvements, for the purpose of commencing construction of such improvements. The owner/developer shall satisfy the requirements of the City Fire Marshal for fire protection.

8. **Excluded Parcel:**

The Property proposed for annexation into the City excludes a thirty foot (30') strip of land located along the PUD's southern boundary adjacent to Poinciana Avenue (the "Excluded Parcel"). Any development within this Excluded Parcel shall be governed by applicable County regulations, including, but not limited to, applicable County landscaping, buffer and access management regulations. The Excluded Parcel shall, however, be considered part of the Property for purposes of calculating setbacks from Poinciana Avenue and U.S. 1. If the owner/developer desires to replace the entire existing vegetative buffer located on the southerly boundary of the Excluded Parcel adjacent to Poinciana Avenue, the applicant will be required to establish to the St. Johns County Planning Department that the replacement buffer achieves equivalent or better screening upon reaching maturity or upon completion of construction, if other than a vegetative buffer. The owner/developer may continue to maintain, trim and replace the buffer in its normal course of maintenance.

9. **Concurrency:**

Any Certificate of Concurrency issued for the PUD shall provide that the concurrency approved in the certificate shall be reserved and remain in effect for a period of two (2) years after the date of issuance of the certificate or, if the

Certificate covers more than one (1) phase of development, for so long as the owner/developer is continuing to develop the PUD in accordance with the approved phasing schedule, at which time it will expire unless the owner/developer has commenced construction of the infrastructure supporting the improvements described in the Certificate of Concurrency.

10. **Sidewalks:**

Pedestrian sidewalks of a width of four feet (4') shall be incorporated within each phase of the PUD and shall serve as the walking/bicycle/jogging paths referenced in the PUD.

11. **Landscaping:**

The owner/developer shall comply with the applicable provisions of the City's tree and landscape ordinance. The owner/developer shall maintain a five foot (5') landscaped buffer between the PUD property and the boundary of the Excluded Parcel and the boundary of the Tennis Villas Condominium Parcel as shown on the PUD Site Plan in accordance with City landscaping standards, provided the buffer shall not apply to any structures or improvements already located within the landscape buffer or any replacements thereof.

12. **Roads:**

Roads within the PUD shall be either private or public and be constructed in accordance with applicable City standards, except that the width of the right-of-ways shall be as set forth in the PUD.

13. **Fire Hydrants:**

Fire hydrants shall be installed within the Property as specified in the PUD and sprinkler systems shall be installed within buildings as required by applicable City regulations.

14. **Parking:**

Parking and loading spaces shall be provided as required by applicable City regulations.

15. **Recreational Facilities:**

Recreational facilities and amenities shall be provided with each phase, as required by the City's Concurrency Management Ordinance and as otherwise determined by the owner/developer in its sole discretion. Recreational facilities may include the golf course and club which shall remain private and owned, operated and maintained by the owner/developer, the club owner or operator or their assigns. The owner of a lot, home, multi-family/condominium unit or any other parcel within the PUD shall not, by virtue of such ownership, acquire any interest in the golf course and club or have any right to utilize the golf course and related facilities. Membership in or use of the golf club and related facilities shall be governed solely by the Membership Agreement and all rules and regulations of the club. The club facilities and terms of club membership may be modified, terminated or otherwise changed in the sole discretion of the club owner or operator from time to time. The owner/developer and club owner or operator may allow non-residents and guests of the hotel(s) within the Property to become members of the club and/or to utilize the club's facilities.

16. **Alcoholic Beverages:**

Alcoholic beverages may be sold, served and consumed at establishments within the Property which have been permitted to sell and/or serve such alcoholic beverages by the Department of Alcoholic Beverages of the State of Florida.

17. **Archeological Ordinance:**

The Property shall be deemed in Archeological Zone II and the owner/developer will pay the City one percent (1%) of the construction cost of the project or Fifteen Thousand Dollars and No/100's ($15,000.00), whichever is less, upon issuance of a building permit and will permit the City access to the Property for an archeological evaluation.

18. **Temporary Uses:**

Temporary offices and construction/sales trailers shall be allowed to be placed on the Property and relocated throughout the Property, if necessary. Parking may be provided for the trailers in temporary defined, but unpaved, lots with a driveway apron which meets applicable City regulations.

19. **Fire Assessment:**

The owner/developer will comply with the non-ad valorem assessment for fire services adopted by the City through Ordinance No. 97-25 and Resolution No. 97-04 and as that assessment may be re-adopted or continued on an annual basis by resolution of the City Commission.

20. **Variances and Waivers:**

The owner/developer reserves the right to seek waivers and/or variances from applicable City regulations, if allowed by such regulations.

21. Other Terms:

In the event of any conflict between the provisions of the PUD and this modification, the provisions of this modification shall control. All other terms and provisions of the PUD which are not in conflict with the provisions of this modification shall remain in effect, subject to the owner/developer's right to apply for further modifications in accordance with City regulations applicable from time to time. City zoning regulations in effect as of the date of this modification shall apply to and govern the PUD. The owner/developer shall be required to designate entities responsible for maintenance of any common property. Acceptable maintenance entities shall include but are not limited to the owner, developer or designated successors or assigns or homeowners or property owners' association(s). The owner/developer will designate any such homeowners or property owners' association(s) in recorded covenants and restrictions but shall not be required to submit any such covenants and restrictions to the City, except for informational purposes. Any reference in the PUD to specific requirements of the St. Johns County Land Development Code or other St. Johns County ordinances, rules and regulations shall hereinafter mean the applicable City requirements, unless otherwise specified in this modification or the Rezoning Ordinance approving this modification.

22. **Kurth Parcel**:

The owner/developer agrees that the Kurth Parcel shown on the PUD Site Plan (the "Kurth Parcel") will be developed only for single family residences and/or for active or passive recreational uses. The owner/developer agrees that all structures on the Kurth Parcel shall be thirty-five feet (35') or less in height. The owner/developer also agrees to maintain a fifty foot (50') buffer consisting of the existing vegetation on the westerly and southwesterly portions of the Kurth Parcel as shown on the PUD Site Plan. The owner/developer may maintain, trim and replace the vegetative buffer in its normal course of maintenance.

23. **Drainage**:

The owner/developer will comply with any current applicable City drainage and stormwater management laws and regulations and any applicable St. Johns River Water Management District's drainage and stormwater management requirements in connection with any new development of the PUD Property.

Dated: JUNE 5, 2001

UPCHURCH, BAILEY AND UPCHURCH, P.A.

By: _____

John D. Bailey, Jr.
Attorney for Applicant/Property Owner
Post Office Drawer 3007
St. Augustine, Florida 32085-3007
Tel. No. (904) 829-9066
Fax No. (904) 825-4862

MADEIRA
AT ST. AUGUSTINE
Intracoastal Waterway
Salt Marsh
Wetlands
Salt Marsh
Park
Robinson Creek
Condominiums or Townhomes
Kurth Parcel
Existing Tennis Villas Condominium Complex
30' Buffer
Additional 20' Buffer
Public Park
Future Commercial
Condominiums or Townhomes
Future Commercial
Lakes
50' Buffer
50' Buffer
Information Center
Main Entrance Feature
US Highway
To Jacksonville
ENVIRONMENTAL PRESERVATION PLAN
Kurth Parcel 1.7 AC .4%
Salt Marsh Within Boundary 51.5 AC 12.3%
Wetlands 30.1 AC 7.2%
Upland Buffer /Preservation Area 49.2 AC 11.7%
Recreational Areas /Parks 23.2 AC 5.5%
Lakes 50.1 AC 12.0%
Total Open Space 203.8 AC 49%
Additional Open Space from Max Lot Coverage (65%) 108.5 AC 26%
Roadways 46.3 AC 11%
Overall Open Space 360.6 AC 86%
Developed Building Area 58.4 AC 14%
Total Area 419 AC 100%
CONCEPTUAL MASTER PLAN
DEVELOPED BY:
PONCE ASSOCIATES LLC
February 24, 2004

Activities in the 100′ conservation area II

New Development, unaltered shoreline

Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the SJRWMD or a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the WMD. 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. At no time shall the impervious area in Conservation Area II exceed 25% without that area receiving treatment equivalent to the WMD water quality treatment provisions.

Rear lot drainage from grassed areas not directed to a water management system may be discharged to an adjacent water body/wetland through the following described 50′ (25′) buffer. Water discharged shall be at non-erosive velocities.

The first 50′ (25′) in the Conservation Area II shall remain undeveloped. If the area is already disturbed, a restoration plan is required.

Permitted activities within the 50′ (25′):

- Pruning of vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of 36″ should be retained.
- Not more than a maximum of 50% of the basal area of trees, and a maximum of 50% of the total number of saplings shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand 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 50% level.
- Dead, diseased, unsafe, or fallen tress may be removed.
- Reasonably sized walkways and access ways to docks are permitted across the buffer.

Restoration plan shall be developed to achieve the 50% criteria above for those sites already disturbed.

New development, altered shoreline

Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the SJRWMD or a treatment facility that is equivalent to the water quality treatment criteria

(water retention/detention) of the WMD. 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.

Rear lot drainage from grassed areas not directed to a water management system may be discharged to an adjacent water body/wetland, however the amount of 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.

The first 50'(25') in the Conservation Area II shall remain undeveloped. If the area is already disturbed, a restoration plan is required.

Permitted activities within the 50' (25'):

- Pruning of vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of 36" should be retained.
- Not more than a maximum of 50% of the basal area of trees, and a maximum of 50% of the total number of saplings shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand 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 50% level.
- Dead, diseased, unsafe, or fallen tress may be removed.
- Reasonably sized walkways and access ways to docks are permitted across the buffer.

Restoration plan shall be developed to achieve the 50% 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 50'(25') buffer may be permitted.

ORDINANCE NO. 2015-33

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP TO REASSIGN A PARCEL(S) OF LAND CONTAINING APPROXIMATELY 1,069 ACRES IN TOTAL BOUNDED ON THE WEST BY U.S. HIGHWAY 1, ON THE SOUTH BY POINCIANA AVENUE, ON THE NORTH BY THE NORTHERN CITY LIMITS OF THE CITY OF ST. AUGUSTINE, AND BOUNDED ON THE EAST BY THE WESTERN BOUNDARY OF THE TOLOMATO RIVER IN THE CITY OF ST. AUGUSTINE EXCLUDING APPROXIMATELY 4.5 ACRES OF THE PROPERTY AT THE TENNIS VILLAGE AT THE PONCE CONDOMINIUMS AND BEING MORE PARTICULARLY DESCRIBED HEREINAFTER FROM ST. JOHNS COUNTY TO CITY OF ST. AUGUSTINE OPEN LAND, RECREATION AND OPEN SPACE, COMMERCIAL MEDIUM INTENSITY, AND RESIDENTIAL MEDIUM DENSITY/MIXED USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of certain property, as described herein, have requested that the Comprehensive Plan designation of such property be changed from St. Johns County to City of St. Augustine Open Land, Recreation and Open Space, Commercial Medium Intensity, and Residential Medium Density/Mixed Use; and

WHEREAS, the City of St. Augustine Planning and Zoning Board, sitting as the local planning agency, made a recommendation to the City Commission on October 6, 2015; and

WHEREAS, the City Commission of the City of St. Augustine, Florida, hereby finds that the proposed amendment is a large scale amendment to the future land use map; and

WHEREAS, the City otherwise has fully complied with Section 163.3187, Florida Statutes;

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 City of St. Augustine Comprehensive Plan, Future Land Use Map, is hereby amended to provide that the following described property, containing approximately 1,069 acres in total, bounded on the west by U.S. Highway 1, on the south by Poinciana Avenue, on the north by the northern city limits of the City of St. Augustine, and bounded on the east by the western boundary of the Tolomato River, excluding approximately 4.5 acres of the property at the Tennis Village at the Ponce Condominiums, incorporating the attached description(s) in the City of St. Augustine, shall be and hereby is reassigned from its St. Johns County classification to City of St. Augustine classifications in the following manner and more particularly described as:

Open Land - approximately 583 acres for the property generally waterward of the most restrictive jurisdictional line;

Recreation and Open Space – approximately 10 acres for the property to be dedicated to the City of St. Augustine for a park;

Commercial Medium Intensity – approximately 21 acres for property fronting on U.S. Highway 1 intended for commercial use; and,

Residential Medium Density/Mixed Use – approximately 454 acres for the residential portion of the development.

Section 2. Repeal of Conflicting Ordinances and Provisions of Comprehensive Plan. 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 3. 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 4. 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 22nd day of February, 2016.

Nancy Shaver, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk

(SEAL)

ORDINANCE NO. 2015-34

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, MODIFYING ORDINANCE 2001-12, THE PONCE DE LEON RESORT AND CONVENTION CENTER PUD, CREATING THE MADEIRA PLANNED UNIT DEVELOPMENT (PUD), PURSUANT TO SECTION 28-289 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, s. 163.3194, Florida Statutes, requires that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted; and,

WHEREAS, the City of St. Augustine Comprehensive Plan provides for Open Land, Recreation and Open Space, Commercial Medium Intensity, and Residential Medium Density/Mixed Use designations for the subject property, and associated use and density criteria for development within said designation; and,

WHEREAS, Sec. 28-289 of the Code of the City of St. Augustine provides procedures for the establishment of a Planned Unit Development (PUD); and,

WHEREAS, the Madeira Planned Unit Development (PUD) was established by Ordinance 2001-12, became effective on June 21, 2001 and had an original completion date of 2018 and became eligible for statutory extensions until 2014; and,

WHEREAS, the Madeira Planned Unit Development (PUD) contains conservation, recreation, commercial, and residential areas as outlined in the Madeira PUD including the Order Adopting Recommended Findings of Special Master dated March 31, 2004; and,

WHEREAS, the Madeira Planned Unit Development (PUD), applied for a modification to PUD Ordinance 2001-12 to add effectively ten (10) years to the completion date of all phases of this project to a final completion date of January 1, 2027; and,

WHEREAS, on October 6, 2015, the City of St. Augustine Planning and Zoning Board reviewed a request to modify the Madeira PUD and made recommendations to the City Commission for approval of the PUD modification.

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

Section 1. Modification of Ordinance 2001-12, the Ponce de Leon Resort and Convention Center PUD creating the Madeira Planned Unit Development (PUD). The Madeira PUD is hereby modified for property described in the attachments in Exhibit "A", attached hereto and incorporated herein by reference.

Section 2. Terms and Conditions of the Planned Unit Development. The terms and conditions of the Madeira PUD are as presented in the Development Plan Narrative submitted on August 14, 2015, with the modification attached hereto as Exhibit "B" and incorporated herein by reference, and recognizes the Order Adopting Recommended Findings of Special Master dated March 31, 2004.

Section 3. 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 4. Effective Date. This ordinance shall be effective thirty-one (31) days after adoption in conjunction with Ordinance No. 2015-33 or, if Ordinance No. 2015-33 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 22nd day of February, 2016.

Nancy E. Shaver, Mayor

ATTEST:

Darlene Galambos, City Clerk

MADEIRA DEVELOPMENT

Recommended Modifications to the PUD Including Prior Modifications Agreed to By Developer

Poinciana Avenue Buffer

1. Provide an additional buffer of thirty (30) feet thereby increasing the present buffer adjacent to Poinciana Avenue to sixty (60) feet, to be measured from the property line. (i.e. the right-of-way of Poinciana Avenue).

2. Place deed restrictions on the additional thirty (30) foot buffer to prevent any amendment to the PUD to eliminate the buffer.

3. Remove the maintenance buildings and provide landscaping for the open areas with native vegetation sufficient to form a vegetative screen for the neighborhood. Adjacent residents may provide input as to type or style of vegetation.

4. No vehicular access to the PUD or the buffer area along the southern border of the property from Poinciana Avenue. This shall not prohibit City from allowing pedestrian access to the public park from Poinciana Avenue.

5. No berm or wall will be placed within the sixty (60) foot buffer.

6. The buffer to the southwest of the Tennis Village Condominiums shall be expanded to include the vegetated area containing large trees.

7. No storm ponds or dumpsters will be allowed to encroach into the buffer defined in item number 1 above.

8. Site lighting will be designed to minimize light intrusion into adjacent properties.

9. Deed to the City the area shown on the site plan as "Public Park" which shall be dedicated as open space for public use. Developer shall create a retention lake in the western boundary of this area between the City Park and commercial area, which will be connected to a community water system. This public park located next to Poinciana Avenue may be counted for purposes of satisfying the recreational requirements for the

EXHIBIT "A"

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PUD. This dedicated open space shall have no vehicular access from Poinciana Ave. The public park will be incorporated into Phase 1.

Commercial Area Restrictions

10. The Southwest portion of the commercial parcel which is within 500 feet of Poinciana Ave., will prohibit the following uses:

    A. Gas Station
    B. Tire Center
    C. Automotive Repair
    D. Dog Kennel
    E. Adult Entertainment
    F. Tattoo Parlor
    G. Convenience Store
    H. Liquor Store and Bars (except coffee bar or bar within a full service restaurant)

11. The total square footage of commercial and office space within the commercial parcel shall be limited to 170,000 square feet; no more than 125,000 of which shall be commercial space.

12. Commercial and office development shall be limited to a 350-ft. strip located parallel and east of U.S. Highway 1. The 350 ft. shall be measured from the property line. Access to this commercial area shall be by frontage road provided by the developer. No additional median cuts to U.S. 1, other than the two proposed entrances, will be allowed. Site plan presently shows one "right-in" / "right-out" curb cut. Up to two additional "right-in" / "right-out" curb cuts may be added if in conformity with all DOT regulations and upon approval of the location of such cuts by City.

13. No "big box" stores (i.e., grocery chain, Wal-Mart, Target, or other store in excess of 40,000 square feet) will be allowed in the commercial area.

14. Buildings and structures within the commercial area will be set back a minimum of fifteen (15) feet from the northern boundary of the sixty (60) foot Poinciana Avenue buffer.

15. The golf academy has been removed from the entire PUD.

16. The hotel use has been removed from the entire PUD.

Landscaping and Tree Considerations

17. Early Piety, Consulting Arborist for both the City of Jacksonville and Atlantic Beach with 25 years of experience in planning and preservation of the natural environment, has consulted on tree preservation during the site planning process in order to maximize tree preservation. He will also consult during the development process.

18. The site has been designed to:

    A. Preserve certain tree hammocks as parks or capture within lot boundaries.

    B. Reduce Right-of-Way and realign to allow for preservation of a greater number of large (above 20 inches d.b.h.) trees.

    C. Move and realign ponds to save significant trees.

19. The side setbacks on lots over 85 feet wide will be increased from 7.5 to 10 feet with flexibility to allow setback to be reduced to 5 feet in order to save existing trees provided adjacent lot setback is increased to 15 feet to maintain a 20 foot combined setback.

20. Every lot will have a minimum of one tree for every ten feet of road frontage.

21. The attached Site Plan increases the size of areas preserved through lakes, wetlands, interior marshes and upland buffers to 182.6 acres (43.6% of site) exclusive of 23.2 acres of parks and recreation (5.5% of site).

22. The attached Site Plan reduces impacts to wetlands to 2.87 acres which represents 7/10^{ths} of one percent of the overall site (a 38% reduction from plan presented April 1st, 2003).

23. The attached Site Plan minimizes effects to higher quality wetlands to 0.16 acre of cypress dome, 0.01 acre of salt marsh and 0.18 acre of mixed forested wetlands which amounts to 8/100^{ths} of one percent of the overall site.

24. The attached Site Plan increases preservation of native upland communities by 69% to 49.2 acres.

FDU\Ponce Associates LLC files\Ponce Associates LLC v City of St Augustine\Madeira Development Revised 3-2 Unmarked

25. The development will incorporate a minimum of 50% native vegetation in the common areas for the permanent plantings.

26. The City will have the opportunity to relocate trees that are approved for removal to be placed in common and recreational areas maintained by the City, and which are not to be relocated to another area of the site.

27. The attached Site Plan has been reconfigured to aid in the preservation of trees within the "Oak Hammock". First, an expansive park will be included within the southern portion of the "Oak Hammock". Secondly, the size of lots located within the northern half of the Hammock has been enlarged to allow for greater tree preservation. The lots adjacent to Robinson Creek have been enlarged to a width of one hundred (100) feet. Enlargement of these lots is subject to the City's approval of standard cul-de-sac radiuses for the project.

28. The Site Plan has been modified to preserve the grove of Oak trees located within the vicinity of the green on Hole #16. This translates into eliminating one large lot, located in this general proximity, from development (as depicted on the attached Site Plan).

29. The attached Site Plan realigns roads to avoid significant trees (20" dbh and larger).

30. Development covenants shall require "stem wall construction" for all construction in forested areas consisting of hardwoods within the northeast corner of the property and the lots adjacent to Robinson Creek.

31. Modify the location of the first residential road to left, after entering the main entrance. The road shall be moved to the east, away from US1, and shall gradually turn to the west to reconnect with the proposed road alignment. The resulting area to the west and east of this new entrance (approximately 6 lots) shall be preserved as open space.

32. Lots will not be cleared as part of the development of infrastructure. Lots will be cleared by residential builders in compliance with the City's tree ordinance.

33. The Site Plan has been modified to create additional open space in the form of private parks located within certain areas containing significant tree cover.

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34. During construction, the developer will place appropriate protection around buffers and preserved trees for protection.

35. Developer will inspect disposal of construction debris (to keep out of marsh) and maintenance of silt and buffer fences on a weekly basis.

36. Developer will follow the guidelines and recommendations of the appropriate regulatory agency as it relates to planting of vegetation around ponds.

37. Developer will use pine straw in landscape beds in the common areas.

Upland Buffer

38. Expand the 25-foot buffer along the ICW marsh where there is sufficient depth on a lot to allow for increasing the buffer without compromising the ability to place a home on the lot which meets prescribed set back requirements while maximizing tree preservation. In any event the overall average of the entire length of the ICW buffer shall not be less than 35 feet.

39. Language will be inserted into the Covenants and Restrictions to be recorded for the project, which will protect this buffer and prohibit its disturbance or elimination.

On-Site Remediation

40. Entered into a Consent Order with the FDEP and committed to filing an FDEP approved remediation plan with the City Planning and Building Department and performing such remediation as might be required by such Consent Order.

Airport Considerations

41. Insert a statement into the Covenants and Restrictions to be recorded for this project stating that the St. Augustine-St. Johns County Municipal Airport is located approximately ½ mile north of the project, as agreed to in the Avigation Easement Agreement between the Airport Authority and the Developer.

42. Require that potential homebuyers acknowledge this fact in writing at contract signing.

FDU\Ponce Associates LLC files\Ponce Associates LLC v City of St Augustine\Madeira Development Revised 3-2 Unmarked

Tennis Village

43. Quit claim the tennis courts located in the center of the condominium units to the Tennis Village Homeowners' Association.

44. Quit claim a piece of land along the marsh to the east of the Tennis Village to the Tennis Village Homeowners' Association as well as a piece of land to the south of the condominiums.

45. Rework the entrance to the Tennis Village and connect the parking lots on the north side of the condominiums.

Miscellaneous

46. No docks allowed in the PUD.

47. Dedication of all areas lying east of the property and below the mean high water line to the City subject to other State/Federal agency dedications.

48. No cell towers will be located within the PUD.

49. School impact fee acceptance and acknowledgement.

50. Maintain Kurth's Island/Peninsula as open conservation space, with public access. At City's request, Owner will grant City a permanent public access easement to Kurth's Island/Peninsula. Improvements, if any, which City desires to make or install within such public access easement shall be subject to the reasonable approval of Owner.

51. The Site Plan reflects a reduction of twenty-nine (29) residential lots. The residential units represented by these lots will be converted to multi-family units and constructed within and re-allocated to the multi-family areas.

The modifications listed above have been incorporated, where applicable, on the February 24, 2004 Conceptual Master Plan for the Madeira Community which is attached.

FDU\Ponce Associates LLC files\Ponce Associates LLC v City of St Augustine\Madeira Development Revised 3-2 Unmarked

MADEIRA PLANNED UNIT DEVELOPMENT

MODIFICATION OF PUD NARRATIVE APPROVED IN ORDINANCE NO. 2001-12, AS MODIFIED BY ORDER ADOPTING RECOMMENDED FINDINGS OF SPECIAL MASTER DATED MARCH 24, 2004

EXHIBIT "B"

Proposed revisions are shown with additions underlined and deletions ~~stricken~~.

6. **Phasing:**

~~A revised phasing schedule showing all improvements anticipated to be constructed during Phases I, II and III shall be submitted to the Planning Department within one (1) year from the date of approval of this modification. Revised Phase I shall be commenced by July 1, 2003 and completed within five (5) years from that date. Revised Phase II shall be commenced by July 1, 2008 and completed within five (5) years from that date. Revised Phase III shall be commenced by July 1, 2003 and completed within five (5) years from that date. Provided, one (1) or more phases may be developed concurrently.~~

Project development has commenced. All phases of the project shall be completed by January 1, 2027. "Completion" shall be defined as the occurrence of each of the following: (i) the City's approval of construction plans for horizontal infrastructure within the Property, (ii) either the City's approval of the installation of horizontal infrastructure within the Property or the owner/developer posting a bond with the City in an amount equal to 110 percent of the estimated cost to complete installation of horizontal infrastructure within the Property, and (iii) either the owner/developer completing all of its common area and public land and conservation easement dedication obligations set forth in the PUD or the owner/developer posting a bond with the City in the amount of the 110 percent of the estimated cost to complete the aforementioned improvements.

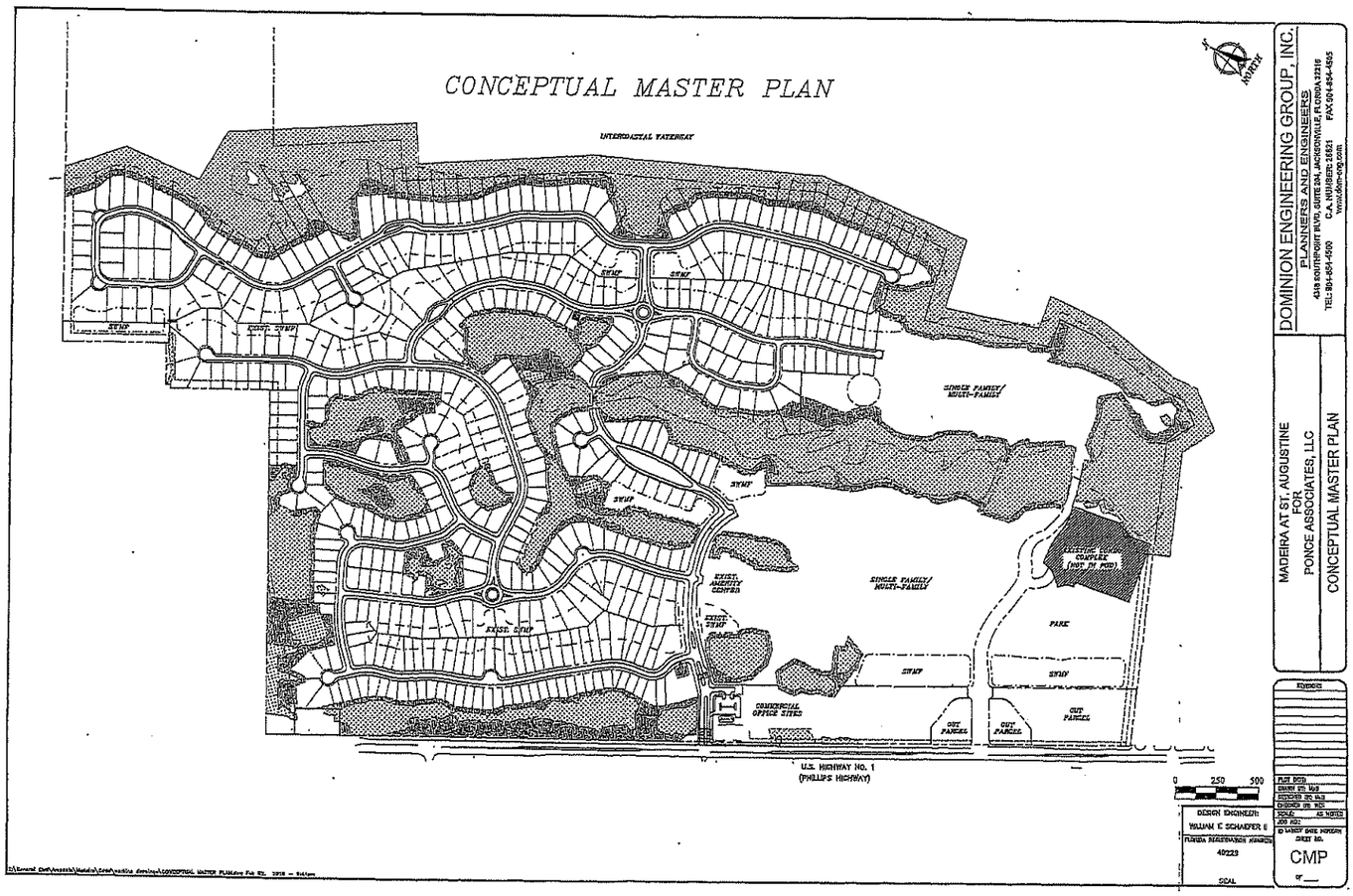
10. **Sidewalks:**

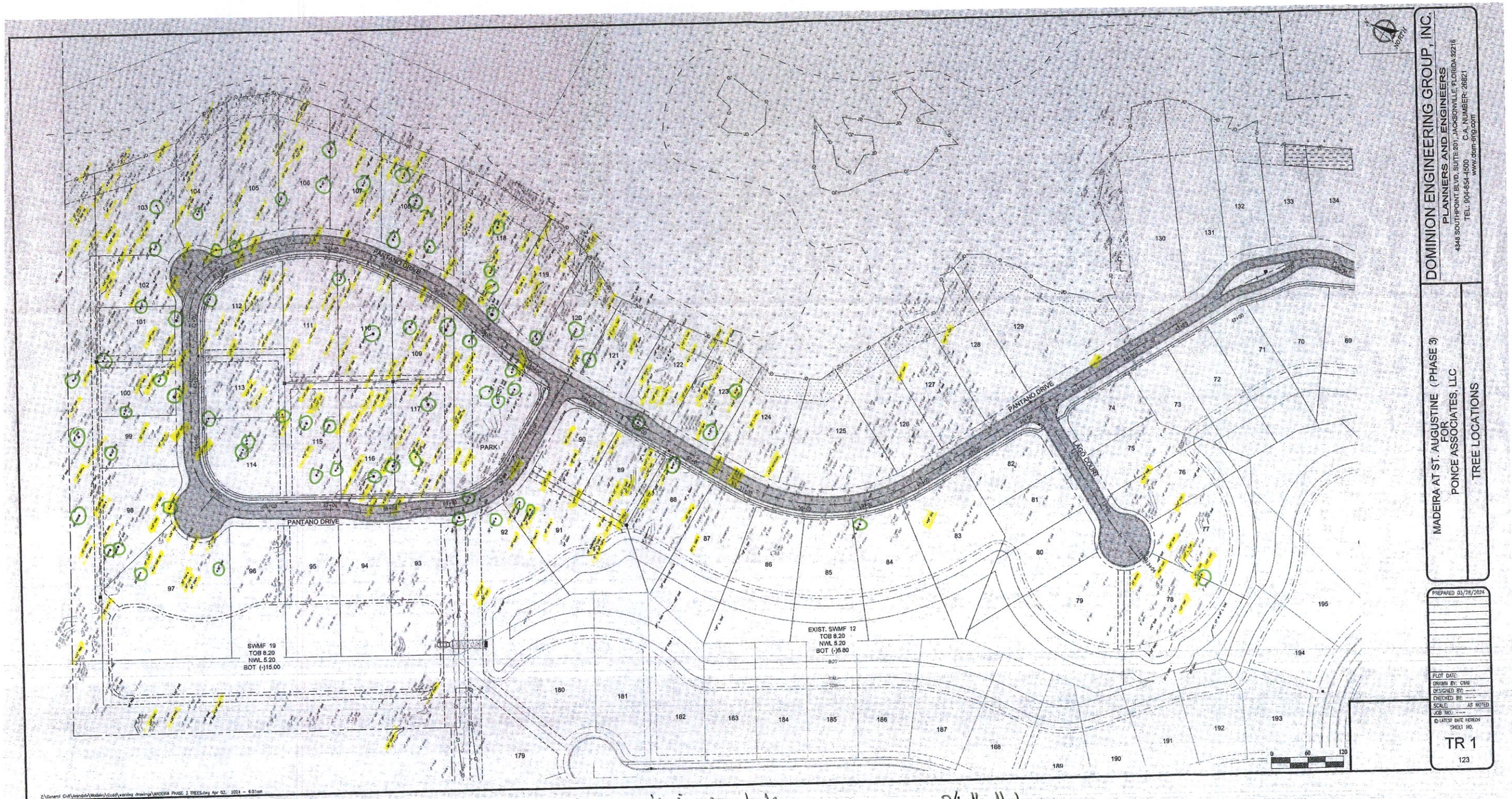
Pedestrian sidewalks of a width of four feet (4') shall be incorporated within each phase of the PUD and shall serve as the walking/bicycle/jogging paths referenced in the PUD. Concurrent with its reconstruction of Ponce Island Drive to the Park site, the owner/developer shall construct a sidewalk of a width of four feet (4') from the intersection of Ponce Island Drive and U.S. Highway 1 to the western entrance into the Park.

24. **Park:**

. Upon both of the following occurring, the Park site shall be deeded to the City: (i) the owner/developer completing arsenic remediation within the Park site and all applicable governmental agencies approving such remediation work; and (ii) upon the earlier of the owner/developer reconstructing Ponce Island Drive to provide access to the Park site or January 1, 2022.

Upon the owner/developer deeding the Park site to the City, the owner/developer shall plant ten (10) trees six-inch diameter at breast height at or within the Park. Such trees shall be either live oaks, magnolias or other species mutually agreed upon by the City and the owner/developer. Placement of the trees shall be mutually agreed upon between the City and the owner/developer.


CONCEPTUAL MASTER PLAN
INTERCOASTAL WATERWAY
NORTH
SWMP
EXISTING SWMP
SINGLE FAMILY/ MULTI-FAMILY
RECREATIONAL COMPLEX
PARK
EXISTING SWMP
COMMERCIAL OFFICE SITES
OUT PARCEL
U.S. HIGHWAY NO. 1
(PHILLIPS HIGHWAY)
0 250 500
DOMINION ENGINEERING GROUP, INC.
PLANNERS AND ENGINEERS
4315 SOUTHPOINT BLVD, SUITE 204, JACKSONVILLE, FLORIDA 32216
TEL: 904-854-4500 C.A. NUMBER: 28551 FAX: 904-854-4505
MADEIRA AT ST. AUGUSTINE
FOR
PONCE ASSOCIATES, LLC
CONCEPTUAL MASTER PLAN
REVISIONS
DESIGN ENGINEER:
WILLIAM E. SCHAEFER II
FLORIDA REGISTRATION NUMBER
49223
SEAL
SCALE: AS NOTED
JOB NO.:
SHEET NO.
CMP
OF



yellow highlighted trees are over 20" dbh

green circled trees are over 35" dbh

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: April 11, 2024

RE: Ordinance 2024-17 – Amending Chapter 11 Conservation Overlay Zone Development section of the Code to add protection for Longleaf Pine trees and amend the dock criteria – First Reading

This proposed ordinance amends the list of significant trees to include Longleaf Pines and updates the standards for review related to docks.

During the City Commission's January 8th regular meeting the Commission requested that staff explore adding the Longleaf Pine (*Pinus palustris*) to the City's list of significant trees. The City's list of significant trees, found in Chapter 11 – Environmental Protection of the City of St. Augustine's Code of Ordinances, does not currently include pine trees.

This article (Chapter) serves to preserve and protect environmentally sensitive areas within the city as well as conserve endangered, threatened or unique plants.

The Nature Conservancy reports that Longleaf pine once dominated the coastal plain with over 90 million acres and that these numbers have plummeted to just 5.2 million acres today. Longleaf pines not only thrive in harsh variable climates, but are resilient to drought, fire, and extreme wind. Longleaf pines provide habitat for endangered species including the red-cockaded woodpecker. Objective 2.6 of the Conservation and Coastal Management Element of the Comprehensive Plan states that 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. Protecting such an environmentally vital tree is consistent with this objective as well as the intent of Chapter 11 of the City's Code of Ordinances.

The Longleaf pine tree becomes most active in cone production when it is fifteen (15) inches in diameter at breast height (dbh) and would be considered a mature tree at this size. Staff recommended amending Sec. 11-27. – Definitions. to include the Longleaf Pine (*Pinus palustris*) with a minimum 15-inch dbh in the definition of a significant tree with an exception for bona fide silviculture activities. The city's Street Tree Advisory Committee (STAC) has also discussed this issue and recommended that the Longleaf pine, as described be included in the city's code as a significant tree.

The Planning and Zoning Board (PZB) reviewed this language at their February 6, 2024, meeting and made a positive recommendation. Please see attached staff report.

Additionally, the PZB had recently discussed updating Chapter 11 and the conservation overlay zone criteria related to docks and boatlifts. The relevant part of the code is section 11-29(c)17 where the Standards for review and the criteria for evaluating Conservation Overlay Zone One dock development are outlined.

Criteria (c)17 is specific to docks. The PZB discussed establishing different criteria for dock boatlifts that are not single family in nature and recognizing that larger boats and larger weighted boatlifts should be accounted for in the code. It was also discussed that the 12,000 lb boatlift limitation was probably specific for more typical single-family docks.

Several months ago, as well the PZB requested that staff consider raising the minimum height for docks to something higher than the six (6) foot maximum outlined in the code. At the time staff indicated that the city was initiating a "resilient shoreline" ordinance and requisite research which may impact a recommended dock height. These efforts are ongoing and require a longer timeline than originally thought, therefore based on initial information staff also drafted changes to the attached code language that raised the maximum dock height of six (6) feet to eight (8) feet.

The Planning and Zoning Board (PZB) reviewed this language at their April 2, 2024, meeting and made recommendations to clarify between single family and larger community or multifamily docks. Based on these suggested changes the PZB also made a positive recommendation. Please see attached staff report.

The attached proposed ordinance addresses all of these issues in one (1) ordinance. It is also considered a land development code amendment so is therefore currently exempt from the statutory Business Impact Statement.

Please place Ordinance 2024-17 on the City Commission agenda for first reading. If you have any questions, please let me know.

Amy McClure Skinner, AICP
Director
Planning and Building Department

ORDINANCE NO. 2024-17

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 11, ARTICLE II CONSERVATION OVERLAY ZONE DEVELOPMENT, SECTION 11-27 DEFINITIONS; ADDING LONGLEAF PINE TO THE LIST OF SIGNIFICANT TREES AND A DEFINITION OF SILVICULTURE USE; AMENDING SECTION 11-29 STANDARDS FOR REVIEW; REVISING DOCK MAXIMUM HEIGHT AND ESTABLISHING STANDARDS FOR BOATLIFTS AND MAXIMUM BOAT SIZES ON LIFTS FOR CERTAIN USES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statues, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

WHEREAS, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of St. Augustine to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements.

WHEREAS, the City in its Conservation and Coastal Management Element sets out goals, objectives and policies to maintain or improve the quality of the city's environmental and natural resources for their ecological importance, and also to protect against natural disasters, and rising waters in low lying coastal zones; and

WHEREAS, the City of St. Augustine is required by Section 163.3202, Florida Statutes, to adopt or amend and enforce land development regulations that are consistent with and implement the Comprehensive Plan, and that are combined and compiled into a single land development code for the city (the City of St. Augustine's Environmental Protection Code is

Chapter 11 of the Code of Ordinances including land development regulations for the provision of criteria for the review of development proposals within Conservation Overlay Zones 1, 2 and 3); and

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

WHEREAS, a sustainable built environment that both preserves the City of St. Augustine's resources and is resilient to extreme weather events such as hurricanes, floods, and heatwaves is a priority of St. Augustine;

WHEREAS, after review, the Planning and Zoning Board recommended approval of these amendments at its February 6, 2024, and April 2, 2024 regular meetings; and

WHEREAS, the City Commission for the City of Saint 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 FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

SECTION 1. Chapter 11, Article II. Chapter 11, Article II, Section 11-27. Definitions of the Code of the City of St. Augustine is amended as follows: [Note: ~~strikethrough~~ language deleted, underline language added]:

"...

Sec. 11-27. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 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.

Floodplain means an area inundated during a ten-year flood or designated as flood hazard areas by the National Flood Insurance Program.

Significant tree means a tree described in the following list:

Latin Name	Common Name	Minimum dbh (to Maximum dbh)
Fraxinus spp.	ash	18
Betula nigra	birch, river	24
Punus serotina	black cherry	18
Nyssa sylvatica	blackgum, black tupelo	18
Catalpa binoniodes	catalpa	18
Prunus caroliniana	cherry laurel	10
Lagerstroemia indica	crape myrtle - single trunk	10
Taxodium distichum	cypress, bald (pond cypress)	10
Ulmus parvifolia	elm, drake	10
Ulmus alata	elm, winged	10
Ulmus Americana	elm, American	18
Chionanthus virginicus	fringetree	10
Carya tomentosa	hickory, mockernut	18

Carya glabra	hickory, pignut	18
Ilex opaca	holly, American	10
Ilex cassine	holly, dahoon	10
Ilex x attenuate	holly, "East Palatka"	10
Gordonia lasianthus	loblolly bay	10
Magnolia grandiflora	magnolia, southern	18
Magnolia grandiflora var	*magnolia, southern v. "Little Gem"*	*10*
Magnolia virginiana	magnolia, sweetbay	10
Acer rubum and Acer spp.	maple, red or other maples	18
Quercus hemisphaerica	oak, laurel	15 to 36
Quercus laurifolia	oak, laurel (swamp)	15 to 36
Quercus virginiana	oak, live (southern live oak)	18
Quercus nuttallii	oak, nuttall	18
Quercus spp.	oak, other unlisted species	18
Quercus stellata	oak, post	18
Quercus falcata	oak, red (southern red oak)	18
Quercus geminate	oak, sand live	10
Quercus shumardii	oak, shumard	18
Quercus laevis	oak, turkey	18
Quercus nigra	oak, water	15 to 36
Quercus phellos	oak, willow	18
Carya illinoensis	pecan	18
Pinus palustris	pine, longleaf (excluding silviculture uses)	15
Cercis canadensis	red bud	10
Juniperus virginiana	red cedar, eastern	8
Juniperus silicicola	red cedar, southern	8
Liquidambar styraciflua	sweetgum	18
Platanus occidentalis	sycamore	18
Liriodendron tulipifera	tulip-poplar, tuliptree	18
Juglans nigra	walnut, black	18
Celtis laevigata	hackberry (sugarberry)	15 to 36

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.

Silvicultural Use: The use of the land for bona fide Silvicultural purposes.

Special flood hazard areas means areas which may become inundated during a one hundred-year flood.

Undeveloped conservation park lands means a property that shall remain in a natural, undeveloped state in order to preserve and protect the natural resources of the property for the benefits of wildlife, the ecosystem and for future generations to appreciate and study. Maintenance of undeveloped conservation park lands for the removal of invasive or exotic species, for public safety and to promote the longevity and viability of these park lands is permitted to be done by the City of St. Augustine or by those designated to do so by the City of St. Augustine.

..."

SECTION 2. Amending Chapter 11, Section 11-29 (c)17 Chapter 11, Section 11-29 (c)17 of the Code of the City of St. Augustine is hereby amended as follows: [Note: ~~strikethrough~~ language deleted, underline language added]

"...

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 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:

(1) Site specific conditions.

(2) The site's relationship 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. 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.)

(16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

(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)~~ eight (8) 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)~~ eight (8) 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.

i) ***All uses*** *excluding Maritime Use District(s) [MUDs] and a Waterfront community as defined below:*

(1) Boatlifts mounted on docks or constructed on or adjacent to a dock for a single family use or a multifamily development of less than four (4) units, shall be limited to a capacity of twelve thousand (12,000) pounds or less.

(2) No boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift.

ii) *Maritime Use District(s) [MUDs] and a Waterfront community as defined below*:

(1) Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of forty-six thousand eight hundred (46,800) pounds or less.

(2) No boats in excess of forty-seven (47) feet in length shall be allowed on a boatlift.

(3) Any impacts to the viewshed related to the increased capacity of the boatlift and/or increased size of the boat on the lift must be described and illustrated in the application.

(4) A Waterfront community is defined as a development adjacent to a riverine or marsh environment that includes community docks, docks for multifamily development(s) comprised of four (4) or more units with shared waterfront facilities and/or commercial marine use(s).

(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 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.

..."

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

SECTION 4. 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. This ordinance shall be effective ten (10) days after passage, pursuant to s. 166.041(5), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2024.

ATTEST:

_____
Nancy Sikes-Kline, Mayor-Commissioner

_____
Darlene Galambos, City Clerk
(SEAL)

Planning and Zoning Board

Planning Division Memorandum
Planning and Building Department

TO: Planning and Zoning Board

DATE: February 6, 2024

RE: Consideration and Discussion Related to Amending Sec. 11-27 to Include the Longleaf Pine (*Pinus palustris*) as a Significant Tree.

During the City Commission's January 8th regular meeting the Commission requested that staff explore adding the Longleaf Pine (*Pinus palustris*) to the City's list of significant trees. The City's list of significant trees, found in Chapter 11 – Environmental Protection of the City of St. Augustine's Code of Ordinances, does not currently include pine trees.

This article (Chapter) serves to preserve and protect environmentally sensitive areas within the city as well as conserve endangered, threatened or unique plants.

The US Forest Service reports that Longleaf pine once dominated the coastal plain with over 90 million acres and that these numbers have plummeted to just 5 million acres today. Longleaf pines not only thrive in harsh variable climates, but are resilient to drought, fire, and extreme wind. Longleaf pines provide habitat for endangered species including the red-cockaded woodpecker. Objective 2.6 of the Conservation and Coastal Management Element of the Comprehensive Plan states that 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. Protecting such an environmentally vital tree is consistent with this objective as well as the intent of Chapter 11 of the City's Code of Ordinances.

The Longleaf pine tree becomes most active in cone production when it is fifteen (15) inches in diameter at breast height (dbh) and would be considered a mature tree at this size. Staff recommends amending Sec. 11-27. – Definitions. to include the Longleaf Pine (*Pinus palustris*) with a minimum 15-inch dbh in the definition of a significant tree with an exception for bona fide silviculture activities. The city's Street Tree Advisory Committee (STAC) has also discussed this issue and recommended that the Longleaf pine, as described be included in the city's code as a significant tree.

Please see attached draft redline language to be inserted into the city land development code, and an excerpt from the Nature Conservancy report. If the Planning and Zoning Board (PZB) makes a positive recommendation for this addition to the code. Staff will move forward with an Ordinance to the City Commission.

Thank you for your attention to this matter. If you have any questions or require additional information, please do not hesitate to call me at (904) 209-4331 or email at sdaugherty@citystaug.com or Amy Skinner at (904) 209-4213 or email at askinner@citystaug.com.

Sarah Daugherty
Senior Planner
Planning and Building Department

Sec. 11-27. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 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.

Floodplain means an area inundated during a ten-year flood or designated as flood hazard areas by the National Flood Insurance Program.

Significant tree means a tree described in the following list:

Latin Name	Common Name	Minimum dbh (to Maximum dbh)
Fraxinus spp.	ash	18
Betula nigra	birch, river	24
Punus serotina	black cherry	18
Nyssa sylvatica	blackgum, black tupelo	18
Catalpa binoniodes	catalpa	18
Prunus caroliniana	cherry laurel	10
Lagerstroemia indica	crape myrtle - single trunk	10

Taxodium distichum	cypress, bald (pond cypress)	10
Ulmus parvifolia	elm, drake	10
Ulmus alata	elm, winged	10
Ulmus Americana	elm, American	18
Chionanthus virginicus	fringetree	10
Carya tomentosa	hickory, mockernut	18
Carya glabra	hickory, pignut	18
Ilex opaca	holly, American	10
Ilex cassine	holly, dahoon	10
Ilex x attenuate	holly, "East Palatka"	10
Gordonia lasianthus	loblolly bay	10
Magnolia grandiflora	magnolia, southern	18
Magnolia grandiflora var	*magnolia, southern v. "Little Gem"*	*10*
Magnolia virginiana	magnolia, sweetbay	10
Acer rubum and Acer spp.	maple, red or other maples	18
Quercus hemisphaerica	oak, laurel	15 to 36
Quercus laurifolia	oak, laurel (swamp)	15 to 36
Quercus virginiana	oak, live (southern live oak)	18
Quercus nuttallii	oak, nuttall	18
Quercus spp.	oak, other unlisted species	18
Quercus stellata	oak, post	18
Quercus falcata	oak, red (southern red oak)	18
Quercus geminate	oak, sand live	10
Quercus shumardii	oak, shumard	18
Quercus laevis	oak, turkey	18
Quercus nigra	oak, water	15 to 36
Quercus phellos	oak, willow	18
Carya illinoensis	pecan	18
Pinus palustris	pine, longleaf (excluding silviculture uses)	15
Cercis canadensis	red bud	10
Juniperus virginiana	red cedar, eastern	8
Juniperus silicicola	red cedar, southern	8
Liquidambar styraciflua	sweetgum	18
Platanus occidentalis	sycamore	18
Liriodendron tulipifera	tulip-poplar, tuliptree	18
Juglans nigra	walnut, black	18

Celtis laevigata	hackberry (sugarberry)	15 to 36

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.

Silvicultural Use: The use of the land for bona fide Silvicultural purposes.

Special flood hazard areas means areas which may become inundated during a one hundred-year flood.

Undeveloped conservation park lands means a property that shall remain in a natural, undeveloped state in order to preserve and protect the natural resources of the property for the benefits of wildlife, the ecosystem and for future generations to appreciate and study. Maintenance of undeveloped conservation park lands for the removal of invasive or exotic species, for public safety and to promote the longevity and viability of these park lands is permitted to be done by the City of St. Augustine or by those designated to do so by the City of St. Augustine.
(Code 1964, § 7-113; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 15-47, § 1, 1-11-16; Ord. No. 19-03, § 1, 1-28-19)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Pinus palustris Mill.

Longleaf Pine

Pinaceae -- Pine family

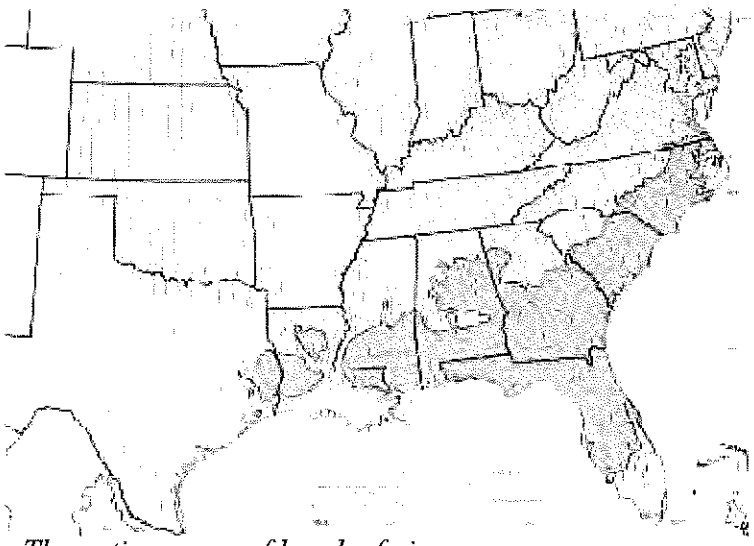
W. D. Boyer

Longleaf pine *(Pinus palustris),* whose species name means "of the marsh," has been locally referred to as longstraw, yellow, southern yellow, swamp, hard or heart, pitch, and Georgia pine. In presettlement times, this premier timber and naval stores tree grew in extensive pure stands throughout the Atlantic and Gulf Coastal Plains. At one time the longleaf pine forest may have occupied as much as 24 million ha (60 million acres), although by 1985 less than 1.6 million ha (4 million acres) remained.

Habitat

Native Range

The natural range of longleaf pine includes most of the Atlantic and Gulf Coastal Plains from southeastern Virginia to eastern Texas and south through the northern two-thirds of peninsular Florida. The species also grows in the Piedmont, Ridge and Valley, and Mountain Provinces of Alabama and northwest Georgia.



- *The native range of longleaf pine.*

Climate

Longleaf pine grows in warm, wet temperate climates characterized by hot summers and mild winters. Annual mean temperatures range from 16° to 23° C (60° to 74° F) and annual precipitation from 1090 to 1750 mm (43 to 69 in), the least being 1090 to 1270 mm (43 to 50 in) in the Carolinas and Texas and the greatest along the Gulf Coast of Alabama, Mississippi, and

extreme west Florida. A distinct summer rainfall peak occurs along the Atlantic Coast, being most pronounced in Florida. A secondary rainfall peak in March becomes pronounced along the Gulf Coast. Fall is the driest season of the year, although droughts during the growing season are not unusual.

Soils and Topography

Longleaf pine is native to a wide variety of sites ranging from wet, poorly drained flatwoods to dry, rocky mountain ridges. Elevations range from barely above sea level near the beaches on the lower Coastal Plain up to about 600 m (1,970 ft) in the mountains of Alabama. Most of the longleaf pine forests are found on the Atlantic and Gulf Coastal plains at elevations below 200 m (660 ft). Here the soils are largely derived from marine sediments and range from deep, coarse, excessively drained sands to poorly drained clays. For the most part, surface soils are sandy, acid, low in organic matter, and relatively infertile. In the Mountain Province, soils are derived largely from granite, quartzite, schist, phyllite, and slate, while in the Ridge and Valley Province, soils are derived mostly from sandstone, shale, limestone, and dolomite (21).

Within the natural range of longleaf pine, three soil orders are of major importance. Ultisols are the dominant order and cover most of the southeastern United States outside of peninsular Florida. Ultisols most commonly associated with longleaf pine are the Typic Paleudults and Plinthic Paleudults. The other two soil orders are Entisols and Spodosols. Deep, sandy Entisols, primarily Quartzipsamments, range from about 3 m (10 ft) above sea level in Florida up to about 185 m (600 ft) in Georgia and the Carolinas. Entisols have not developed diagnostic horizons. They make up the Sandhills of the Carolinas, Georgia, and northwest Florida and the sand ridges in the central Highlands of peninsular Florida. Spodosols, particularly Aquods, are typical of the flatwoods of the lower Coastal Plain in Florida. They are wet, sandy soils with a fluctuating water table that is at or near the surface during rainy seasons (8).

Associated Forest Cover

The principal longleaf cover types are Longleaf Pine (Society of American Foresters Type 70), Longleaf Pine-Scrub Oak (Type 71), and Longleaf Pine-Slash Pine (Type 83) (12). Longleaf pine is also a minor component of other forest types within its range: Sand Pine (Type 69), Shortleaf Pine (Type 75), Loblolly Pine (Type 81), Loblolly Pine-Hardwoods (Type 82), Slash Pine (Type 84), and South Florida Slash Pine (Type 111).

Longleaf pine develops in close association with periodic surface fires. The vegetation associated with longleaf pine reflects the frequency and severity of burning. In the past, frequent fires resulted in open, parklike stands of longleaf with few other woody plants and a ground cover dominated by grasses. Ground cover in longleaf pine in the Coastal Plains can be separated into two general regions, with the division in the central part of south Alabama and northwest Florida. To the west, bluestem *(Andropogon* spp.*)* and panicum *(Panicum* spp.*)* grasses predominate; to the east, wiregrass (pineland threeawn, *Aristida stricta) is* most common.

With a reduction in fire occurrence, hardwoods and other pines encroach on the longleaf forest. Within the range of slash pine *(Pinus elliottii),* this species becomes increasingly important, leading to the cover type Longleaf Pine-Slash Pine. Elsewhere loblolly and shortleaf pines *(P. taeda* and *P. echinata)* as well as hardwoods gradually replace the longleaf, eventually resulting in Loblolly Pine-Hardwood (Type 82) or occasionally Loblolly Pine-Shortleaf Pine (Type 80). On poor, dry sandhills and mountain ridges, scrub hardwoods invade the understory creating forest cover type Longleaf Pine-Scrub Oak and finally Southern Scrub Oak (Type 72) as the pine disappears (12).

Hardwoods most closely associated with longleaf pine on mesic Coastal Plain sites include southern red, blackjack, and water oaks *(Quercus falcata, Q. marilandica,* and *Q. nigra);* flowering dogwood *(Cornus florida);* blackgum *(Nyssa sylvatica);* sweetgum *(Liquidambar styraciflua);* persimmon *(Diospyros virginiana);* and sassafras *(Sassafras albidum).* The more common shrubs include gallberry *(Ilex glabra),* yaupon *(I. vomitoria),* southern bayberry *(Myrica cerifera),* shining sumac *(Rhus copallina),* blueberry *(Vaccinium* spp.*),* huckleberry *(Gaylussacia* spp.*),* and blackberry *(Rubus* spp.*).* On xeric sandhill sites, the most common associates are turkey, bluejack, blackjack, sand post, and dwarf live oaks *Quercus laevis, Q. incana, Q. marilandica, Q. stellata* var. *margaretta,* and *Q. minima).* On the dry clay hills and mountains of Alabama, blackjack, post *(Q. stellata)* and southern red oaks, and mockernut hickory *(Carya tomentosa)* are found with longleaf pine. On low, wet flatwood sites near the coast, the most conspicuous understory plants are gallberry and saw-palmetto *(Serenoa repens).* Other common understory plants in low, wet Longleaf Pine or Longleaf Pine-Slash Pine types are sweetbay *(Magnolia virginiana),* swamp cyrilla *(Cyrilla racemiflora),* large gallberry *(Ilex coriacea),* buckwheat-tree *(Cliftonia monophylla),* blueberries, and blackberries.

Life History

Reproduction and Early Growth

Flowering and Fruiting- Like all species in the pine family, longleaf pine is monoecious. The strobili of longleaf pine, both male (catkins) and female (conelets), are initiated during the growing season before buds emerge. Catkins may begin forming in July, while conelets are formed during a relatively short period of time in August. The number of flowers produced is apparently related to weather conditions during the year of initiation. A wet spring and early summer followed by a dry period in late summer promotes conelet production (27). Catkin production, however, is favored by abundant rainfall throughout the growing season. Female strobili are borne most frequently in the upper crown, and male strobili predominate in the lower crown (26). Late summer rainfall depresses conelet initiation, probably because vigorous exposed shoots in the middle and upper crown continue to grow. In the lower crown, where most catkins are home, shoots stop growing earlier than they do in the upper crown.

Since rainfall patterns associated with catkin initiation differ from those favoring conelets, large crops of male and female flowers do not necessarily

coincide. Ten years of observation did not show any correlation between size of conelet and pollen crops in longleaf pine.

Variable but usually heavy annual losses of longleaf pine conelets can be expected; observed losses have ranged from 65 to 100 percent (2,24,30). Several agents, alone or in combination, may be responsible. The more important appear to be insects, bad weather, and insufficient pollen. Over 15 years at one location, cone production was related to pollen density, to the point of a sufficiency of pollen (2). Further increases in pollen density had little effect. In some cases, nearly all the losses have been attributed to insects (24), while in others the more common causes of conelet losses were not responsible (30). Most conelet losses seem to occur in the spring, at about the time of pollination, although substantial losses may also occur in the summer (24). Most of the spontaneous conelet abortions in longleaf pine may result from excess ethylene production by foliage and shoots. A foliar spray with anti-ethylene compounds soon after anthesis has reduced conelet abortion by half, doubling seed yields (18).

Catkin buds normally emerge in November, then remain dormant for about a month before growth resumes. Conelet buds emerge in January or February. The rate of development of both conelets and catkins thereafter is almost entirely dependent on ambient temperature. Catkins are purple from the time they emerge from the buds until they shed their pollen. Upon emerging from the bud, conelets are red until they are pollinated, after which they gradually fade to a yellowish green. Most mature catkins range from 3 to 5 cm (1.2 to 2.0 in) in length.

The average date of peak pollen shed and conelet receptivity may range from late February in the southern part of longleaf pines' range to early April toward the northern limits. Most locations may experience flowering dates close to these extremes. The date of peak pollen shed and conelet receptivity coincides on individual longleaf pine trees but can vary considerably among trees in a stand. Some trees are consistently early and others late in time of flowering, although the differences vary from year to year, depending on air temperatures before and during the flowering period (5). Over 22 years of observation, the time required for shedding 80 percent of all pollen in a longleaf pine stand ranged from 5 to 21 days and averaged 13 (5).

Pollination takes place in the late winter or spring, but fertilization does not occur until the following spring. At this time conelets are growing rapidly, increasing in length from about 2.5 cm (1 in) in February to about 18 cm (7 in) by May or June (16). Mature cones range in length from 10 to 25 cm (4 to 10 in). Cones reach maturity between mid-September and mid-October of their second year. Cones, as they become ripe, change color from green to dull brown, although cones may be ripe before the color change (26). The specific gravity of ripe cones ranges from 0.80 to 0.89. Ripeness can be tested by flotation in SAE 20 motor oil; ripe cones will float but those not yet ripe will sink (26).

Seed Production and Dissemination- Tree size, crown class, stand density, site quality, and, most important, genetic predisposition, all affect cone production by an individual tree. The best cone producers are dominant, open grown trees with large crowns, 38 cm. (15 in) or more in d.b.h., with a past record of good cone production (11). Trees 38 to 48 cm (15 to 19 in) in

d.b.h. have produced an average of 65 cones annually compared to 15 cones by trees from 25 to 33 cm (10 to 13 in) in d.b.h. The number of sound seeds per cone varies widely and is related to size of seed crop in a particular year. In good seed years there may be about 50 seeds per cone, in average years 35, and in poor years 15 (10).

Seed production per hectare reaches a peak at stand densities between 6.9 and 9.2 m^2/ha (30 to 40 ft^2/acre) of basal area, assuming that the stand is comprised of dominant-codominant trees of cone bearing size (3). A shelterwood stand with a basal area of 6.9 m^2/ha (30 ft^2/acre) produces three times as many cones per unit area as a stand of scattered seed trees averaging 2.3 m^2/ha (10 ft^2/acre) in good seed years (11).

Throughout its range, longleaf pine in shelterwood stands produces seed crops adequate for natural regeneration, about 2,500 cones per hectare (1,000/acre), on the average of once every 4 to 5 years (11). However, everything else being equal, good cone crops are more frequent in some parts of the longleaf pine range than in others, so the general average may be meaningless at a given location. The production of female strobili is much less variable from place-to-place than is the production of mature cones, indicating that geographic differences in cone production are due more to conelet and cone losses than failure to produce conelets in the first place (7).

When a shelterwood stand is created by cutting back a stand of substantially higher density, increased cone production resulting from release does not occur until the end of the third growing season after cutting (9). Release that occurs after conelet initiation has no effect on that crop, other than promoting better conelet survival through reduced stress in dry periods.

Seeds are dispersed by the wind. Seed dispersal begins in late October and continues through November, with the majority falling within a period of 2 to 3 weeks. The time and duration of seed dispersal vary depending on weather conditions. Dispersal range is limited, with 71 percent of sound seeds falling within a distance of 20 m (66 ft) of the base of parent trees (11).

Longleaf seeds are the largest of the southern pines. The number of cleaned seeds ranges from 6,600 to 15,400/kg (3,000 to 7,000/lb), averaging 10,800/kg (4,900/lb) (26).

Seedling Development- Longleaf pine differs from other southern pines in that seeds germinate soon after they are dispersed. Given optimum conditions, seeds germinate in less than a week after they reach the ground. Prompt germination reduces the period of exposure to seed predators, but newly germinated seedlings are susceptible to damage or loss from animals, diseases, and weather uncertainties, which may include high fall temperatures, drought, or extreme cold with a risk of frost heaving in heavy soils (11).

Seeds require contact with mineral soil for satisfactory germination and establishment. Longleaf seeds, with their large wings, cannot easily reach mineral soil through a heavy cover of grass and litter. The accumulated material must be removed before seedfall, either mechanically or by

burning. Burning within a year of seedfall normally provides an adequate seedbed. Lack of seedbed preparation can result in a regeneration failure.

Germination of longleaf pine seed is epigeal (26). Newly germinated seedlings have virtually no above-ground hypocotyl, and the cotyledons are close to the ground line. The primary needles appear after germination and the secondary needles about 2 months later. The epicotyl, or stem above the cotyledons, does not elongate rapidly as in most other pines. Even in the nursery, seedlings are virtually stemless after one growing season (16). This stemless condition is one of the unique characteristics of longleaf pine. It is referred to as a grass stage and may last 2 to many years, depending on growth conditions. During this time, longleaf is most susceptible to its major disease, the brown-spot needle blight, *Scirrhia acicola* (11).

While in the grass stage, seedlings develop extensive root systems. Growth can be followed by observing the increase in root-collar diameter. When it approaches 2.5 cm (1 in), active height growth is imminent. Grass-stage seedlings, once they reach 0.8 cm (0.3 in) in root-collar diameter, are highly resistant to fire, even during the growing season. Seedlings in early height growth, up to a height of about 0.6 to 0.9 m (2 to 3 ft), become susceptible to damage by fire. Once beyond this stage, longleaf pines are again fire resistant.

Competition and brown-spot needle blight have great impact on the rate of seedling development and together largely determine the duration of the grass stage. Longleaf seedlings can be easily established and usually survive for years under an overstory of parent pines. Growth, however, is very slow. Seedlings respond promptly with an increased rate of growth when released from overstory competition.

Growth rate varies widely among individuals in a natural seedling stand, and vigorous fast-growing seedlings express dominance early. The rapid breakup of a seedling stand into a wide range of size classes reduces the risk of stand stagnation. About 10 percent of a natural seedling stand shows resistance to the brown-spot disease, and this gives them a growth advantage that persists for many years. At age 24, trees that had little or no brown-spot infection averaged 2.4 in (8 ft) taller than trees that had 30 percent or more of their foliage destroyed by the disease as seedlings (1).

A low level of competition permits early initiation of height growth. One longleaf pine plantation on a prepared site had nearly 60 percent of the trees in active height growth by the end of the second growing season, and over 90 percent by the end of the third. Early initiation of height growth circumvented a brown-spot problem as the disease did not have time to build up to serious proportions.

Vegetative Reproduction- Longleaf pine seedlings, if top killed, can sprout from the root collar. Sprouting ability decreases sharply when seedlings begin height growth. In one study, almost 40 percent of seedlings cut off at the ground line during grass stage had living sprouts a year later. Only 14 percent of seedlings up to 1.37 m (4.5 ft) in height so treated developed sprouts, however, and those larger than this did not sprout at all (14). Longleaf is not as easy to reproduce asexually as some of the other southern pines. Cuttings can be rooted but the process is difficult. Air-layering has

met with limited success. Grafting has proven to be a reliable technique, and this is now the most common method of establishing seed orchards (28).

Sapling and Pole Stages to Maturity

Growth and Yield- Longleaf pine is a high quality timber tree, well suited to a whole range of products-poles, piling, posts, sawlogs, plywood, pulpwood, and naval stores. Longleaf naturally prunes itself well. Most stems are well formed, straight, and largely free of branches. The species almost always has higher stemwood specific gravities and produces more dry wood per unit volume than either loblolly or slash pine (28). Intense exploitation since colonial days, plus lack of planned regeneration, contributed to the decline of longleaf pine forests that continues to this day. Once height growth has begun, the species can grow as well as the other major southern pines on many sites originally occupied by longleaf, and often exceeds them in growth.

The critical element in the growth of longleaf pine stands is the duration of the grass stage. About 70 percent of the variation among plantations in the form of height-over-age curves was related to the condition of the planting site: early height growth on unprepared cutover sites was much slower than on old fields and mechanically prepared cutover sites (6).

Reduction of competing ground cover in grass stage seedling stands can have a large impact on growth and future volume yields. One study (25) observed the effects of a single aerial application of 2,4,5-T to stands of 1-year-old longleaf seedlings. Twenty years later, treated stands had significantly greater tree diameter (10 percent), height (17 percent), and total volume per unit area (32 percent) than adjacent untreated stands, although there was no difference in the number of trees per unit area. Treated stands averaged 83.5 m^3/ha (1,193 ft^3/acre) total inside-bark (i.b.) volume, compared to 63.2 m^3/ha (904 ft^3/acre) for untreated stands.

Longleaf pine growth and yield predictions have been published for periodically thinned even-aged natural stands (15) and also for unthinned plantations in the west Gulf region (22). Predicted total volume (i.b.) yields for two common site index classes are given in table 1. The merchantable proportion of total volume ranges from 78 to 86 percent at age 20, to 97 to 98 percent at age 40. The peak in periodic annual increment is reached between ages 20 and 30.

Table 1- Predicted total volume yields inside bark for even-aged natural stands of longleaf pine

	Site index at base age 50 years		
Stand in age in years[1]	**Basal area**	**21.3 m or 70 ft**	**24.4 m or 80 ft**
	m^2/ha	***m^3/ha***	***m^3/ha***
20	13.8	61	71

25	20.0	110	128
30	25.5	160	187
35	29.6	207	241
40	33.1	248	289
	ft²/acre	*ft³/acre*	*ft³/acre*
20	60	874	1,019
25	87	1,572	1,832
30	111	2,287	2,666
35	129	2,954	3,443
40	144	3,549	4,137

[1]Determined from ring counts taken at 1.2 m (4 ft), plus 7 years.

The optimum stand density to maintain by periodic thinning varies by site and management goals. A rather broad range of stand densities, above a basal area of about 13.8 m²/ha (60 ft²/acre), produces near maximum periodic volume growth (13). Lower densities concentrate growth on fewer trees. Longleaf responds well to release provided by thinning if the released trees have crowns equal to at least one-third to one-half of total tree height. Small-crowned intermediate or suppressed trees do not respond promptly to release. Thinning should be from below to release well-formed dominant and codominant trees.

Present indications are that longleaf pine plantations should produce volume growth similar to natural stands if other factors are equal. To the extent that plantations have had better competition control, with consequent acceleration of early growth, a particular volume yield should be reached at an earlier age in plantations than in natural stands.

Rooting Habit- Longleaf pine develop massive taproots that, in mature trees, may extend to a depth of 2.4 to 3.7 m (8 to 12 ft) or more. A hardpan can arrest downward growth of the taproot. If the hardpan is close to the surface, windfirmness of the tree is reduced. Longleaf pines develop extensive lateral root systems. Most lateral roots are within 0.3 m (1 ft), and nearly all within 0.6 m (2 ft), of the surface (29).

Reaction to Competition- Longleaf pine is intolerant of competition, whether for light or for moisture and nutrients. The species will grow best in the complete absence of all competition, including that from other members of the species. Fortunately, as noted earlier, young even-age longleaf pine stands break up rapidly into a broad range of size classes, due to variability in duration of the grass stage. Stagnation is almost never a problem. However, even suppressed trees in a stand will slow the growth of dominant neighbors. Optimum stand density for development of crop trees needs to be maintained by periodic thinning. Given release from neighboring trees, dominant and codominant trees in an over-dense stand will respond promptly with increased diameter growth, as will some intermediate trees that retain crown ratios of 30 percent or more. Suppressed trees, while they may continue to live, rarely respond to release with improved growth.

Damaging Agents- Longleaf pine is less susceptible to most damaging agents than the other southern pines and is a relatively low risk species to manage. It is strongly resistant to fire, except as a small seedling of less than 0.8 cm (0.3 in) root collar diameter and in early height growth. It is also resistant to most pathogenic agents. The major disease is the brown-spot needle blight. This disease causes serious damage only to grass-stage seedlings. Continued severe defoliation by brown-spot suppresses and eventually destroys seedlings. Once rapid height growth begins, seedlings are no longer seriously afflicted. Seedlings growing in the open are most vulnerable, particularly if the groundcover is sparse; the disease usually does not seriously affect seedlings growing under a pine overstory. Other diseases occasionally of economic importance in local areas are pitch canker *(Fusarium moniliforme* var. *subglutinans),* annosus root rot *(Heterobasidion annosum)* in thinned plantations, cone rust *(Cronartium strobilinum)* near the coast, and also the condition known as dry face of turpentined trees. Fusiform rust *(Cronartium quercuum* f. sp. *fusiforme)* is rarely a problem for longleaf pine (20).

Many species of birds, mice, and squirrels feed on longleaf pine seeds, the latter often taking them from unripe cones. Several species of ants feed on germinating seeds and cotyledon seedlings. Cottontails as well as other predators can destroy newly established seedlings. Grass-stage seedlings are vulnerable to destruction by hogs, pales weevil *(Hylobius pales),* and heavy livestock grazing. Pocket gophers cut seedlings off just below the ground surface.

Most seedling losses occur during the first year after establishment, untimely drought being the greatest single hazard. Logging of the overstory can destroy close to 50 percent *of* a seedling stand, although actual damage depends on type and season of logging, volume removed, and seedling size. Fire takes its toll of small, weak, or diseased seedlings.

Longleaf pine can be damaged by ice storms but is less susceptible to ice damage than slash pine (19).

The southern pine beetle *(Dendroctonus frontalis)* does not seem to afflict the species severely. The black turpentine beetle *(Dendroctonus terebrans)* can be a problem, especially on trees injured by turpentining, logging, or fire. Perhaps the greatest single cause of mortality in longleaf stands of pole and sawlog size is lightning, which is often followed by infestation by bark beetles (*Ips* spp.). Windthrow from hurricanes or tornados can cause heavy losses locally. Long term observations throughout the longleaf region have shown an average annual mortality of 1 tree per hectare (0.4/acre) in mature longleaf pine stands (4).

Special Uses

Longleaf pine is used for a broad range of forest products. Even old lightered stumps (those having resin-soaked heartwood characteristic of old trees) are pulled out and the stumpwood destructively distilled for chemicals. Longleaf "pine straw" is in demand for use as a mulch, so fresh needle litter is sometimes collected, baled, and sold. The longleaf pine forest, if regularly burned, has a parklike appearance with an understory dominated by grasses and forbs; an excellent habitat for game, especially

quail, and quail hunting has long been associated with this timber type. The understory produces a substantial amount of high quality forage for both cattle and deer (17,31). Mature longleaf stands also provide the most desirable habitat for the red-cockaded woodpecker.

Genetics

Population Differences

Longleaf pine is a highly variable species, and a considerable proportion of this variation is genetic. Considering the economically important traits, longleaf pines have as much or more genetic variation than other southern pines.

Variation among individual trees is greater than that among stands or among geographically diverse seed sources (23,28). Nevertheless, the diversity of environments throughout the longleaf range has promoted the development of genetic variation among populations. According to rangewide provenance tests, trees from coastal areas usually outgrow those from inland areas at all but the coldest locations. Trees originating from the central Gulf Coast should be more productive than trees from other sources on most coastal plain longleaf sites from Georgia and north Florida west to east central Louisiana (28). Elsewhere, local seed sources may be safest to use until more information is available.

Hybrids

The major southern pines, as well as some minor species, are closely related and have overlapping ranges. Natural hybridization has contributed to genetic diversity among trees and populations. Natural hybridization is common between longleaf and loblolly pine, producing the Sonderegger pine (*P.* x *sondereggeri* H. H. Chapm.). This is the only named southern pine hybrid. Throughout much of the longleaf pine range, the flowering of longleaf and loblolly pines overlaps in most years so there is no phenological barrier to natural crossing. Natural hybridization between longleaf and slash pine is unlikely, based on differences between the species in dormancy and heat requirements for flowering (5).

Artificial crosses between longleaf pine and both loblolly and slash pines can be achieved easily. Crosses between longleaf and shortleaf pine have not been found in nature but have been produced artificially. There are no reported successful crosses of longleaf pine with any other pine species (28).

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Planning and Zoning Board

Planning Division Memorandum
Planning and Building Department

TO: Planning and Zoning Board

DATE: April 2, 2024

RE: Discussion and Recommendation to amend Chapter 11, Article II Conservation Overlay Zone Development related to boatlifts and other types of docks and increase the height of docks from six (6) feet to eight (8) feet.

The Planning and Zoning Board (PZB) has recently discussed updating Chapter 11 and the conservation overlay zone criteria related to docks and boatlifts. The relevant part of the code is section 11-29(c)17 where the Standards for review and the criteria for evaluating Conservation Overlay Zone One dock development are outlined.

Criteria (c)17 is specific to docks. The PZB discussed establishing different criteria for dock boatlifts that are not single family in nature and recognizing that larger boats and larger weighted boatlifts should be accounted for in the code. It was also discussed that the 12,000 lb boatlift limitation was probably specific for more typical single-family docks.

Additionally, several months ago the PZB requested that staff consider raising the minimum height for docks to something higher than the six (6) foot maximum outlined in the code. At the time staff indicated that the city was initiating a "resilient shoreline" ordinance and requisite research which may impact a recommended dock height. These efforts are ongoing and require a longer timeline than originally thought, therefore based on initial information staff has also drafted changes to the attached code language that raise the maximum dock height of six (6) feet to eight (8) feet.

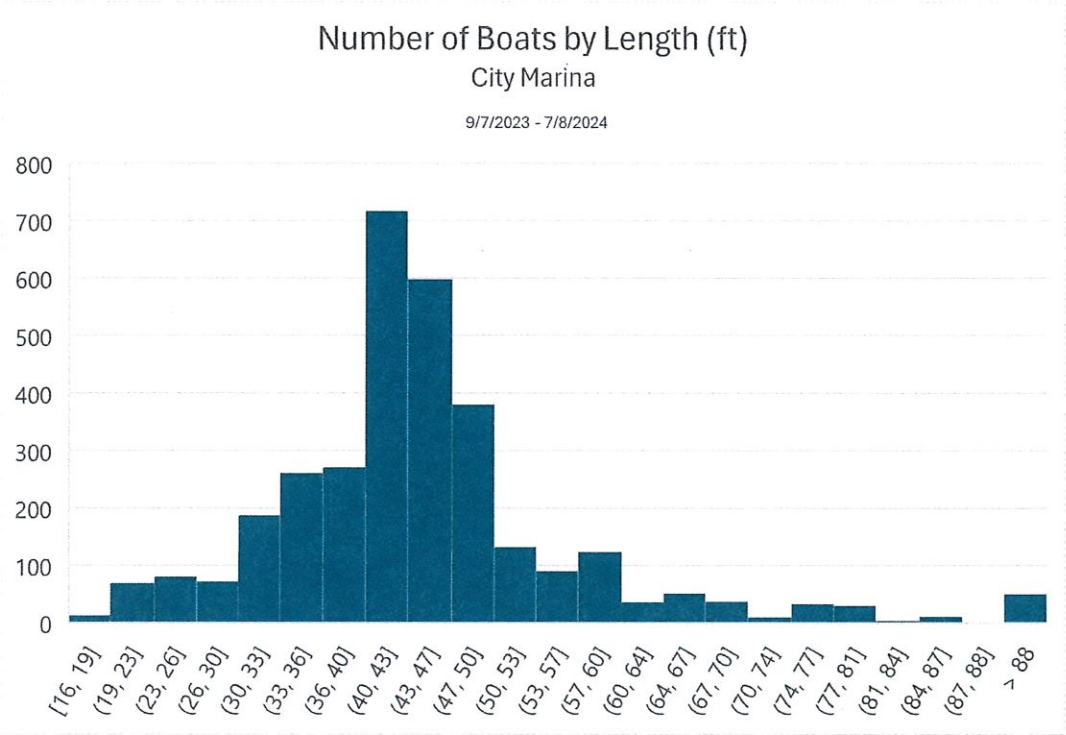
As additional information is gathered, and draft language related to the resilient shoreline effort becomes clearer the specific dock height limitation can be readdressed.

Please see attached draft redline language to be added and reformatted into the city land development code, as well as data obtained from the City Marina illustrating the size of boats utilizing the docking facilities. If the Planning and Zoning Board (PZB) makes a positive recommendation for these revisions to the code, staff will move forward with an Ordinance to the City Commission.

Thank you for your attention to this matter. If you have any questions or require additional information, please do not hesitate to call me at (904) 209-4331 or email at sdaugherty@citystaug.com or Amy Skinner at (904) 209-4213 or email at askinner@citystaug.com.

Sarah Daugherty
Senior Planner
Planning and Building Department

Vessel Length



City of St. Augustine Municipal Marina	
Vessel Length (ft)	
Max	205
Minimum	16
Average	44.79
Median	110.5

Data from the St. Augustine Municipal Marina demonsrates that the average length of vessel registered there between September 2023 and July 2024 was 44.79-feet.

Lift Capacity

https://boaterpal.com/how-much-do-boats-weigh/

However, if we generalize based on length: small boats that are 17-22 feet weigh around 1,600-3,200 pounds. Boats 23-27 feet weigh around 3,600-4,800 pounds. Medium-sized boats 28-35 feet weigh around 5,800-13,500 pounds. And large boats 36-45 feet weigh around 15,500-29,000 pounds.

Boat Type	Boat Weight (lbs)	Trailer Weight (lbs)
Fiberglass Bass Boats	1,800-2,900	500-1,200
Aluminum Bass Boats	1,100-2,650	500-1,200
Bowriders	2,000-10,350	800-2,300
Pontoon Boats	1,500-3,350	950-1,900
Sit-down Jet Skis	650-1,000	200-300
Stand-up Jet Skis	300-550	200-300
Ski boats	3,195-3,550	1,100
Wake boats	4,300-7,350	1,100-1,900
Deep V Fishing Boats	1,350-2,800	500-1,100
Small Center Consoles (16′-25′)	1,570-6,300	500-1,650
Large Center Consoles (26′-40′)	7,100-21,700	1,700-2,000+
Small Sailboats (15′-25′)	400-5,000	500-1,800
Large Sailboats (26′-40′)	6,000-30,000	1,700-2,000+
Cuddy Cabins	2,000-5,300	800-1,800
Small Cabin Cruisers (30′-40′)	11,100-25,200	NA
Large Cabin Cruisers (41′-50′)	27,000-46,800	NA
Small Yachts (55′-70′)	87,000-150,000	NA
Large Yachts (75′-90′)	157,500-235,500	NA

The BoaterPal website states the weight of a 41-foot to fifty-foot vessel is 27,000 -46,8000 pounds.

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 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:

(1) Site specific conditions.

(2) The site's relationship 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. 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.)

(16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

(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)~~ eight (8) 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)~~ eight (8) 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.

i) ***All uses*** *excluding Maritime Use District(s) [MUDs] and a Waterfront community as defined below:*

(1) 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.

(2) No boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift.

ii) *Maritime Use District(s) [MUDs] and Waterfront community as defined below:*

(1) Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of forty-six thousand eight hundred (46,800) pounds or less.

(2) No boats in excess of forty-seven (47) feet in length shall be allowed on a boatlift.

(3) Any impacts to the viewshed related to the increased capacity of the boatlift and/or increased size of the boat on the lift must be described and illustrated in the application.

(4) A Waterfront community is defined as a development adjacent to a riverine or marsh environment that includes a multifamily development comprised of four (4) or more units with shared waterfront facilities and/or commercial marine use(s).

(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 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.

(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)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice-Mayor and Commissioners

DATE: April 22, 2024

RE: Resolution 2024-10 - City Purchase of Fish Island Preserve Inholding Property

The property known as the "Fish Island Preserve Inholding", part of PID #162210 0010, is a privately owned 2.58acre wooded parcel within the state-owned Fish Island Preserve property. The Fish Island Preserve is a 59 acre public park on Anastasia Island that includes maritime hammock and salt marsh habitats as well as significant archaeological sites and it is maintained as a passive park.

- The Fish Island Preserve property was acquired by the State of Florida in 2019, but it did not include a 2.58 acre privately owned parcel, which is roughly centered within the preserve site (see attached).
- The City of St. Augustine entered into a management lease agreement with the state to manage the Fish Island Preserve in 2020.
- The City of St. Augustine adopted the Fish Island Preserve Land Management Plan in 2021 which identified the 2.58 acre inholding as part of the "Optimum Boundary", stating "if added to the current boundary (it) will improve the overall management ability, resource value and/or protection of the property." The city has obtained an access easement for the public to traverse the private property, but the easement is revokable.
- The private property is currently zoned Residential General Office A (RGO-A) and there is an access easement from Plantation Island Drive to the property.

The owners are willing to sell this 2.58 acre parcel to the city under the following conditions;

1. The city will pay $500,000 to the property owners.
2. The city will deed the city-owned portion of "Coontie Island" to the sellers (see attached). "Coontie Island" is an island in the San Sebastian River, south of Fish Island Preserve and it is located in St. Johns County. The city-owned portion of "Coontie Island" is approximately 3.6 acres and the property has a St. Johns County zoning designation of Open Rural. These is no vehicular access to the island and there are no utilities available to develop the island. The St. Johns County Property Appraiser has identified an assessed a value of $10,000 to the city-owned portion of "Coontie Island".
3. The city will commit $100,000 to memorialize the cultural history and archaeological significance of the Fish Island Preserve site with appropriate signage, markers, displays, etc. within Fish Island Preserve.

The neighboring property owners and the neighborhood council coordinator have been mailed notices of the proposed land purchase for their questions and comments.

If you have any questions, please let me know.

David Birchim

David Birchim
City Manager

attachments

RESOLUTION 2024-10

A RESOLUTION OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA APPROVING THE PURCHASE OF APPROXIMATELY 2.58 ACRES OF LAND WITHIN THE FISH ISLAND PRESERVE (part of PID # 162210 0010) AND AUTHORIZING CITY MANAGER DAVID BIRCHIM TO ACT AS THE CITY REPRESENTATIVE FOR THIS TRANSACTION

WHEREAS, the Fish Island Preserve is a 59 acre passive park owned by the State of Florida and managed by the City of St. Augustine; and

WHEREAS, there is a 2.58 acre privately owned parcel within the Fish Island Preserve that contains important environmental, cultural and archaeological resources; and

WHEREAS, the Fish Island Preserve Management Plan (2021) identified this private inholding as part of the optimum boundary of the Fish Island Preserve; and

WHEREAS, on February 12, 2024, the City Commission finalized the city Conservation Program, a program to purchase land for conservation and the preservation of natural and historical resource; and

WHEREAS, on February 12, 2024, the City Commission was shown a conservation program selection matrix score of 61.5 out of 70 for the Fish Island Preserve Inholding; and

WHEREAS, on February 12, 2024, the City Commissioner Barbara Blonder requested a resolution to formally consider purchasing the Fish Island Inholding.

WHEREAS, the property owners of the Fish Island Preserve Inholding have agreed to sell the property with further two conditions;

1. The city will commit funding to memorialize the cultural and archaeological history of the property with markers, plaques, reconstructions, displays, etc., as mutually agreed upon by the seller.

2. The city will quit claim deed an approximately 3.6 acre city-owned portion of "Coontie Island" to the seller.

WHEREAS, this proposed transaction complies with Section 2-2 *Real estate acquisition procedures* of the Municipal Code of Ordinances.

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 purchase of a 2.58 acre parcel of land (part of PID# 162210 0010), also known as the "Fish Island Preserve Inholding" 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 22nd day of April, 2024.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA

Darlene Galambos, City Clerk
(Seal)

Nancy Sikes-Kline, Mayor-Commissioner

APPRAISAL REPORT

OF THE
VACANT PARCEL OF RESIDENTIAL LAND
LOCATED ALONG THE EAST SIDE OF THE MATANZAS RIVER
APPROXIMATELY 900 FEET WEST OF PLANTATION ISLAND DRIVE S.
CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FL 32080

PREPARED FOR:

REUBEN C. FRANKLIN JR., P.E.
ASST. 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

March 4, 2024

Mr. Reuben C. Franklin Jr.
Asst. City Manager
City of St. Augustine
P.O. Box 210
City of St. Augustine, 32085

Property Desc.	:	3.00± acre vacant parcel of residential land.
Property Location	:	Located along the east side of the Matanzas River, approximately 900 feet west of Plantation Island Drive S., City of St. Augustine, FL 32080.

Dear Mr. Franklin:

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 property rights appraised are the rights of the Fee Simple Interest.

The Subject Property was last inspected on February 29, 2024, and this is the valuation date for the as-is analysis.

The Subject Property consists of a vacant parcel of marsh front residential land that contains 3.00± acres. According to our measurements, which were calculated using visuals from the county maps and the wetlands mapper provided by the U.S. Fish & Wildlife Service, we have estimated that of the Subject's 3.00± total acres, approximately 1.00 acres were considered to be wetlands. This leaves the remaining 2.00± acres as usable uplands. The Subject parcel is a nearly rectangular shaped site, which has 176± feet of frontage along the east side of the marshes of the Matanzas River.

The Subject's site sizes and dimensions were taken from the St. Johns County Property Appraisers Map, while the wetlands measurements were estimated via a combination of the St. Johns County Property Appraisers website & the U.S. Fish & Wildlife Service. All sizes, dimensions, and wetlands estimates are subject to a survey.

The Subject property is zoned RGO-A, Residential and General Office-A, and the future land use is Residential Medium/Mixed Use, by the City of St. Augustine, FL.

1301 Plantation Island Drive South, Suite 303A, Saint Augustine, Fl 32080 (904) 461-9810/FAX (904) 461-9967

This appraisal is intended to comply with the reporting requirements set forth under Standards Rule 2 of the Uniform Standards of Professional Appraisal Practice for a Appraisal Report. As such, it presents a summary discussion of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's value estimate. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of the client. The appraiser is not responsible for unauthorized use of this appraisal report.

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 and limiting conditions and to the definition of Market Value, as set forth in this report, we have formed the following opinions of value for the Subject Property as of February 29, 2024:

SEVEN HUNDRED SEVENTY-FIVE THOUSAND DOLLARS
($775,000)

Thank you for the opportunity to be of service to you in this matter.

Respectfully submitted,

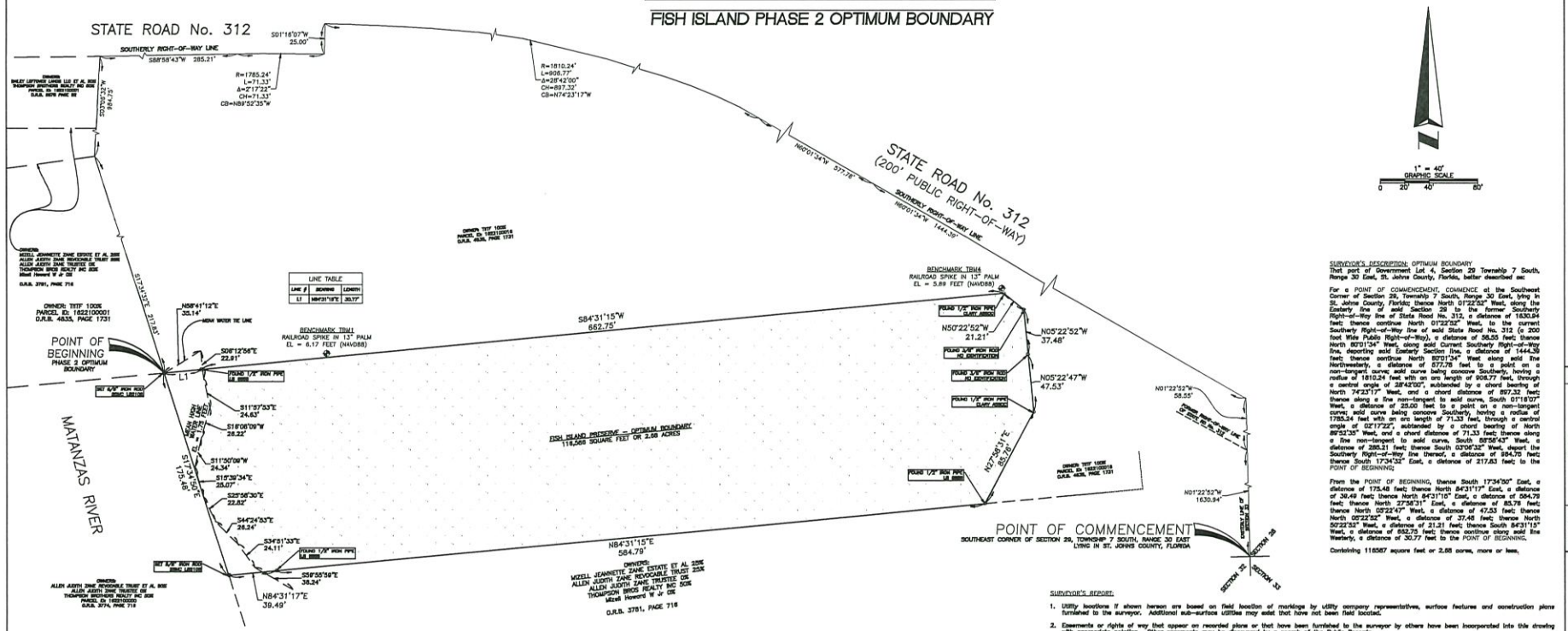
PACETTI APPRAISAL SERVICES INC.

Ronald N. Pacetti, MAI
State-Certified General Real Estate Appraiser RZ 677

Randall A. Pacetti
State-Certified General Real Estate Appraiser RZ 3911
File #2024-17

BOUNDARY SURVEY

FISH ISLAND PHASE 2 OPTIMUM BOUNDARY



1" = 40'
GRAPHIC SCALE
0 20' 40' 80'

SURVEYOR'S DESCRIPTION: OPTIMUM BOUNDARY

That part of Government Lot 4, Section 29 Township 7 South, Range 30 East, St. Johns County, Florida, better described as:

For a POINT OF COMMENCEMENT, COMMENCE at the Southeast Corner of Section 29, Township 7 South, Range 30 East, lying in St. Johns County, Florida; thence North 01°22'52" West, along the Easterly line of said Section 29 to the former Southerly Right-of-Way line of State Road No. 312, a distance of 1630.94 feet; thence continue North 01°22'52" West, to the current Southerly Right-of-Way line of said State Road No. 312 (a 200 foot Wide Public Right-of-Way), a distance of 58.55 feet; thence North 60°01'34" West, along said Current Southerly Right-of-Way line, departing said Easterly Section line, a distance of 1444.39 feet; thence continue North 60°01'34" West along said the Northwesterly, a distance of 577.78 feet to a point on a non-tangent curve; said curve being concave Southerly, having a radius of 1810.24 feet with an arc length of 908.77 feet, through a central angle of 28°42'00", subtended by a chord bearing of North 74°23'17" West, and a chord distance of 897.32 feet; thence along a line non-tangent to said curve, South 01°16'07" West, a distance of 25.00 feet to a point on a non-tangent curve; said curve being concave Southerly, having a radius of 1785.24 feet with an arc length of 71.33 feet, through a central angle of 02°17'22", subtended by a chord bearing of North 89°52'35" West, and a chord distance of 71.33 feet; thence along a line non-tangent to said curve, South 88°58'43" West, a distance of 285.21 feet; thence South 03°06'32" West, depart the Southerly Right-of-Way line thereof, a distance of 354.76 feet; thence South 17°34'32" East, a distance of 217.83 feet; to the POINT OF BEGINNING;

From the POINT OF BEGINNING, thence South 17°34'50" East, a distance of 30.49 feet; thence North 84°31'17" East, a distance of 584.79 feet; thence North 27°59'31" East, a distance of 85.78 feet; thence North 05°22'47" West, a distance of 47.53 feet; thence North 05°22'52" West, a distance of 37.48 feet; thence North 50°22'52" West, a distance of 21.21 feet; thence South 84°31'15" West, a distance of 662.75 feet; thence continue along said line Westerly, a distance of 30.77 feet to the POINT OF BEGINNING.

Containing 116587 square feet or 2.68 acres, more or less.

SURVEYOR'S REPORT:

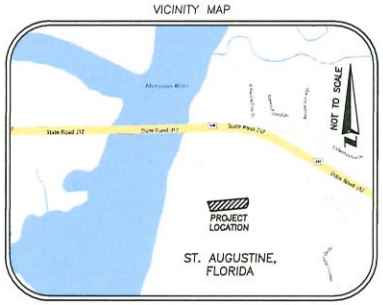
1. Utility locations if shown hereon are based on field location of markings by utility company representatives, surface features and construction plans furnished to the surveyor. Additional sub-surface utilities may exist that have not been field located.
2. Easements or rights of way that appear on recorded plans or that have been furnished to the surveyor by others have been incorporated into this drawing with appropriate notation. Other easements may be discovered by a search of the Public Records.
3. Minimum Horizontal Accuracy for this survey is in accordance with the STANDARDS OF PRACTICE set forth by the Board of Professional Surveyors and Mappers in Chapter 5J-17 requirements of Florida Administration Code. The map and measurement methods used for this survey meet or exceed this requirement. The dimensions shown hereon are in United States survey feet and decimals thereof.
4. This survey does not determine ownership of the lands shown hereon.
5. Underground foundations, if any, have not been located.
6. Survey map and report or the copies thereof are not valid without the original signature and seal or the electronic signature and seal of a Florida Licensed Surveyor and Mapper.
7. The electronic signature shown hereon is in compliance with Florida Administrative Code 5J-17.062 and Florida Statute 472.025.
8. Features shown by symbol as indicated in the legend are not to scale.
9. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
10. Bearings shown hereon are based upon Official Records Book 2203, Page 815 of the Public Records of St. Johns County, Florida with the stated Easterly Section line of Section 29, Township 7 South, Range 30 East, of said county being North 01°22'52" East. Bearings and distances shown hereon are measured unless otherwise noted.
11. Vertical information shown hereon refers to page 2 of 8 of a survey done by L.D. Bradley Land Surveyors dated 09/20/2019, drawing number "19298.DWG" on behalf of Florida Department of Environmental Protection and their Bureau of Survey and Mapping. TBM1 – a Railroad spike in a 13" palm tree having an elevation of 6.17 feet of the North American Vertical Datum of 1988 (NAVD88), and TBM4 – a Railroad spike in a 13" palm tree having an elevation of 5.89 feet (NAVD88).
12. Horizontal positions for all features shown on the map are relative to North American Datum of 1983 (NAD83), 2011 adjustment, State Plane Coordinate System, Florida East Zone.
13. Improvements and Topographic features shown hereon are limited to areas per specific instructions of the client.
14. The above described parcel contains 116587 square feet or 2.68 acres, more or less.
15. Adjacent property information shown hereon was not furnished to this surveyor, and was compiled using latest available data. No attempt was made by the Surveyor to verify its accuracy.
16. Based on the Federal Emergency Management Agency, Flood Insurance Rate Map (FIRM), map number 12109C0381J, map revised/dated December 7, 2018 the above described property is within Zone "AE (El. 8)".
17. Mean high water line depicted hereon were flagged or marked by L.D. Bradley Land Surveyors on September 2019, and were field located by Southeastern Surveying & Mapping, Corp. on 03/14/2024.

NOTICE OF LIABILITY:
This survey is certified to those individuals shown on the face thereof. Any other use, benefit or reliance by any other party is strictly prohibited and restricted. Surveyor is responsible only to those certified and hereby disclaims any other liability and hereby restricts the rights of any other individual or firm to use this survey, without express written consent of the surveyor.

LEGEND & ABBREVIATIONS:

○	= IRON PIPE
●	= IRON ROD
⊕	= BENCHMARK
EL	= ELEVATION
NAVD	= NORTH AMERICAN VERTICAL DATUM
ORB	= OFFICIAL RECORDS BOOK
PG(S)	= PAGE(S)
L	= LENGTH
R	= RADIUS
Δ	= DELTA
CH	= CHORD
CB	= CHORD BEARING
LB	= LICENSED BUSINESS
SSMC	= SOUTHEASTERN SURVEYING & MAPPING CORPORATION

VICINITY MAP



THOMAS F. FERGUSON
LICENSE NUMBER 5970
STATE OF FLORIDA
Professional Surveyor and Mapper

Thomas F Ferguson

Digitally signed by Thomas F Ferguson
DN: c=US, o=Florida, dnQualifier=A01410C0000017A34FD32C70000442E, cn=Thomas F Ferguson
Date: 2024.03.27 18:14:51 -04'00'

Thomas F Ferguson, PSM
Registered Land Surveyor
Number PSM 5970

SOUTHEASTERN SURVEYING AND MAPPING CORPORATION
SSMC SUE • SURVEY • GIS
5641 Burnham Road, Suite 5
Jacksonville, Florida 32205
(904) 757-5900
www.SSMC.Jacksonville@southeasternsurveying.com
Certificate of Authorization Number LB 6505

REVISION	BY	DATE

SHEET NUMBER 1 OF 1
NOT VALID WITHOUT SHEETS 1 THROUGH 1

Project: Boundary Survey
St Johns County, Florida
Optimum Boundary – Fish Island Preserve

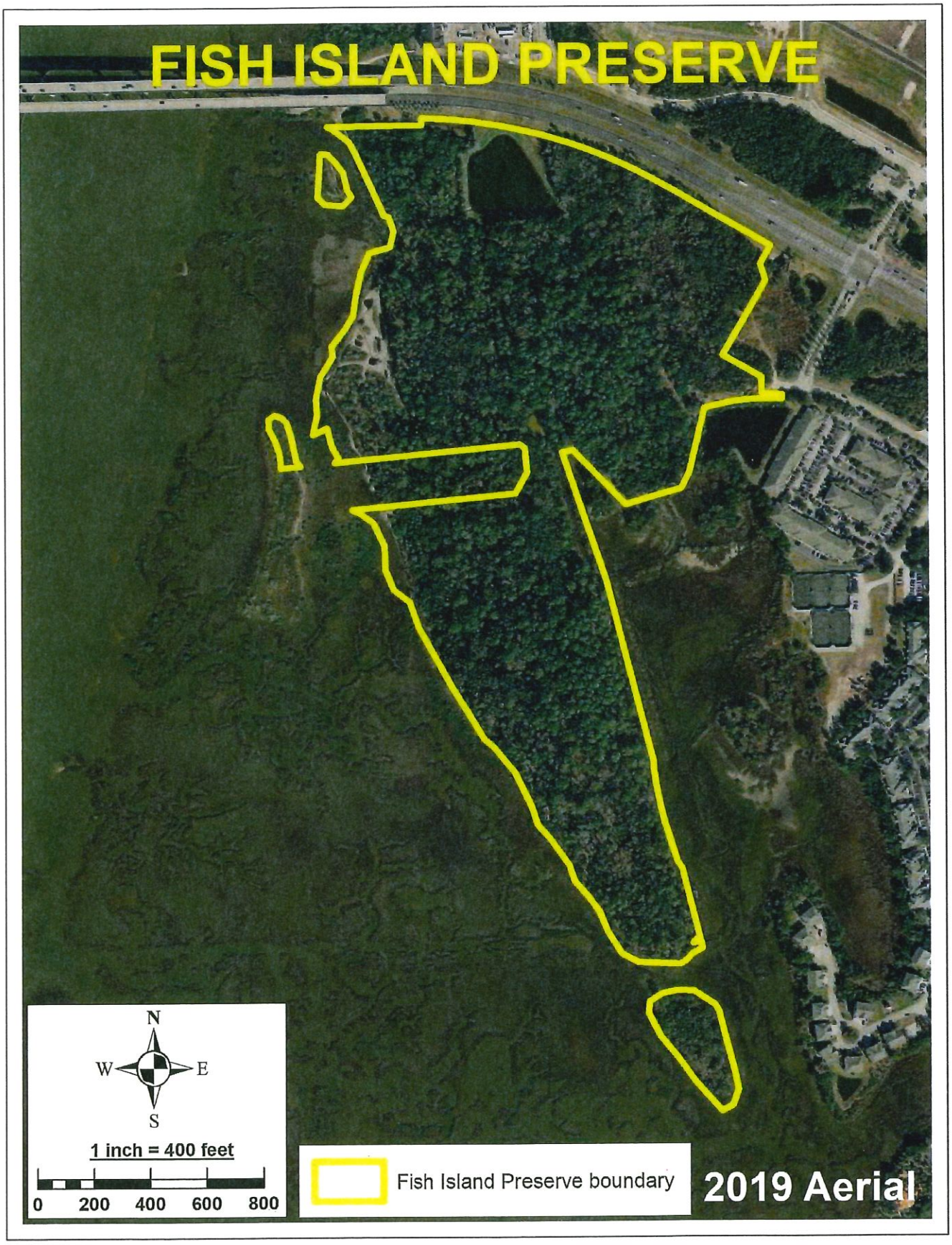
Field Survey: March 26th, 2024 | Drawn By: PJJ & JDL | Scale: 1" = 40'

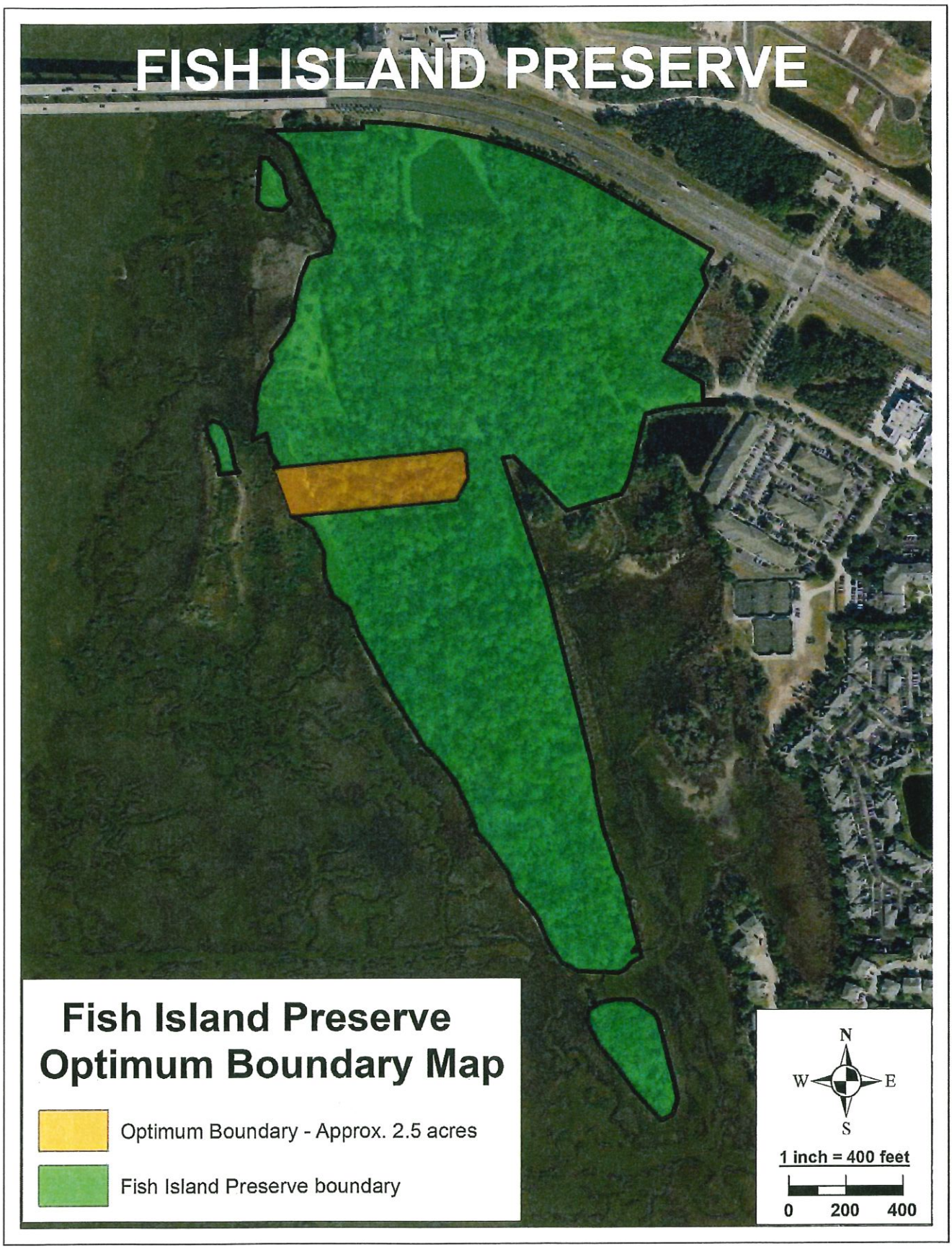
Florida Department of Environmental Protection

Certificate No.

DRAWING NUMBER
70668002
SHEET NUMBER
1 OF 1

Z:\PROJECTS\2024\01-22-2024 CSDA FISH ISLAND ENDW\PROJECT DATA\70668002.dwg


FISH ISLAND PRESERVE
N
W
E
S
1 inch = 400 feet
0
200
400
600
800
Fish Island Preserve boundary
2019 Aerial


FISH ISLAND PRESERVE
Fish Island Preserve
Optimum Boundary Map
Optimum Boundary - Approx. 2.5 acres
Fish Island Preserve boundary
N
W
E
S
1 inch = 400 feet
0
200
400

St. Johns County, FL

Overview

Legend

Parcels

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: 2/29/2024
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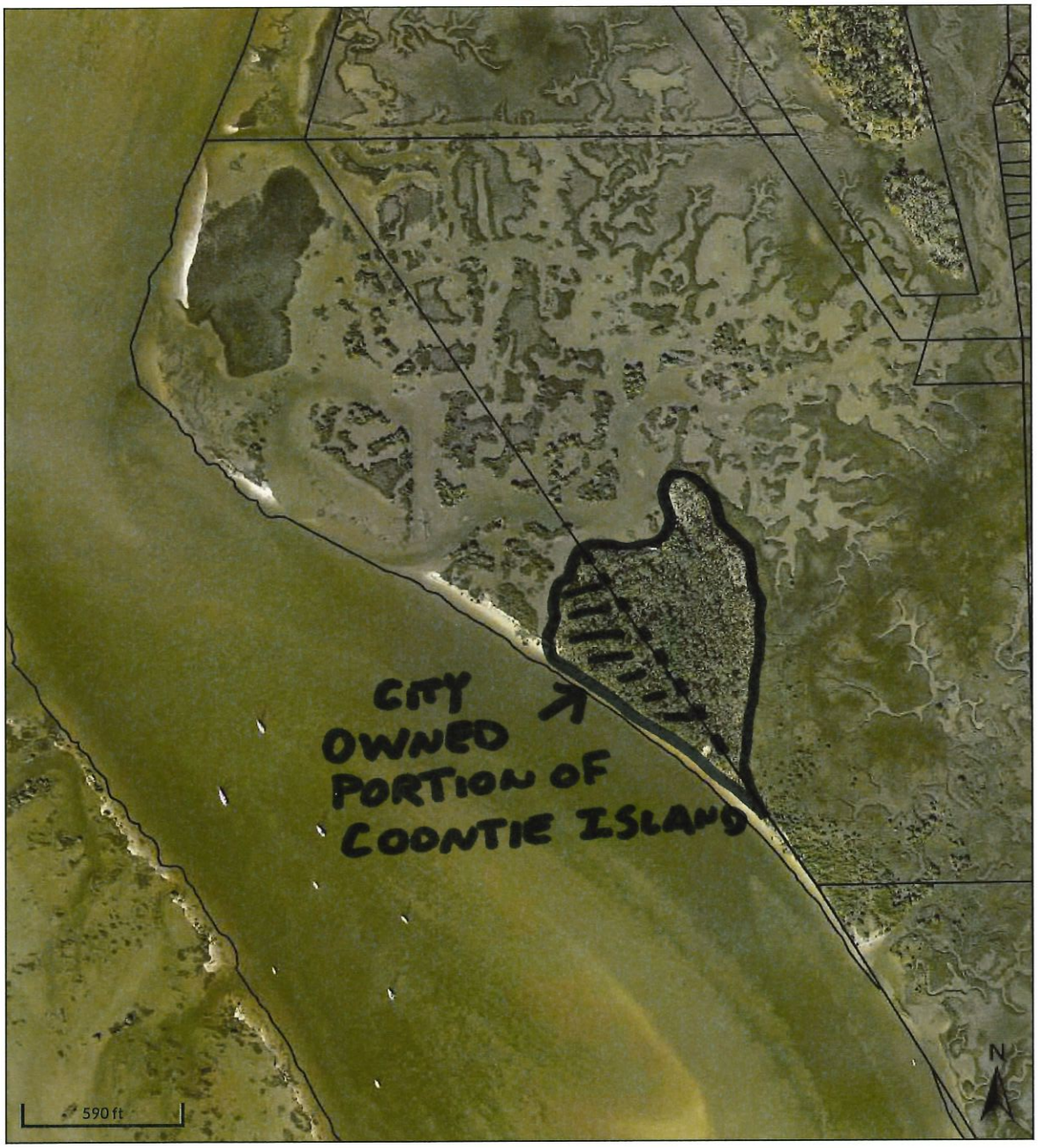
COONTIE ISLAND

Developed by Schneider GEOSPATIAL

St. Johns County, FL



Legend

Parcels

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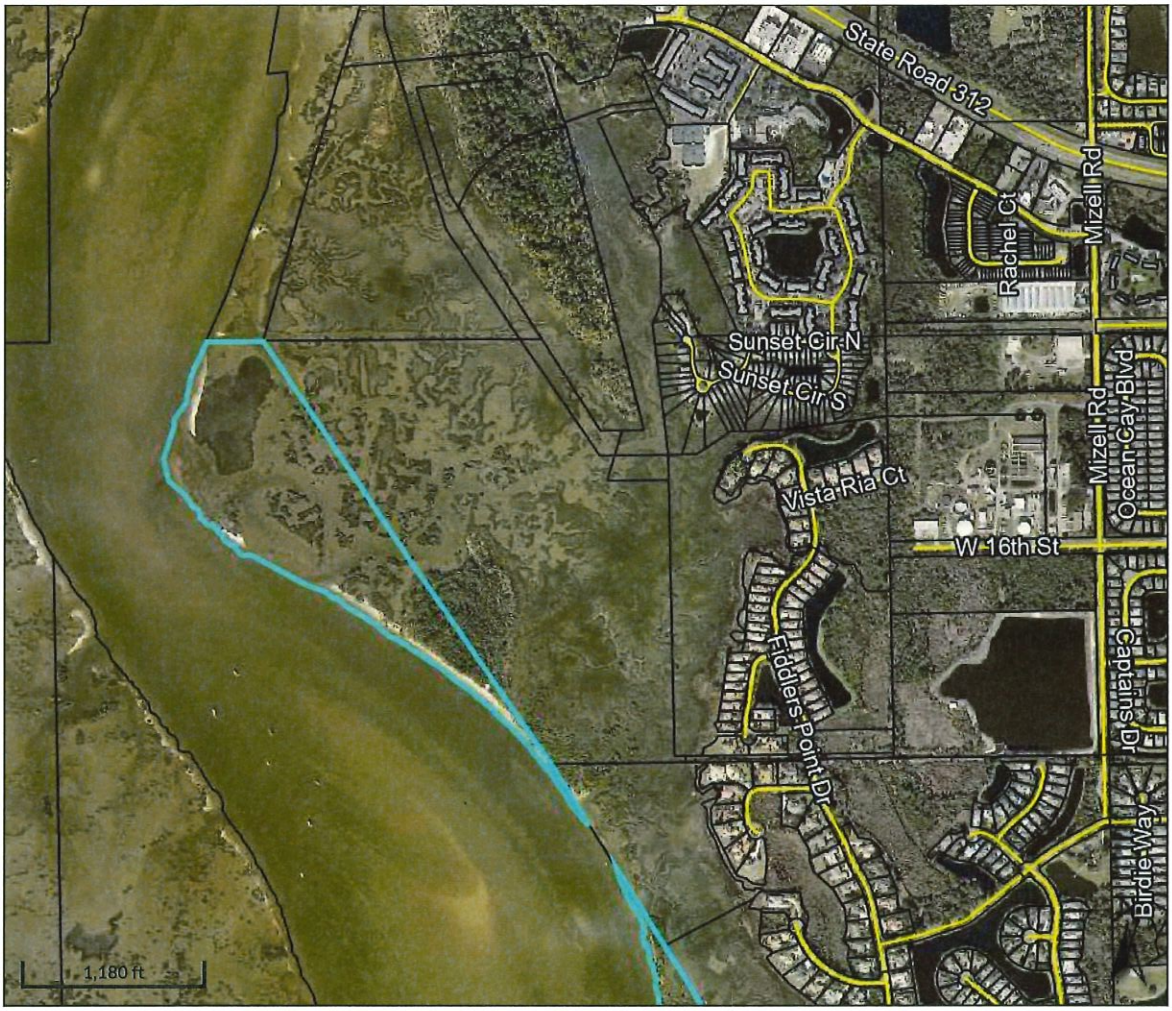
Developed by Schneider GEOSPATIAL

St. Johns County, FL



Overview

Legend

Parcels

Parcel ID	1627100010	**Physical Address**	POPE RD SAINT AUGUSTINE	**Building Value**	N/A	**Last 2 Sales**			
Property Class	8900 - Municipally Owned			**Extra Feature Value**	N/A	**Date**	**Price**	**Reason**	**Qual**
Taxing District	St Augustine Beach Area Outside City Limits	**Mailing Address**	CITY OF ST AUGUSTINE PO BOX 210 SAINT AUGUSTINE FL 32085-0210	**Total Land Value**	$10,000	n/a	0	n/a	n/a
Acres	40.0			**Just Value**	$10,000	n/a	0	n/a	n/a
				Total Deferred	N/A				
				Assessed Value	$10,000				
				Total Exemptions	$10,000				
				Taxable Value	N/A				

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St. Johns County, FL

Apply for Exemptions

Apply for Exemptions

2022 TRIM Notice

2022 TRIM Notice (PDF)

Summary

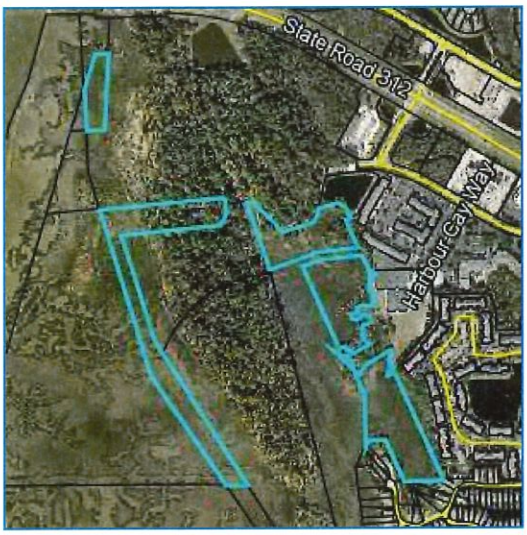
Parcel ID	1622100010
Location	STATE ROAD 312
Address	SAINT AUGUSTINE 32080-0000
Neighborhood	M&B Inlet to 312 east ICW area (6620)
Tax Description*	3-1 THAT PT OF GLS 3 5 & 6 IN- SIDE ST AUG CITY LIMITS BY ORD #95-31 & #97-13 & #98-14 (EX PT IN OR1339/166)(EX PT IN OR1339/147 THRU 160) (EX PT IN OR1423/897 THRU 903) (EX ANY PT TO CITY IN OR1460/1211) (EX PTS DEDICATED TO CITY OF ST AUG IN OR1462/1753 & 1762) (EX PTS IN OR1602/833 & 1602/838) (EX PARTS OF PARCELS 1 & 2 IN OR1956/19 & 1956/27) (EX PART IN OR1993/165 & 170) (EX PT IN OR2089/854 & 858) (EX PT IN OR2203/816 -PHASE 2) (EX PT IN OR2456/772) (EX PT IN OR3138/341 & 344) OR638/418 & 1475/692(P/R) & OR3595/780 & 3602/247 &3713/129(L/A) &3781/716 *The Description above is not to be used on legal documents.
Property Use Code	Marshes, Wetlands, Waste Lands (9600)
Subdivision	N/A
Sec/Twp/Rng	29-7-30
District	City of St Augustine (District 452)
Millage Rate	18.872
Acreage	20.020
Homestead	N

No Image Available

Owner Information

Owner Name	Mizell Jeannette Zane Estate Et AL 25% Allen Judith Zane Revocable Trust 25% Allen Judith Zane Trustee 0% Thompson Bros Realty Inc 50% Mizell Howard W Jr 0%
Mailing Address	PO BOX 70 SAINT AUGUSTINE, FL 32085-0070

Map



Valuation Information

	2024
Building Value	$0
Extra Features Value	$0
Total Land Value	$5,110
Agricultural (Assessed) Value	$0
Agricultural (Market) Value	$0
Just (Market) Value	**$5,110**
Total Deferred	$0
Assessed Value	**$5,110**
Total Exemptions	$0
Taxable Value	**$5,110**

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
2023	$0	$0	$5,110	$0	$0	$5,110	$5,110	$0	$5,110
2022	$0	$0	$5,005	$0	$0	$5,005	$5,005	$0	$5,005
2021	$0	$0	$5,005	$0	$0	$5,005	$5,005	$0	$5,005
2020	$0	$0	$5,005	$0	$0	$5,005	$5,005	$0	$5,005
2019	$0	$0	$5,005	$0	$0	$5,005	$5,005	$0	$5,005
2018	$0	$0	$5,005	$0	$0	$5,005	$5,005	$0	$5,005
2017	$0	$0	$5,005	$0	$0	$5,005	$5,005	$0	$5,005
2016	$0	$0	$5,005	$0	$0	$5,005	$5,005	$0	$5,005
2015	$0	$0	$5,005	$0	$0	$5,005	$5,005	$0	$5,005
2014	$0	$0	$5,005	$0	$0	$5,005	$5,005	$0	$5,005
2013	$0	$0	$5,005	$0	$0	$5,005	$5,005	$0	$5,005

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Marshes & Tidal Lands	0	0	19.6	AC	$4,900
Conservation Easements	0	0	0.42	AC	$210

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
8/27/2013	8/20/2013	$0.00	WARRANTY DEED	3781	716	U	V	ALLEN JUDITH ZANE(HER 1/4 INT)	ALLEN JUDITH ZANE REVOCABLE TRUST
4/9/2013	4/8/2013	$0.00	LETTERS OF ADMN	3713	129	U	V	MIZELL ZANE RYMAN AKA JEANNETTE ZANE MIZELL	MIZELL ZANE RYMAN ESTATE ET AL
8/16/2012	7/5/2012	$0.00	WARRANTY DEED	3602	247	U	V	ALLEN JUDITH ZANE	ALLEN JUDITH ZANE REVOCABLE TRUST
8/2/2012	7/5/2012	$0.00	WARRANTY DEED	3595	780	U	V	ALLEN JUDITH ZANE (1/4)	ALLEN JUDITH ZANE REVOCABLE TRUST
	4/27/2009	$143,900.00	CONSERVATION EASEMENT	3210	252	U	V	THOMPSON BROS. REALTY INC	NORTH FLORIDA LAND TRUST INC
	2/14/2000	$100.00	PERSONAL REP	1475	692	U	V	MIZELL ZANE RYMAN & MIZELL HOWARD AS PERS REP	MIZELL ZANE RYMAN & ALLEN JUDITH ZANE(1/4)
	1/2/1998	$100.00	TRUSTEES DEED	1289	1315	U	V	BARNETT BANK TR CO & MIZELL ZANE RYMAN CO-TR	MIZELL ZANE RYMAN & ALLEN JUDITH ZANE(1/4)
	11/10/1997	$0.00	OTHER INSTRUMENT	1317	1986	U	V	ANNEXATION INTO CITY OF ST AUGUSTINE	ORD #97-13
	11/10/1997	$0.00	OTHER INSTRUMENT	1278	619	U	V	ANNEXATION INTO CITY OF ST AUGUSTINE	ORD #97-13
	8/11/1997	$0.00	OTHER INSTRUMENT	1258	1597	U	V	RYMAN MARION J (DECEASED 7/29/97)	RYMAN MARION J ESTATE
	10/9/1995	$0.00	OTHER INSTRUMENT	1133	624	U	V	ANNEXATION INTO CITY OF ST AUGUSTINE	ORD #95-31
	1/9/1995	$0.00	WILL	1258	1593	U	V	RYMAN MARION	RYMAN MARION J (WILL)
	4/1/1984	$0.00		638	418	U	V		BARNETT BANK TRUSTEE
	1/31/1983	$0.00	WARRANTY DEED	593	299	U	V	THOMPSON PIERRE D & THOMPSON JOHN D	THOMPSON BROS REALTY INC
	1/31/1983	$6,750.00	WARRANTY DEED	591	55	U	V	THOMPSON PIERRE D & THOMPSON JOHN D	THOMPSON BROS REALTY INC

No data available for the following modules: Sales Questionnaire Form, 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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Last Data Upload: 2/28/2024, 1:43:48 AM

Contact Us

Developed by Schneider GEOSPATIAL

LETTER OF INTENT
("LOI")

TO PURCHASE CERTAIN REAL PROPERTY OWNED BY THOMPSON BROS. REALTY, INC., AS TO A 50% INTEREST, AND M. GREER EDMISTON, AS SUCCESSOR TRUSTEE OF THE JUDITH ZANE ALLEN REVOCABLE TRUST U/A/D 11/15/2000, AS TO A 50% INTEREST

The City of St. Augustine, Florida, a municipal corporation, whose address is Post Office Box 210, St. Augustine, Florida 32085: Attention Office of the City Manager ("Purchaser"), hereby expresses its intent to purchase from Thomspon Bros. Realty, Inc., as to a 50% interest, and M. Greer Edmiston, as Successor Trustee of the Judith Zane Allen Revocable Trust u/a/d 11/15/2000, as to a 50% interest, whose address is 780 North Ponce de Leon Boulevard, St. Augustine, Florida 32084: Attention John D. Bailey, Jr., (collectively, "Seller"), the real property described below on the terms and conditions set forth in this LOI:

PURCHASE AGREEMENT EXECUTION:

This LOI does not represent a binding offer to purchase the Property but is intended to outline some of the terms and conditions that would be included in a purchase agreement. If the terms herein are acceptable to Seller and Purchaser, Purchaser shall begin to prepare a definitive binding purchase agreement ("Purchase Agreement") for execution by both parties which shall include the terms of this LOI and other customary terms and conditions associated with the sale of unimproved land. Provided, however, this LOI will automatically terminate if for any reason a Purchase Agreement is not executed by both parties by close of business on April 15, 2024. After execution of this LOI by both parties, in order to induce Purchaser to proceed with the negotiation and preparation of a Purchase Agreement, Seller shall cease negotiations with and shall not take any action to seek or accept any offer to purchase the Property from any person or organization other than Purchaser through and including April 15, 2024, unless negotiations have been earlier terminated by the mutual written consent of the parties.

DESCRIPTION OF REAL PROPERTY TO BE PURCHASED:

A 2.58 +/- acre parcel of land located on Fish Island, St. Augustine, Florida, shown on the aerial photograph attached hereto and being a part of Property Appraiser's Parcel 162210-0010, including any and all improvements, if any located thereon (collectively the "Property"). The Property shall be purchased in its "as is", "where is" condition.

PURCHASE PRICE FOR THE PROPERTY: The sum of $500,000.00 U.S. dollars, to be paid in the form of certified or wired funds at Closing.

DEPOSIT: Purchaser shall deposit $25,000.00 ("Initial Deposit") in escrow with Upchurch, Bailey and Upchurch, P.A. ("Escrow Agent") within three (3) business days following the Effective Date of the Purchase Agreement. Unless Purchaser terminates the Purchase Agreement during the Due Diligence Period, Purchaser shall deposit an additional $25,000.00 ("Additional Deposit") in escrow with Escrow Agent on or before expiration of the Due Diligence Period. The Initial Deposit and Additional Deposit are collectively the "Deposit". The Deposit shall be credited, refunded or otherwise disbursed as provided in this LOI and the Purchase Agreement.

MAINTENANCE OF PROPERTY: During the term of this LOI and any Purchase Agreement, Seller shall maintain the Property substantially in its existing condition, in accordance with Seller's normal practices, and in compliance with all applicable laws, rules, regulations and permits.

DUE DILIGENCE PERIOD: Purchaser shall have thirty (30) days after the Effective Date of the Purchase Agreement ("Due Diligence Period") to review and inspect the Property, determine its suitability for Purchaser's intended uses, perform soil, environmental and engineering studies, confirm the zoning and land use of the Property, investigate and determine the cost and feasibility of any improvements to be made by Purchaser, and make such other investigation of the Property as deemed necessary by Purchaser. If Purchaser determines in its sole and absolute opinion that the Property is not suitable for any reason whatsoever, Purchaser may in its sole and absolute discretion terminate the Purchase Agreement during the Due Diligence Period by delivery of written notice to Seller in which case the Deposit shall be refunded to Purchaser.

CONVEYANCE OF PROPERTY: The Property shall be conveyed by Special Warranty Deed and/or Trustee's Deed, as appropriate to the status of each Seller, subject to covenants, restrictions and easements of record, if any.

CLOSING COSTS: Seller shall pay the documentary stamp tax due on the deed, Seller's attorneys' fees and any real estate commission due any broker retained by Seller. Seller shall also pay the fees of Escrow Agent, title search fees and the premium due on the owner's title insurance

policy to be ordered by Seller from a title company selected by Seller and reasonably acceptable to Purchaser.

Purchaser shall pay all costs associated with Purchaser's inspections, the cost of obtaining a current survey of the Property from a surveyor selected by Purchaser and reasonably acceptable to Seller, certified to Purchaser, Seller and Seller's donee, Flagler College, Inc., Purchaser's attorneys' fees and any real estate commission due any broker retained by Purchaser.

EFFECTIVE DATE OF LOI:

This LOI shall become effective when signed by Seller and Purchaser. If not executed by Seller and Purchaser by 5:00 p.m., April 15, 2024, this LOI shall automatically expire and be null and void.

TIME AND NOTICES:

Time is of the essence of this LOI. Any notice necessary under this LOI must be in writing and shall be given by United States Certified Mail, hand delivery, Federal Express or other equivalent service, or facsimile transmission. Such notice shall be deemed to have been given and received three (3) days after a certified letter containing such notice, properly addressed, with postage pre-paid, is deposited in the United States Mail, or if hand delivered, delivered by Federal Express or other equivalent service or by facsimile transmission, when actually received. Such notices shall be given to the parties at the addresses set forth on page 1 hereof. Any reference herein to periods of less than five (5) days shall in the computation thereof, exclude Saturdays, Sundays and legal holidays, and any time period provided for herein which shall end on a Saturday, Sunday or legal holiday shall extend to 5:00 p.m., of the next full business day.

CONTINGENCIES:

Purchaser's obligation to close the purchase of the Property in accordance with the terms of the Purchase Agreement is contingent on Purchaser obtaining the approval of the City Commission of the City of St. Augustine to purchase the Property and funding for such purchase.

Seller's obligation to sell the Property in accordance with the terms of the Purchase Agreement is contingent on each Seller obtaining prior to Closing, an appraisal or appraisals of the Property acceptable to each Seller.

Following expiration of the Due Diligence Period Purchaser and Seller shall use commercially reasonable diligence to satisfy their respective contingencies.

DATE AND PLACE OF CLOSING: Subject to the satisfaction of all closing conditions and contingencies, the closing ("Closing") of the purchase of the Property shall occur on or before June 30, 2024 or such earlier date as mutually agreed to by the parties at the offices of Escrow Agent.

APPROVAL OF PURCHASE AGREEMENT: The Purchase Agreement and Purchaser's execution thereof is subject to the approval and authorization of the City Commission of the City of St. Augustine.

DONATION: Prior to Closing, Thompson Bros. Realty, Inc., shall have the right to transfer its 50% interest in the Property to Flagler College, Inc., to effect a charitable donation. Such transfer shall be made subject to all terms, conditions and obligations set forth in this LOI, if still in effect and in the Purchase Agreement, should one be executed pursuant to this LOI.

SPECIAL TERMS OF PURCHASE AGREEMENT: The Purchase Agreement shall include the following special terms:

(i) The agreement of Purchaser to quitclaim to Seller the west half of the parcel known as Coontie Island. Seller currently owns the east half of Coontie Island; and

(ii) The agreement of Purchaser to fund $100,000.00 of the cost to replicate landmarks, either in whole or in part, now or previously located at the original Jesse Fish homesite, including the well, sentry box, gravesite and other landmarks and historical plaques mutually agreed upon by Seller and Purchaser. The above work shall be completed within a mutually agreeable time following the Closing.

(iii) The agreement of Seller and Purchaser to execute and record at Closing, a termination of the Terminable Easement recorded in Official Records 5204, Page 1156, public records of St. Johns County, Florida.

Agreed to and accepted by the parties on the dates indicated below.

THOMPSON BROS. REALTY, INC., a Florida corporation

By: _____
Name: Paul J. Thompson
Its: President

Date: 2-23-2024

M. Greer Edmiston, Trustee
M. Greer Edmiston, Successor Trustee of Judith Zane Allen Revocable Trust u/a/d 11/15/2000

Dated: February 23, 2024

Seller

THE CITY OF ST. AUGUSTINE, FLORIDA, a municipal corporation

By: _____
Name: DAVID BIRCHIM
Its: CITY MANAGER

Date: FEB 15, 2024

Purchaser

rev02.01.24

EXHIBIT "A"

AERIAL PHOTOGRAPH OF THE PROPERTY

ADDENDUM TO LETTER OF INTENT
("Addendum")

This Addendum to that certain Letter of Intent between The City of St. Augustine, Florida, a municipal corporation ("Purchaser") and Thomspon Bros. Realty, Inc., as to a 50% interest, and M. Greer Edmiston, as Successor Trustee of the Judith Zane Allen Revocable Trust u/a/d 11/15/2000, as to a 50% interest (collectively, "Seller"), is executed by the parties on the dates set forth below.

1. In order to induce Purchaser to convey to Seller the West half of Coontie Island, Seller, simultaneously with the execution of the quitclaim deed conveying such West half of Coontie Island to Seller, shall execute and deliver to Purchaser, for recording in the public records, a Deed of Conservation Easement over the West half of Coontie Island.
2. The Deed of Conservation Easement shall be in the form attached hereto.
3. The cost of recording the Deed of Conservation Easement shall be paid by Purchaser.
4. Capitalized Terms contained in this Addendum and not otherwise defined shall have the meaning ascribed to such terms in the Letter of Intent.
5. All other terms and provisions of the Letter of Intent remain unmodified and in full force and effect.

THOMPSON BROS. REALTY, INC., a
Florida corporation

By:_____
Name: Paul J. Thompson
Its: President
Date:_____

_____
M. Greer Edmiston, Successor Trustee of
Judith Zane Allen Revocable Trust u/a/d
11/15/2000
Date:_____

Seller

This Instrument Prepared By:

Deed of Conservation Easement
Standard

THIS DEED OF CONSERVATION EASEMENT ("Conservation Easement") is given this 20th day of March 2024, by Thomspon Bros. Realty, Inc., whose mailing address is P.O. Drawer 70, St. Augustine, Florida 32084; and M. Greer Edmiston, as Successor Trustee of the Judith Zane Allen Revocable Trust u/a/d 11/15/2000, whose mailing address is 780 North Ponce de Leon Boulevard, St. Augustine, Florida 32084 (together the "Grantor") to the City of St. Augustine, Florida, a municipal corporation, ("Grantee"). As used herein, the term "Grantor" shall include any and all heirs, successors, or assigns of the Grantor, and all subsequent owners of the "Conservation Easement Area" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the fee simple owner of certain lands situated in St. Johns County, Florida, and more specifically described and depicted on the location map in Exhibit "A" attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Grantor, in consideration of other good and valuable consideration provided to Grantor, is agreeable to granting and securing to the Grantee a perpetual Conservation Easement as defined in Section 704.06, Florida Statutes (F.S.), over the Property ("Conservation Easement Area"); and

WHEREAS, Grantor grants this Conservation Easement to off-set or prevent adverse impacts to natural resources, fish and wildlife, and wetland functions; and

WHEREAS, subject to Grantor's reserved rights and the additional permitted uses allowed herein, Grantor desires to preserve the Conservation Easement Area in perpetuity in its natural condition, in an enhanced, restored, or created condition; and

NOW, THEREFORE, in consideration of other good and valuable consideration provided to the Grantor, the adequacy and receipt of which are hereby acknowledged, Grantor hereby voluntarily grants, creates, conveys, and establishes a perpetual Conservation Easement for and in favor of the Grantee upon the Property described on Exhibit "A" which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this Conservation Easement shall be as follows:

1. **Recitals.** The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.

2. **Purpose.** It is the purpose of this Conservation Easement to retain land or water areas in their existing, natural, vegetative, hydrologic, scenic, open, or wooded condition and to retain such areas as suitable habitat for fish, plants, or wildlife in accordance with Section 704.06, F.S., subject to Grantor's reserved rights and the additional permitted uses allowed herein.

- **Eco-conscious "Glamping" (Upscale Camping):** including ancillary uses allowed within OR Zoning including but not limited to: site prep/leveling, gravel pathways, fencing, off-grade raised wooden platforms for each campsite (limited to 10 rental units and not exceeding an overnight occupancy of twenty (20) persons); picnic tables, restrooms, electricity, water, lighting, landscaping.
- **Seating area/venue for upscale dining events:** including ancillary uses allowed within OR Zoning including but not limited to: site prep/leveling, gravel pathways, fencing, off-grade raised wooden platform for seating area, food prep area, restrooms, electricity, water, lighting, landscaping.

5. **No Dedication.** No right of access by the general public to any portion of the Conservation Easement Area is conveyed by this Conservation Easement.

6. **Grantee's Liability.** Grantee's liability is limited as provided in Sections 704.06(10) and 768.28, F.S. Additionally, Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of the Conservation Easement Area.

7. **Enforcement.** Enforcement of the terms, provisions, and restrictions of this Conservation Easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's rights hereunder. Grantee shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.

8. **Taxes.** Grantor shall pay before delinquency any and all taxes, assessments, fees, and charges of whatever description levied on or assessed by competent authority on the Conservation Easement Area and shall furnish the Grantee with satisfactory evidence of payment upon request.

9. **Assignment.** Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.

10. **Severability.** If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

11. **Terms and Restrictions.** Grantor shall insert the terms and restrictions of this Conservation Easement in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Conservation Easement.

12. **Written Notice.** All notices, consents, approvals, or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

13. **Modifications.** This Conservation Easement may be amended, altered, released, or revoked only by written agreement between the parties hereto or their heirs, assigns, or successors-in-interest, which shall be filed in the public records in St. Johns County, Florida.

14. **Recordation.** Grantor shall record this Conservation Easement in timely fashion in the Official Records of St. Johns County, Florida, and shall rerecord it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Conservation Easement in the public records. Grantor will hold Grantee harmless from any recording costs or taxes necessary to record this Conservation Easement in the public records.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions, and purposes imposed with this Conservation Easement shall be binding upon Grantor and shall continue as a servitude running in perpetuity with the Conservation Easement Area.

Grantor hereby covenants with Grantee that Grantor is lawfully seized of said Conservation Easement Area in fee simple; that the Conservation Easement is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement; all mortgages and liens on the Conservation Easement Area, if

I HEREBY CERTIFY that March _____, 2024, personally appeared before me, by means of [_] physical presence or [_] online notarization, M. Greer Edmiston, as Successor Trustee of the Judith Zane Allen Revocable Trust u/a/d 11/15/2000, who [_] is personally known to me or who [_] has produced _____ _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

_____
(Signature)

_____
(Name)
My Commission Expires: _____

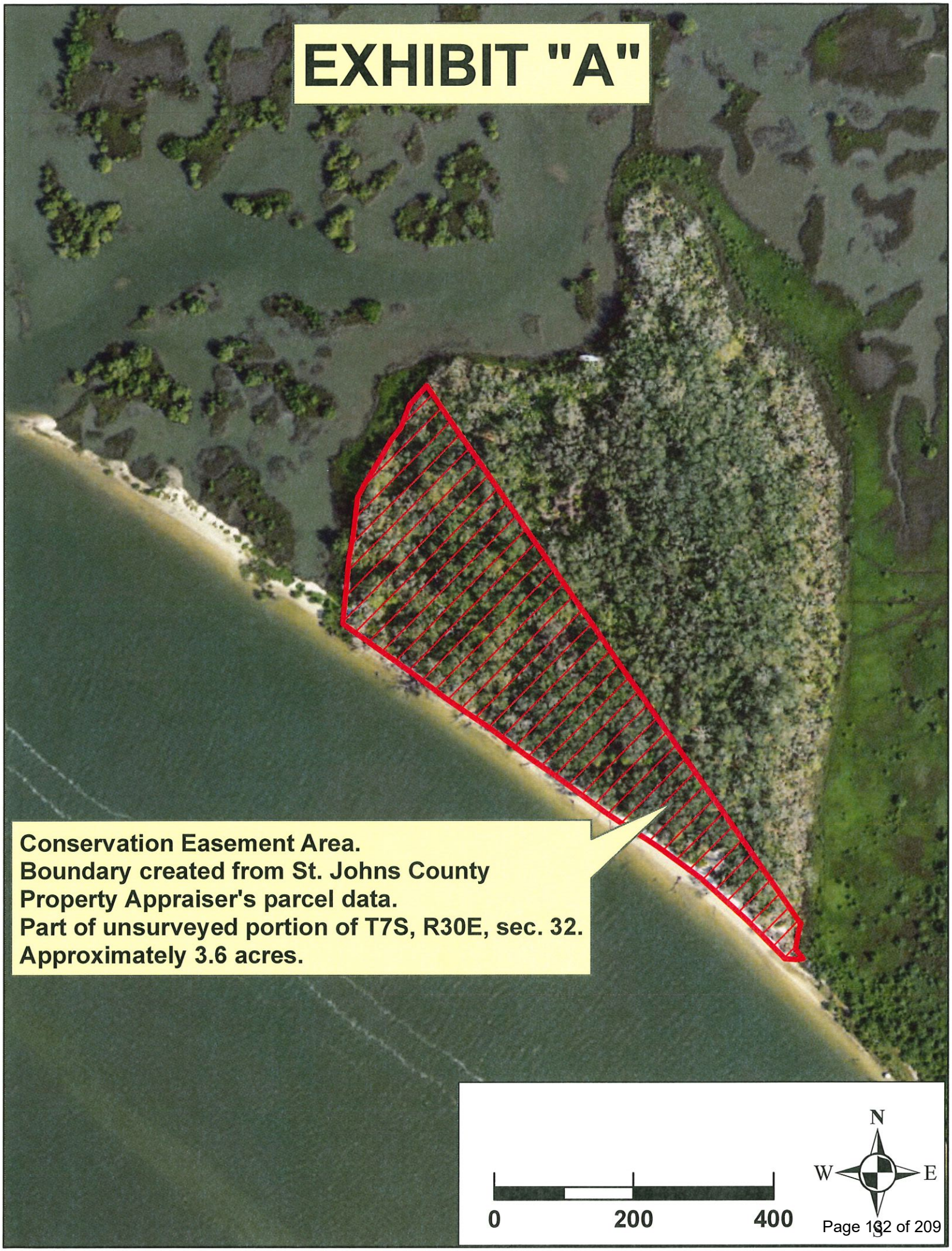
EXHIBIT "A"
Conservation Easement Area.
Boundary created from St. Johns County
Property Appraiser's parcel data.
Part of unsurveyed portion of T7S, R30E, sec. 32.
Approximately 3.6 acres.
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(1)

THIS CERTIFICATE IS ISSUED FOR THE SPECIFIC PURPOSE OF CORRECTING THAT CERTIFICATE DATED SEPTEMBER 9, 1991, AND RECORDED ON SEPTEMBER 13, 1991, IN OFFICIAL RECORDS VOLUME 908, PAGE 1419 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY

C O R R E C T I V E C E R T I F I C A T E O F O W N E R S H I P

Pursuant to Section 92.16, Florida Statutes, the undersigned hereby certifies that the following described former swamp and overflowed lands were granted by the State of Florida to the City of St. Augustine by Section 9, Chapter 11148, Laws of Florida 1925, being further described as:

All unsurveyed Section 32, Township 7 South, Range 30 East, except the South 50 feet for R/W of road lying East of Matanzas River described in DB 216, Pg 92, Public Records of St. Johns County, Florida.

COPY

All being located in St. Johns County, Florida.

I have hereunto set my hand, and have caused to be affixed hereto the Official Seal of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida at its office in the City of Tallahassee on this the 10th day of July A.D., 2006.

(SEAL)
State of Florida
Board of Trustees
of the Internal
Improvement Trust
Fund

Terry E. Wilkinson

Terry E. Wilkinson, Chief
Bureau of Survey and Mapping
Division of State Lands
State of Florida
Department of Environmental Protection

Int'l. American Govt Services
3812 W. Linebaugh Ave.
Tampa, Fl. 33618-8702

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, A.I.C.P.
City Manager

DATE: April 11, 2024

RE: Agenda Item for April 22, 2024, Commission Meeting;
Proposal to Adopt Resolution 2024-14, Finding the Need for a Community Redevelopment Area, Establishing West City Community Redevelopment Area

The Neighborhood Services and Community Redevelopment Agency Manager is asking that this item be placed on the April 22, 2024, City Commission Meeting Agenda, under Ordinances and Resolutions- No Public Hearing Required.

Attached please find Resolution 2024-14 and its exhibit, the Finding of Necessity Study prepared by Inspire Placemaking Collective, LLC. During the July 24, 2023, City Commission Regular Meeting, staff was authorized to proceed with the necessary actions to collect legislative data determining if the establishment of a Community Redevelopment Area in the western geographic of the City of St. Augustine was appropriate and feasible. Staff hired Inspire Placemaking Collective, LLC to complete the Finding of Necessity. The study determined that slum and blighted conditions exist in all or parts of the proposed area.

Recommendation | Action Item:

Following a formal presentation of the Finding of Necessity presented by Erik Bredfeldt, Director of Economic Development for Inspire Placemaking Collective, LLC., staff suggest that the Commission open the floor for public comment and/or hearing. The Statute does not require a hearing, but due to the circumstances of the proposed establishment of a special district, taxing authority agents, residents, and stakeholders may appreciate an opportunity to be heard. Staff recommends the adoption of Resolution 2024-14

City Staff is asking the Commission to:

1. Make a motion to adopt Resolution 2024-14.

2. Immediately following the adoption of Resolution 2024-14, staff recommends that the Commission authorizes staff to begin public engagement efforts to initiate the development of a Community Redevelopment Plan.

3. Immediate action following the adoption of Resolution 2024-14, staff recommends that the Commission make a motion, authorizing the City Clerk to begin advertisement of a West City CRA Steering Committee, of no more than five (5) people, with precedence given to

applicants who reside within the West City CRA boundaries or owns and operates a business within the boundary area. Additionally, the commission should specify that this steering committee will dissolve immediately following the adoption of the West City CRA Community Redevelopment Plan.

I am available for any questions you may have. I can be reached by phone at 904.209.4254 or by email at jperkins@citystaug.com.

Jaime D. Perkins
Neighborhood Services & CRA Manager

cc: Assistant City Managers, City Attorney, & Department Directors

Attachments:
Resolution 2024-14, Finding of Necessity

RESOLUTION NO. 2024-14

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, FINDING THE EXISTANCE OF A SLUM AND BLIGHTED AREA IN THE CITY OF ST AUGUSTINE; FINDING THE NEED FOR A COMMUNITY REDEVELOPMENT AREA UNDER THE PROVISIONS OF PART III, CHAPTER 163, FLORIDA STATUTES; DESIGNATING AND DEFINING THE CITY'S WEST CITY AS A COMMUNITY REDEVELOPMENT AREA; ESTABLISHING WEST CITY COMMUNITY REDEVELOPMENT AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 24, 2023, during a regular City Commission Meeting, the Mayor, and City Commission of the City of St. Augustine (the "City") granted Community Redevelopment Agency (CRA) staff the authorization to begin the data and analysis process to determine if establishing a CRA in the western demographic of the City of St. Augustine was appropriate and feasible; and

WHERAS, the City has retained Inspire Placemaking, Inc. (the "Consultant") to prepare a report concerning the Finding of Necessity which contains the required data and analysis with respect to the redevelopment of the area set forth in the proposed boundary found in "Exhibit A"; and

WHEREAS, CRA staff of the City of St. Augustine has undertaken and completed a Finding of Necessity Study per Florida Statutes, Section 163.355, of the West City area of the City of St. Augustine for purposes of determining if slum or blighted conditions, or both exist within all or part of such areas; and

WHEREAS, the Consultant has prepared a Finding of Necessity for the West City Community Redevelopment Area which per supported data and analysis concludes that twelve of the eighteen criteria necessary to designate an area as blighted exists or is suspected; and

WHEREAS, the preliminary report makes a legislative finding that the conditions observed in the area meet the criteria described in Section 163.340, those observed conditions include inadequate and outdated building density

patterns; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; defective or inadequate street layout, parking facilities, bridges, or public transportation; substantial residential or commercial vacancies as compared to other areas of the city or county; incidents of crime higher than other areas of the city or county; unsanitary or unsafe conditions; conditions that endanger life or property; deterioration of site or other improvements; shortage of housing affordable to residents of low or moderate income; and

WHEREAS, the City Commission has received a recommendation from the City Manager's Office and CRA staff that a finding of slum and blight within the West City area of the City of St. Augustine be adopted by the City Commission and that such West City area be designated as a Community Redevelopment Area; and

WHEREAS, the City Commission has considered the recommendation of the City Manager's Office and CRA staff, has reviewed the Finding of Necessity Study prepared by the CRA's consultant, Inspire Placemaking Collective, Inc., and received a presentation regarding the Finding of Necessity conclusions as to the existence of slum and blight in the West City area; and

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

Section 1. The City Commission does hereby find that, based upon information provided to the City Commission at a public meeting, including and not limited to, the data and analysis Finding of Necessity Study prepared by Inspire Placemaking Collective, Inc., that a slum and blighted area as defined in Part III, Chapter 163, Florida Statutes (Community Redevelopment) exists within that portion of the City described in Exhibit "A" attached hereto and incorporated herein. This area shall be designated as the West City Community Redevelopment Area.

Section 2. The City Commission further finds and determines that one or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in this portion of the City; and the rehabilitation, conservation, or redevelopment, or a combination thereof, of the West City CRA including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary and in the interest of public health, safety, morals and welfare of the residents of the City.

Section 3. CRA staff was authorized and directed to notify all taxing authorities, as that term is defined in Part III, Chapter 163, Florida Statutes of the adoption of this Resolution.

Section 4. CRA staff is authorized to initiate efforts to develop a Community Redevelopment Plan incorporating strategic plans and goals to address the deficiencies outlined in the Findings of Necessity.

Section 5. This Resolution will take effect immediately upon its adoption.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this _____ day of _____, 2024.

CITY OF ST. AUGUSTINE, FLORIDA

_____

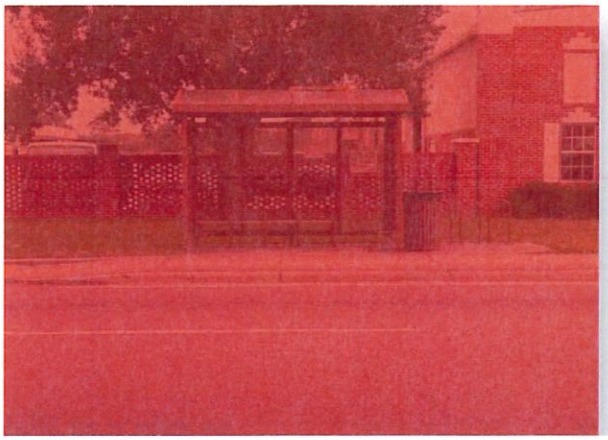
Nancy Sikes-Kline, Mayor-Commissioner

ATTEST:

_____

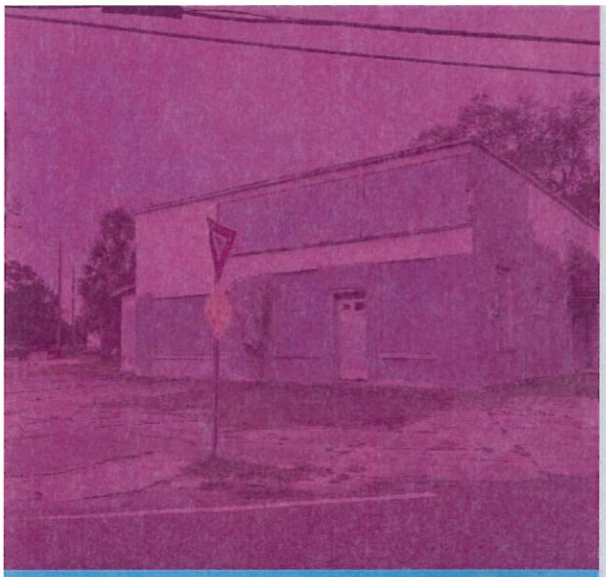
Darlene Galambos, City Clerk

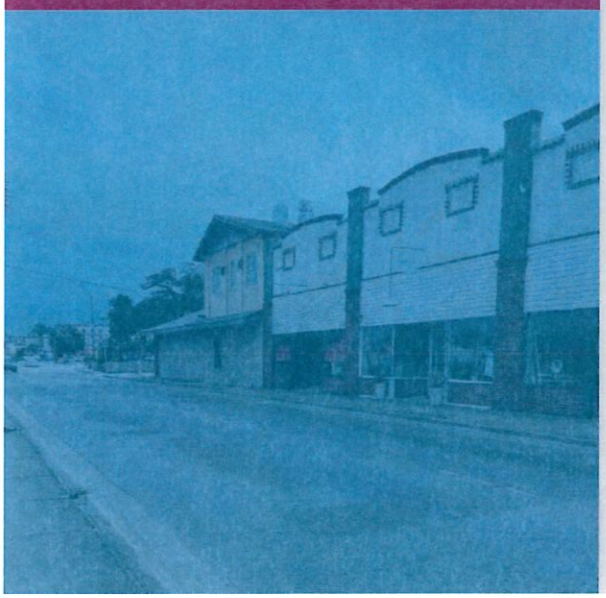
(Seal)



CITY OF
ST AUGUSTINE
EST. 1565

WEST CITY





February 2024

FINDING OF NECESSITY

PLAN CONTRIBUTORS

COMMUNITY REDEVELOPMENT AGENCY

Mayor Nancy Sikes-Kline

Vice Mayor Roxanne Horvath

Commissioner Barbara Blonder

Commissioner Cynthia Garris

Commissioner Jim Springfield

CITY OF ST. AUGUSTINE

David Birchim, City Manager

Reuben Franklin, P.E., Assistant City Manager

Jaime D. Perkins, MPA, PMP, Neighborhood Services & CRA Manager

CONSULTANT

Inspire
PLACEMAKING COLLECTIVE

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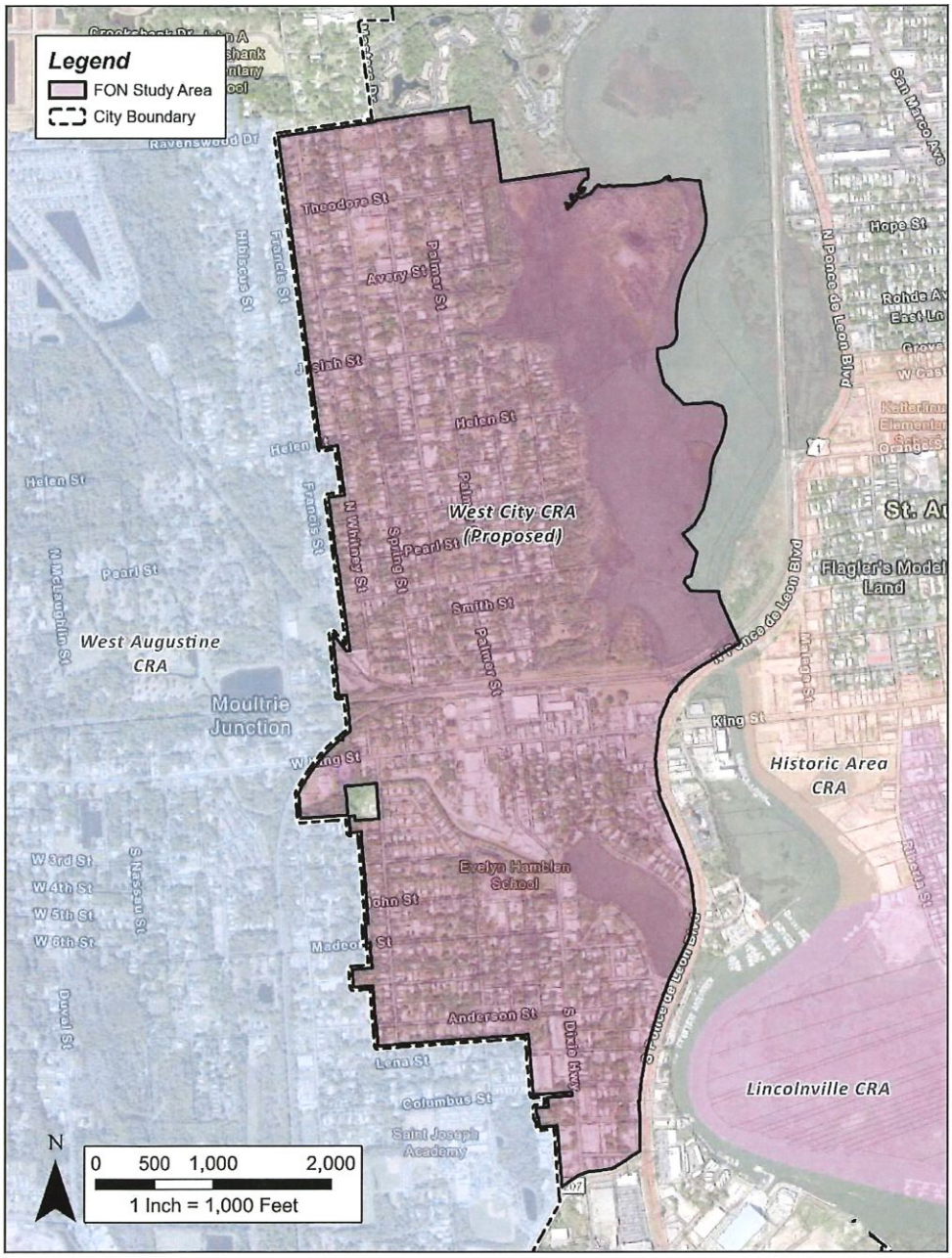
1.0 Introduction

This Finding of Necessity (FON) Study evaluates the conditions of the proposed establishment of a Community Redevelopment Area (CRA) in the western portion of the City of St. Augustine. 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 to establish the Study Area as a CRA. The Study Area is depicted in **Figure 1.**

Figure 1. Study Area



Sources: City of St. Augustine, St. Johns County, St. Johns County Property Appraiser, Florida Geographic Data Library (FGDL), 2023

2.0 Study Area Boundaries

The general boundaries of the Study Area are as follows: Ravenswood Drive to the north, San Sebastian River and N. Ponce De Leon Boulevard to the east, the City boundary to the west, and SR 207 to the south. The Study Area is approximately 543 acres.

3.0 Historical Context

The Study Area is directly west of St. Augustine's Historic Downtown, separated by the San Sebastian River. In the early 20th century, this area, along with parts of West Augustine, was known as "New Augustine," a suburb of St. Augustine. With direct access to the river and an active railway (the Florida East Coast Railway), industry thrived in the area. In 1910, New Augustine's population had grown to nearly 1,300 residents with the railroad and tourism driving most of the population growth. In 1922, the City of St. Augustine annexed the eastern part of New Augustine into its municipal limits. The Study Area had a prominent population of African American residents with strong community ties through commercial, industrial, and institutional development. Over time the Study Area has become primarily residential, apart from a commercial strip along West King Street and near SR 207.

4.0 The Redevelopment Act

The Community Redevelopment Act of 1969 (Chapter 163, Part III, Florida Statutes) gave local governments the ability to eliminate and/or prevent blighted conditions that are detrimental to the sustainability of economically and socially vibrant communities through economic development projects. The following sections expand on the administrative processes for creating or expanding a Community Redevelopment Area (CRA), as well as the criteria used to determine whether an area qualifies to become a Redevelopment Area.

4.1 Community Redevelopment Area Creation or Expansion Procedures

4.1.1 Declaration and Process

The first step in assessing whether the Study Area meets the criteria for the creation of the West City Community Redevelopment Area is determining the presence of "slum and blight" conditions. The Finding of Necessity (FON) Report will document the analysis of these conditions by describing the physical and economic conditions within the Study Area which are associated with blight or its causes and evaluating whether the Study Area qualifies for the creation of a Redevelopment Area. Inspire staff, working closely with City of St. Augustine staff, inspected the Study Area through an on-site field assessment and conducted desktop and GIS assessments of available data relating to the Study Area.

4.1.2 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. The resolution must find that blighted 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 is empowered to establish a CRA or expand an existing Community Redevelopment Area to include the blighted area(s). After the ***(1) adoption of a Resolution*** by the St. Augustine Community Redevelopment Agency acknowledging the documented conditions of blight and creating the Community Redevelopment Area, the St. Augustine City Commission & St. Johns County Board of Commissioners will ***(2) adopt an Ordinance*** formally acknowledging the new Community Redevelopment Area.

The ordinance will also establish the taxable-value base-year for the calculation of tax-increment financing (TIF) revenue and the duration of the Redevelopment Area. The ordinance will also authorize the contribution of the TIF revenue collected from participating taxing authorities from the newly adopted area's participating parcels for placement in the Community Redevelopment Agency's redevelopment 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 Redevelopment Area will be used to calculate the future tax increment. For the West City Community Redevelopment Area, the assumed timetable to adopt the Study Area as a Redevelopment Area implies that the tax increment calculation will utilize the 2023 certified rolls for the proposed Redevelopment Area.

4.1.3 Redevelopment Plan

After the approval of the Finding of Necessity report and subsequent establishment of a Community Redevelopment Area, it is likely that the City will authorize the preparation of a Community Redevelopment Plan to identify potential programs and projects to address the identified conditions of "slum" and "blight."

The Community Redevelopment Act requires that redevelopment plans be subjected to a compliance review conducted by the Local Planning Board before it may be submitted to the City Commission and County Commission 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, 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.

Before the City can adopt any resolution or ordinance to establish a community redevelopment plan or 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 because 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 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 County Board of County Commissioners
- St. Johns County Property Appraiser's Office
- St. Johns County Tax Collector
- St. Johns County Emergency Medical
- St. Johns County School District
- St. Johns River Water Management District
- Anastasia Mosquito Control
- FL. Inland Navigational District
- St. Augustine Port Waterways and Beach District

4.2 Slum & Blight Criteria

The Community Redevelopment Act establishes two similar, but discrete, pathways to determine if a Study Area 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[1]" or "blighted[2]" area contains 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 [blight] factors are present" (Section 163.340(8), 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.

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] Florida Statutes, Section 163.340 (7)

[2] Florida Statutes, Section 163.340 (8)

4.2.2 *Alternative Two*

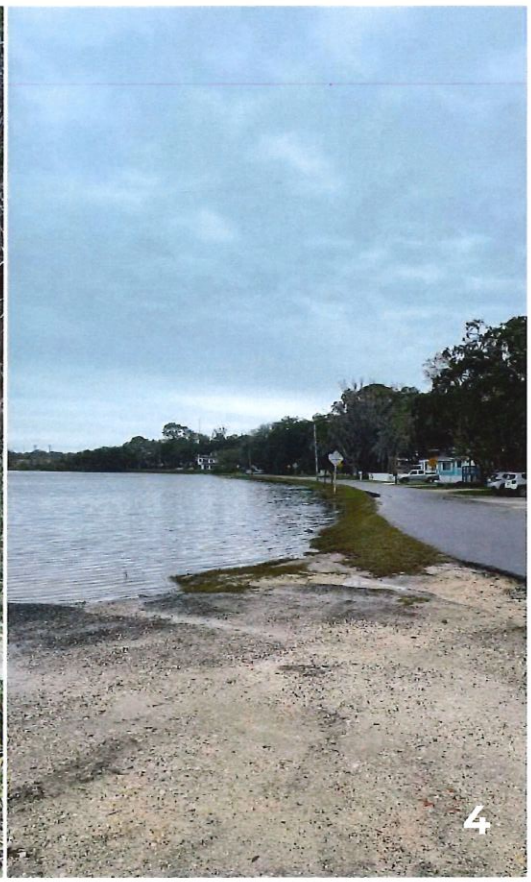
The Redevelopment Act also allows that a slum or blighted area may be "any area in which at least one of the factors identified in paragraphs (a) through (o) of Section 163.340 (8), F.S. are present and all taxing authorities (as such term is defined in the Redevelopment Act) subject to Section 163.387 (2)(a), F.S. agree, either by interlocal agreement, agreements with the CRA or by resolution, that the area is blighted."

5.0 Slum & Blight Conditions Observed

5.1 Conditions of Slum Observed

5.1.1 *Conditions that endanger life or property by fire or other causes*

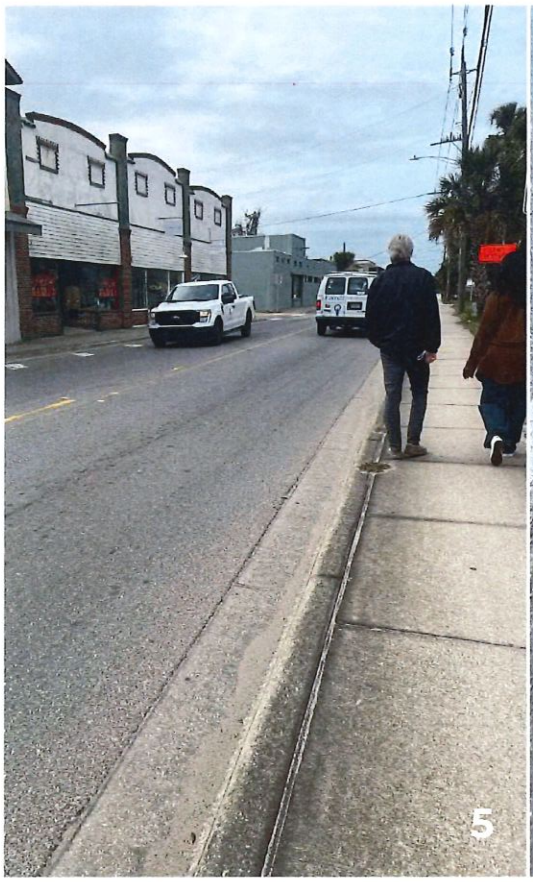
In portions of the Study Area, there are conditions which endanger life by means of fire or flooding. Overgrown vegetation, especially when near overhead powerlines or other power sources, pose fire risks to surrounding properties. Without regular maintenance to the vegetation, generally in right-of-way or greenbelt areas, lightning or downed powerlines could easily cause a fire that can easily spread. Stormwater drainage areas and waterways can cause flooding, risk to properties, and risk to human life. Along Lewis Boulevard, Oyster Creek flows into San Sebastian River. At this confluence, the creek flows very closely to neighboring roadways (US-1, Lewis Boulevard, and Rio Vista Drive). During heavy rains, these roadways are at risk of flooding, as are neighboring residential and commercial properties.



5.2 Conditions of Blight Observed

5.2.1 Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities

Defective or inadequate transportation infrastructure is determined by the size and arrangement of transportation infrastructure and supporting facilities, including pedestrian and public transit infrastructure. Parking facilities are in short supply in the Study Area, which impacts the ability of residents and visitors to visit local businesses or institutions. Pedestrian infrastructure is also lacking. West King Street is a busy thoroughfare connecting western St. Johns County to St. Augustine's downtown core. There is insufficient pedestrian and biking infrastructure to protect residents and visitors from vehicles. Many people bike through the Study Area, particularly along West King Street into historic Downtown St. Augustine, yet there is very little biking infrastructure. Cyclists must hug the shoulder of a busy road to be able to reach their destinations. Many roads do not have marked or signalized pedestrian crossings. When sidewalks are present, they tend to be in disrepair or have accessibility challenges, as can be seen in the images on the next page. Where pedestrian and biking infrastructure exists, it is inadequate to the number and speed of vehicles moving through the commercial corridor. The observed defective transportation facilities within the Study Area satisfy the definition for a condition of "blight."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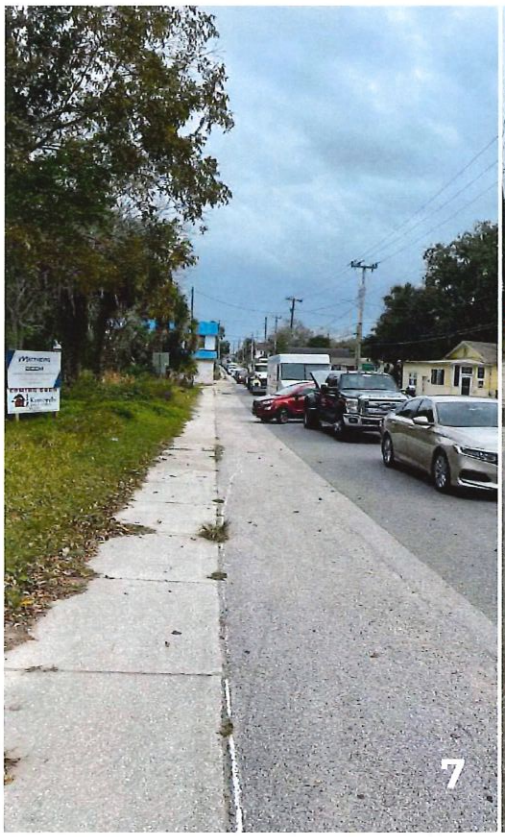
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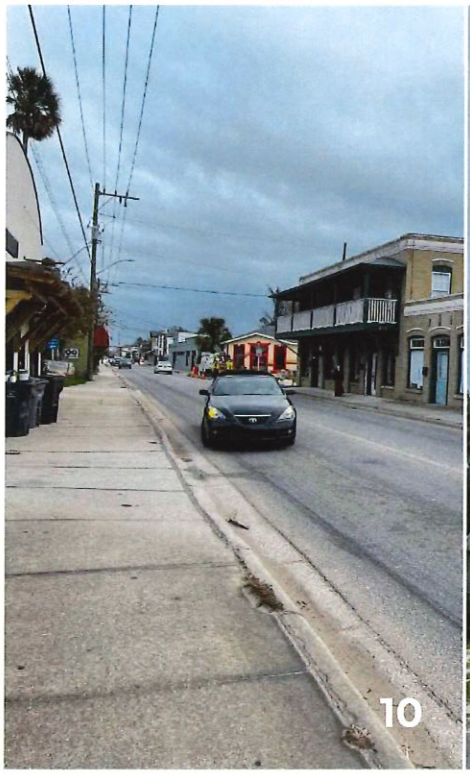
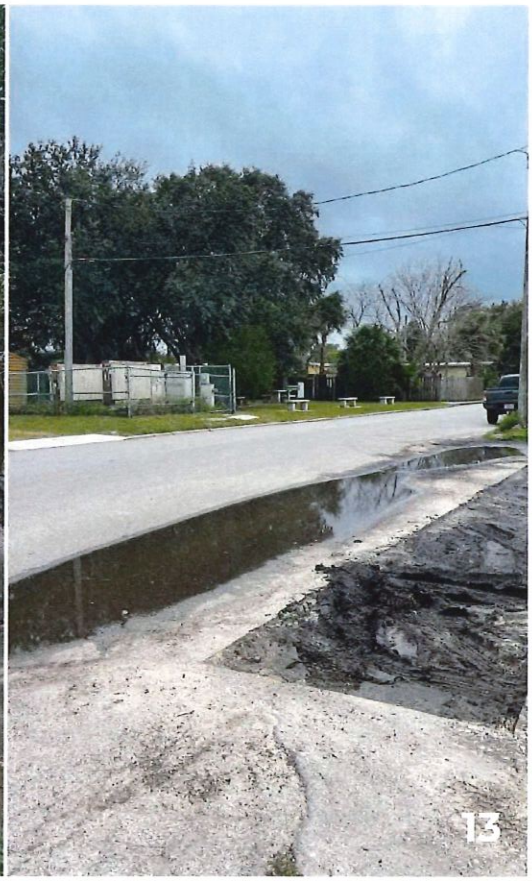
5.2.2 *Faulty lot layout in relation to size, adequacy, accessibility, or usefulness*

Lot layouts are classified as faulty if their sizes, adequacy, accessibility from roadways, or usefulness serve as a deterrent to successful redevelopment activity. Accessibility of lots is the primary challenge identified within the Study Area, specifically regarding commercial lots along major corridors. Commercial lots in the Study Area generally have small parking lots in the front of the building which are challenging to navigate, and over time this condition may impact consumers' willingness to visit certain businesses.



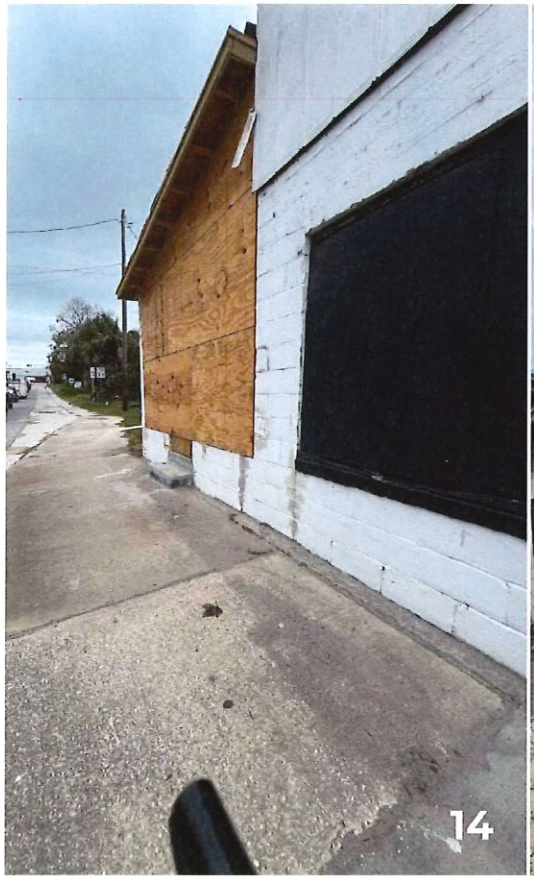
5.2.3 *Unsanitary or unsafe conditions*

Some infrastructure in the Study Area causes unsafe and unsanitary conditions. Roadways are in differing states of repair, some with cracked asphalt and potholes. Parking lots and sidewalks have large potholes and cracks, as well. These conditions are unsafe for pedestrians, as well as vehicles. Stormwater infrastructure is also creating unsafe and unsanitary conditions with flooding and standing water which can provide ample breeding grounds for mosquitos, other insects, and the diseases they can carry. Standing water can also create fall risks which can result in drowning, especially for children.



5.2.4 *Deterioration of site or other improvements*

The deterioration of site or other improvements is primarily determined by the physical conditions of buildings or site improvements, including their evaluated useful lives. Several commercial sites within the Study Area have been left to deteriorate and are either abandoned or waiting to be sold or leased. Buildings have graffiti and boarded windows and doors. Residential structures, as observed during the field study, have damaged roofs, dilapidated structural elements, and other signs of lacking maintenance. The deterioration is also seen in parking lots, sidewalks, and roadways. Roadways have potholes and cracks, and the shoulders of the roads have vegetation growing throughout. Sidewalks are broken, uneven, and have large holes in them. Parking lots at commercial sites have large missing pieces of asphalt and cracks. These conditions impact the perception of the Study Area and may prevent business owners or potential residents from choosing to locate in the area. The observed deterioration of sites or other improvements within the Study Area satisfy the definition of a blighted condition.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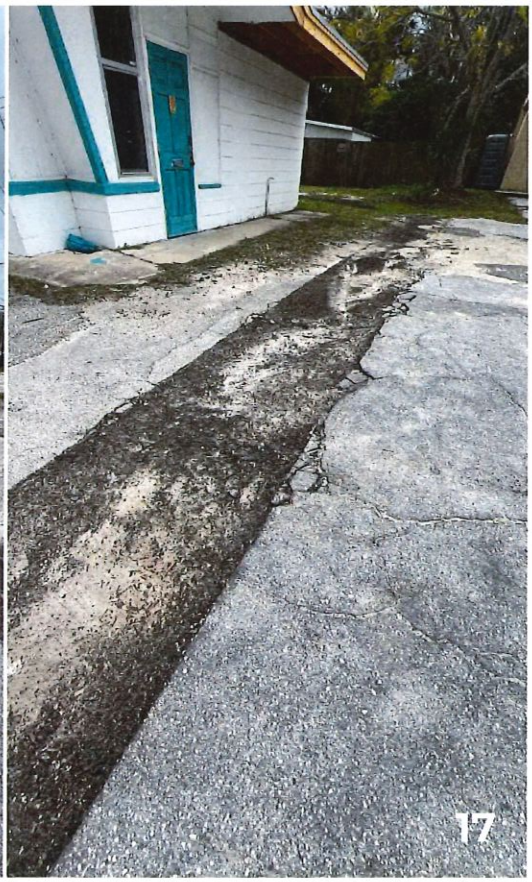
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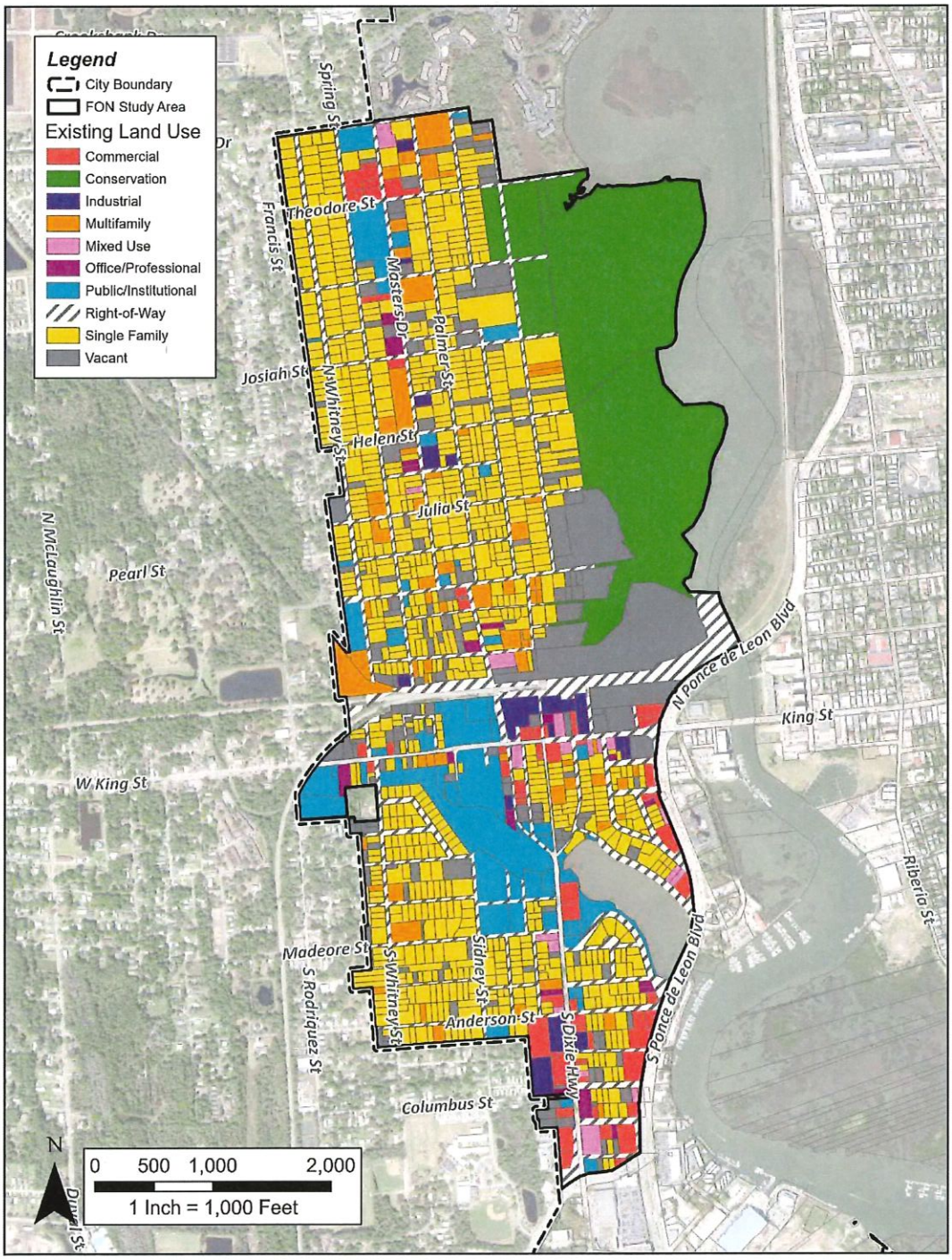
5.2.5 Inadequate and outdated building density patterns

Less than five percent of the Study Area is currently being used for commercial or office/professional uses, and over a third of the Study Area (35%) is used for residential purposes. This separation of uses prevents residents from being able to shop in their neighborhoods for everyday goods and increases the dependence upon personal vehicle use. In conjunction with the separation of uses in the Study Area, lot sizes are generally small making them difficult to maneuver for vehicles for ingress, egress, and parking. Along West King Street, the main concentration of commercial activity, there are limited areas for residents and visitors to park when visiting businesses in the area. With many curb cuts and narrow sidewalks, it is also challenging for pedestrians to access these areas. The observed inadequate and outdated building pattern within the Study Area satisfy the definition for a condition of "blight." **Figure 2**, on the next page, shows the current land use within the Study Area and the outdated building pattern.

Current Land Use	Acres	Percent (%)
Single Family Residential	182.8	35.0%
Conservation	93.8	18.0%
Right-of-Way/Utilities	69.7	13.3%
Vacant	67.0	12.8%
Public/Institutional	45.1	8.6%
Multifamily	25.2	4.8%
Commercial	19.7	3.8%
Industrial	9.3	1.8%
Mixed Use	5.3	1.0%
Office/Professional	4.6	0.9%
TOTAL ACREAGE	**522.4 ac**	

Figure 2. Current Land Use



Sources: City of St. Augustine, St. Johns County Property Appraiser, FGDL, 2023

5.2.6 *Incidence of crime in the area higher than in the remainder of the county or municipality.*

Based on service calls from the St. Augustine Police Department, the Study Area has more service calls than at least one other zone within the City. The Study Area accounts for approximately 20% of the service

calls but only accounts for 5% of the City's area. Proportionally, the Study Area has a higher rate of service calls for criminal activity than its size would indicate.

6.0 Summary of Conditions (per Florida Statutes)

As stated above, the Study Area is experiencing several conditions of slum and blight. There are dangers and hazards to the community, as well as conditions that prevent economic prosperity and accessibility. A field visit, public records research, and analysis of GIS data of the Study Area revealed the following conditions of slum and blight:

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) Fault lot layout in relation to size, adequacy, accessibility, or usefulness.

(3) Unsanitary or unsafe conditions.

(4) Deterioration of site or other improvements

(5) Inadequate and outdated building density patterns

(6) Incidence of crime in the area higher than in the remainder of the county or municipality.

These observed conditions have affected private sector investment and depressed redevelopment efforts and taxable income in the Study Area. There is private investment in the Study Area, but it is likely that conditions are suppressing additional investment from the private sector. The deteriorating properties, lack of accessibility to parcels, and unsanitary conditions, coupled with other observed conditions of blight have harmed economic development activity and redevelopment activity within the Study Area. The presence of these conditions within the Study Area qualifies its creation as the West City 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 to be 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 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 six (6) 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) Fault lot layout in relation to size, adequacy, accessibility, or usefulness.

(3) Unsanitary or unsafe conditions.

(4) Deterioration of site or other improvements

(5) Inadequate and outdated building density patterns.

(6) Incidence of crime in the area higher than in the remainder of the county or municipality.

8.0 Matrix of Slum & Blight Conditions

Florida Statute Reference and Definition	Observation of Conditions		
	Observed	Not Observed	Suspected
"Slum Area"			
Inadequate provision for ventilation, light, air, sanitation, or open spaces		X	
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		X	
The existence of that endanger life or property by fire or other causes	X		
"Blight Area"			
Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities	X		
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			X
Faulty lot layout in relation to size, adequacy, accessibility, or usefulness	X		
Unsanitary or unsafe conditions	X		
Deterioration of site or other improvements	X		
Inadequate and outdated building density patterns	X		
Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality			X
Tax or special assessment delinquency exceeding the fair value of the land		X	
Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality			X
Incidence of crime in the area higher than in the remainder of the county or municipality	X		
Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality		X	

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			X
Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area		X	
Governmentally owned property with adverse environmental conditions caused by a public or private entity			X
A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.		X	

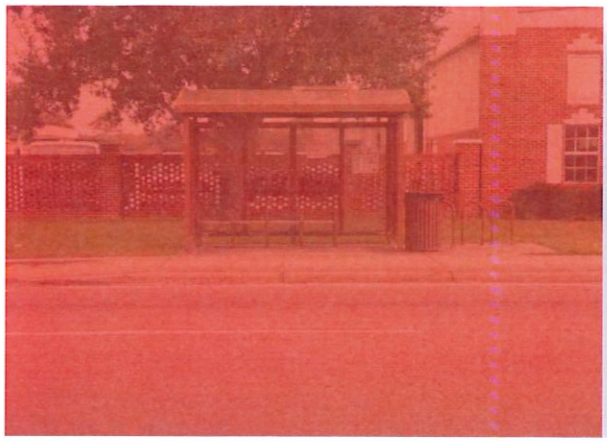
9.0 Legal Description

Commencing at a point at the intersection of the North line of allice Street with the East line of Master Drive per OR book 2224, page 506 of St. John County official records; Thence along the westerly right-of-way line of Masters Drive South 09°15'00" East a distance of 660.00 feet to a POINT OF BEGINNING also a point at the northerly right-of-way of George Street.

Thence continue South 81°56'10" West, 811.95 feet; Thence South 7°56'37" East, 9.10 feet; Thence North 4°47'04" West, 52.05 feet; Thence North 1°55'25" West, 52.05 feet to the beginning of a non-tangent curve concave easterly, said curve has a radius of 953.36 feet, to which a radial line bears South 88°49'42" West; Thence northerly along said curve through a central angle of 31°38'57" an arc distance of 526.62 feet; Thence North 29°56'17" East, 54.07 feet; Thence North 30°52'37" East, 79.19 feet to the beginning of a non-tangent curve concave westerly, said curve has a radius of 506.64 feet, to which a radial line bears South 62°31'40" East; Thence northerly along said curve through a central angle of 33°08'52" an arc distance of 293.11 feet; Thence North 9°02'52" West, 56.69 feet; Thence North 10°46'46" West, 56.69 feet; Thence North 12°30'40" West, 56.69 feet; Thence (10) North 9°10'11" West, 113.33 feet; Thence (11) North 85°10'36" West, 164.47 feet; Thence South 82°24'47" West, 94.01 feet; Thence North 61°39'39" West, 17.76 feet; Thence North 33°41'50" West, 2.25 feet; Thence North 4°23'43" East, 1.63 feet; Thence North 62°51'32" East, 6.30 feet; Thence North 67°07'51" East, 9.66 feet; Thence North 31°15'44" East, 4.09 feet; Thence North 3°24'16" East, 5.26 feet; Thence North 56°49'12" West, 7.77 feet; Thence North 79°41'50" West, 5.59 feet; Thence South 82°00'46" West, 10.79 feet; Thence South 69°50'59" West, 18.51 feet; Thence South 56°34'30" West, 7.71 feet; Thence South 32°58'44" West, 14.01 feet; Thence South 61°48'11" West, 23.54 feet; Thence South 65°15'03" West, 26.40 feet; Thence South 81°27'07" West, 19.20 feet; Thence South 81°21'39" West, 18.69 feet; Thence South 81°21'39" West, 19.20 feet; Thence South 83°00'30" West, 69.95 feet; Thence South 82°42'18" West, 70.65 feet; Thence South 81°59'21" West, 20.42 feet; Thence South 88°31'50" West, 7.74 feet; Thence North 88°46'23" West, 46.70 feet; Thence North 85°45'19" West, 28.70 feet; Thence North 89°08'14" West, 16.63 feet; Thence South 86°11'06" West, 30.07 feet; Thence South 76°51'18" West, 30.23 feet; Thence South 90°00'00" West, 8.75 feet; Thence North 72°56'24" West, 12.36 feet; Thence North 65°39'32" West, 11.52 feet; Thence North 87°51'44" West, 16.76 feet; Thence South 71°42'25" West, 7.96 feet; Thence South 48°00'45" West, 10.09 feet; Thence South 71°52'52" West, 7.23 feet; Thence South 89°14'45" West, 9.50 feet; Thence North 71°59'55" West, 10.52 feet; Thence South 89°09'23" West, 16.94 feet; Thence South 66°25'07" West, 3.85 feet; Thence North 55°52'33" West, 29.78 feet; Thence South 41°05'50" West, 26.47 feet; Thence South 86°58'04" West, 1.73 feet; Thence South 55°42'45" West, 6.66 feet; Thence South 35°39'11" West, 7.08 feet; Thence South 17°21'08" West, 5.59 feet; Thence South 41°09'03" West, 62.35 feet; Thence South 83°26'42" West, 6.28 feet; Thence North 82°00'00" West, 11.68 feet; Thence South 53°40'23" West, 26.38 feet; Thence South

62°24'20" West, 26.45 feet; Thence South 77°23'04" West, 9.16 feet; Thence North 84°13'00" West, 14.89 feet; Thence North 60°37'23" West, 9.68 feet; Thence South 90°00'00" West, 3.37 feet; Thence South 57°27'54" West, 8.60 feet; Thence South 33°26'45" West, 12.13 feet; Thence South 9°09'23" West, 3.93 feet; Thence South 17°36'30" West, 6.82 feet; Thence South 67°06'40" West, 6.11 feet; Thence South 50°02'19" West, 14.60 feet; Thence South 28°06'52" West, 14.46 feet; Thence South 34°07'40" West, 27.18 feet; Thence South 38°47'34" West, 12.67 feet; Thence South 59°14'46" West, 8.80 feet; Thence South 76°31'20" West, 15.55 feet; Thence South 22°14'46" West, 1.49 feet; Thence South 8°30'35" East, 10.93 feet; Thence South 66°30'11" West, 5.90 feet; Thence North 26°10'53" West, 16.48 feet; Thence North 2°57'14" West, 15.77 feet; Thence North 20°44'38" West, 8.82 feet; Thence North 26°34'02" West, 13.56 feet; Thence North 14°01'42" West, 3.87 feet; Thence North 32°13'35" East, 3.40 feet; Thence South 79°13'10" East, 4.01 feet; Thence South 55°01'41" East, 11.31 feet; Thence South 55°01'41" East, 4.18 feet; Thence South 59°35'22" East, 13.33 feet; Thence South 82°59'37" East, 7.18 feet; Thence North 73°40'59" East, 5.34 feet; Thence North 39°54'30" East, 17.93 feet; Thence North 42°49'44" East, 15.17 feet; Thence North 18°26'06" East, 5.53 feet; Thence North 4°45'57" East, 9.03 feet; Thence North 15°31'32" West, 5.84 feet; Thence North 88°19'01" West, 12.76 feet; Thence North 74°59'41" West, 6.28 feet; Thence North 3°34'02" West, 1.00 feet; Thence North 44°27'10" East, 9.28 feet; Thence North 6°20'04" East, 3.40 feet; Thence North 37°14'44" West, 19.00 feet; Thence North 0°00'00" West, 5.62 feet; Thence North 25°28'10" East, 2.91 feet; Thence (105) North 56°18'35" East, 2.93 feet; Thence (106) North 88°05'30" East, 3.75 feet; Thence South 80°32'16" East, 5.32 feet; Thence South 55°47'49" East, 19.35 feet; Thence South 80°43'36" East, 3.10 feet; Thence North 87°13'46" East, 7.76 feet; Thence North 46°38'23" East, 6.19 feet; Thence North 36°03'47" East, 14.23 feet; Thence North 49°15'07" East, 5.36 feet; Thence North 74°17'29" East, 8.31 feet; Thence North 89°10'46" East, 26.19 feet; Thence North 72°09'06" East, 13.46 feet; Thence North 51°32'58" East, 5.43 feet; Thence North 33°10'40" East, 7.77 feet; Thence North 25°28'09" East, 26.31 feet; Thence North 00°29'34" West, 7.25 feet; Thence North 72°47'57" West, 5.50 feet; Thence North 89°22'03" West, 11.31 feet; Thence South 71°12'01" West, 3.10 feet; Thence South 45°43'16" West, 6.98 feet; Thence South 12°59'45" West, 11.67 feet; Thence South 26°33'38" West, 2.94 feet; Thence South 55°22'39" West, 6.38 feet; Thence South 88°27'07" West, 9.25 feet; Thence North 77°13'04" West, 6.22 feet; Thence North 61°37'06" West, 2.63 feet; Thence North 37°24'32" West, 2.67 feet; Thence North 8°03'31" West, 7.58 feet; Thence North 5°11'40" East, 4.14 feet; Thence North 22°41'33" East, 14.90 feet; Thence North 26°25'16" East, 22.33 feet; Thence North 38°48'29" East, 37.27 feet; Thence North 45°12'36" East, 23.71 feet; Thence North 69°32'24" East, 8.94 feet; Thence North 86°15'37" East, 9.58 feet; Thence North 53°46'56" East, 5.50 feet; Thence North 30°47'04" East, 6.84 feet; Thence North 10°26'12" East, 9.66 feet; Thence North 2°09'11" West, 16.64 feet; Thence North 13°57'14" West, 20.99 feet; Thence North 1°28'07" West, 9.75 feet; Thence North 11°22'57" East, 9.82 feet; Thence North 0°30'16" West, 7.13 feet; Thence South 81°55'55" West, 739.13 feet; Thence North 8°03'49" West, 525.00 feet; Thence South 81°56'10" West, 180.00 feet; Thence North 8°03'49" West, 135.00 feet.

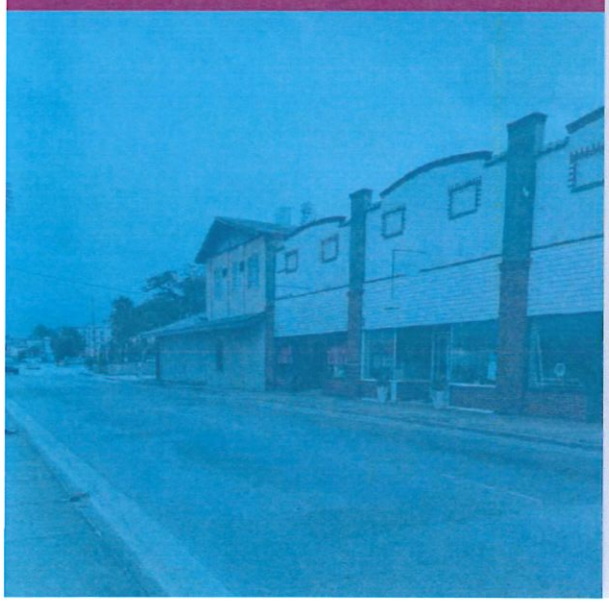
Containing an area of approximately 541.5 acres.



"Exhibit A"

CITY OF ST AUGUSTINE EST. 1565

WEST CITY



April 2024

FINDING OF NECESSITY

PLAN CONTRIBUTORS

COMMUNITY REDEVELOPMENT AGENCY

Mayor Nancy Sikes-Kline

Vice Mayor Roxanne Horvath

Commissioner Barbara Blonder

Commissioner Cynthia Garris

Commissioner Jim Springfield

CITY OF ST. AUGUSTINE

David Birchim, City Manager

Reuben Franklin, P.E., Assistant City Manager

Jaime D. Perkins, MPA, PMP, Neighborhood Services & CRA Manager

CONSULTANT

Inspire
PLACEMAKING COLLECTIVE

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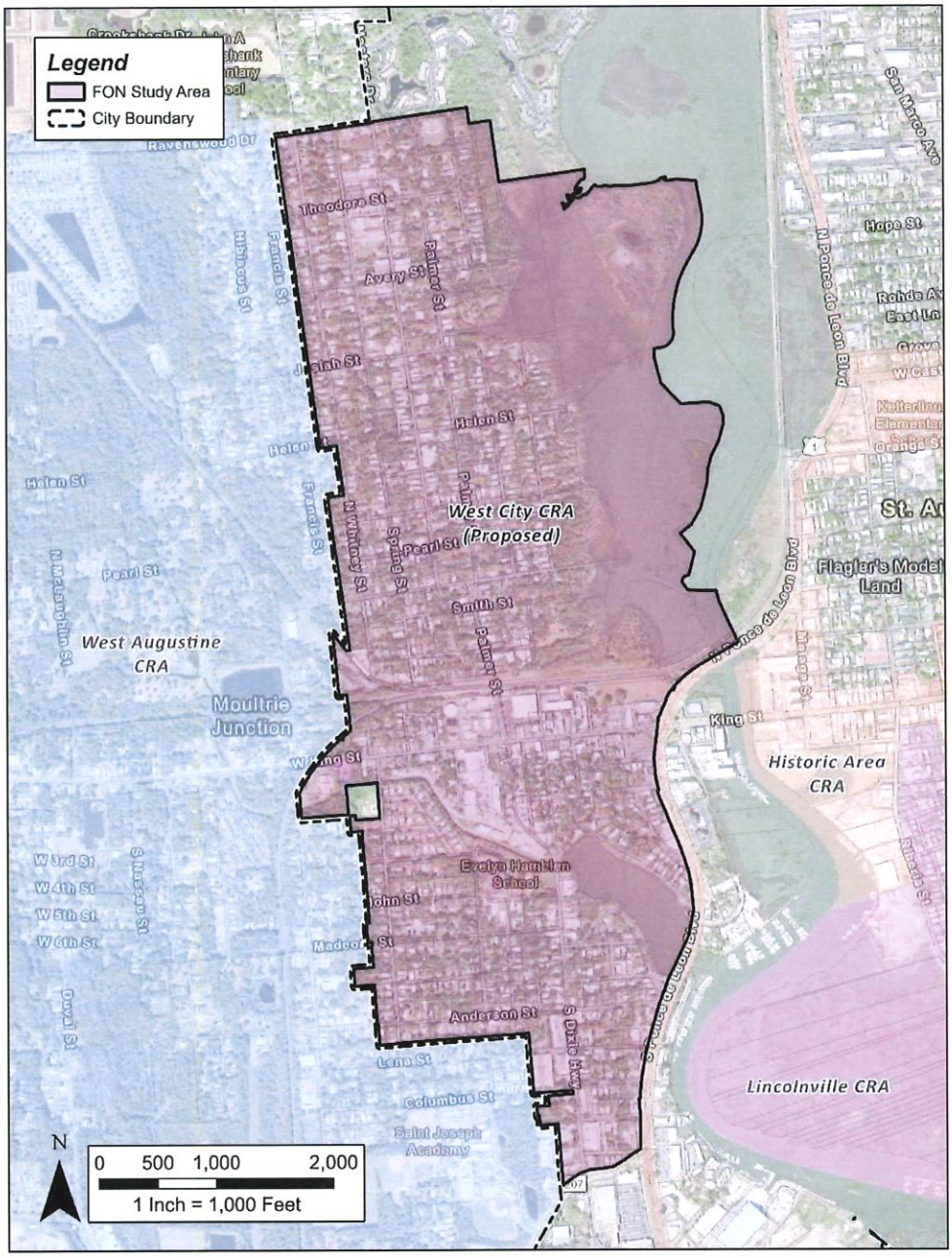
1.0 Introduction

This Finding of Necessity (FON) Study evaluates the conditions of the proposed establishment of a Community Redevelopment Area (CRA) in the western portion of the City of St. Augustine. 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 to establish the Study Area as a CRA. The Study Area is depicted in **Figure 1.**

Figure 1. Study Area



Sources: City of St. Augustine, St. Johns County, St. Johns County Property Appraiser, Florida Geographic Data Library (FGDL), 2023

2.0 Study Area Boundaries

The general boundaries of the Study Area are as follows: Ravenswood Drive to the north, San Sebastian River and N. Ponce De Leon Boulevard to the east, the City boundary to the west, and SR 207 to the south. The Study Area is approximately 543 acres.

3.0 Historical Context

The Study Area is directly west of St. Augustine's Historic Downtown, separated by the San Sebastian River. In the early 20th century, this area, along with parts of West Augustine, was known as "New Augustine," a suburb of St. Augustine. With direct access to the river and an active railway (the Florida East Coast Railway), industry thrived in the area. In 1910, New Augustine's population had grown to nearly 1,300 residents with the railroad and tourism driving most of the population growth. In 1922, the City of St. Augustine annexed the eastern part of New Augustine into its municipal limits. The Study Area had a prominent population of African American residents with strong community ties through commercial, industrial, and institutional development. Over time the Study Area has become primarily residential, apart from a commercial strip along West King Street and near SR 207.

4.0 The Redevelopment Act

The Community Redevelopment Act of 1969 (Chapter 163, Part III, Florida Statutes) gave local governments the ability to eliminate and/or prevent blighted conditions that are detrimental to the sustainability of economically and socially vibrant communities through economic development projects. The following sections expand on the administrative processes for creating or expanding a Community Redevelopment Area (CRA), as well as the criteria used to determine whether an area qualifies to become a Redevelopment Area.

4.1 Community Redevelopment Area Creation or Expansion Procedures

4.1.1 Declaration and Process

The first step in assessing whether the Study Area meets the criteria for the creation of the West City Community Redevelopment Area is determining the presence of "slum and blight" conditions. The Finding of Necessity (FON) Report will document the analysis of these conditions by describing the physical and economic conditions within the Study Area which are associated with blight or its causes and evaluating whether the Study Area qualifies for the creation of a Redevelopment Area. Inspire staff, working closely with City of St. Augustine staff, inspected the Study Area through an on-site field assessment and conducted desktop and GIS assessments of available data relating to the Study Area.

4.1.2 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. The resolution must find that blighted 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 is empowered to establish a CRA or expand an existing Community Redevelopment Area to include the blighted area(s). After the ***(1) adoption of a Resolution*** by the St. Augustine Community Redevelopment Agency acknowledging the documented conditions of blight and creating the Community Redevelopment Area, the St. Augustine City Commission & St. Johns County Board of Commissioners will ***(2) adopt an Ordinance*** formally acknowledging the new Community Redevelopment Area.

The ordinance will also establish the taxable-value base-year for the calculation of tax-increment financing (TIF) revenue and the duration of the Redevelopment Area. The ordinance will also authorize the contribution of the TIF revenue collected from participating taxing authorities from the newly adopted area's participating parcels for placement in the Community Redevelopment Agency's redevelopment 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 Redevelopment Area will be used to calculate the future tax increment. For the West City Community Redevelopment Area, the assumed timetable to adopt the Study Area as a Redevelopment Area implies that the tax increment calculation will utilize the 2023 certified rolls for the proposed Redevelopment Area.

4.1.3 Redevelopment Plan

After the approval of the Finding of Necessity report and subsequent establishment of a Community Redevelopment Area, it is likely that the City will authorize the preparation of a Community Redevelopment Plan to identify potential programs and projects to address the identified conditions of "slum" and "blight."

The Community Redevelopment Act requires that redevelopment plans be subjected to a compliance review conducted by the Local Planning Board before it may be submitted to the City Commission and County Commission 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, 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.

Before the City can adopt any resolution or ordinance to establish a community redevelopment plan or 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 because 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 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 County Board of County Commissioners
- St. Johns County Property Appraiser's Office
- St. Johns County Tax Collector
- St. Johns County Emergency Management
- St. Johns County School District
- St. Johns River Water Management District
- Anastasia Mosquito Control
- FL. Inland Navigational District
- St. Augustine Port Waterways and Beach District

4.2 Slum & Blight Criteria

The Community Redevelopment Act establishes two similar, but discrete, pathways to determine if a Study Area 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[1]" or "blighted[2]" area contains 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 [blight] factors are present" (Section 163.340(8), 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.

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.

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[1] Florida Statutes, Section 163.340 (7)

[2] Florida Statutes, Section 163.340 (8)

4.2.2 *Alternative Two*

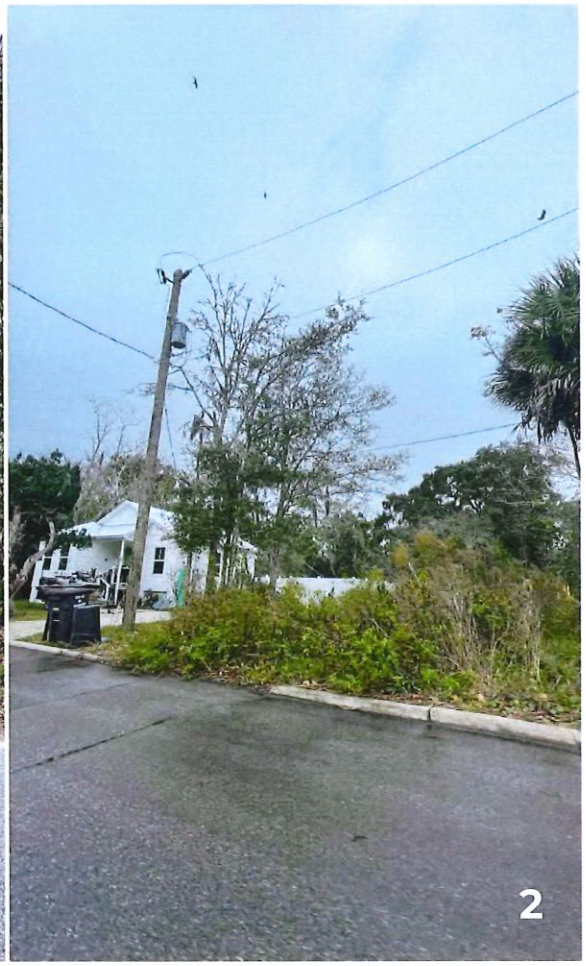
The Redevelopment Act also allows that a slum or blighted area may be "any area in which at least one of the factors identified in paragraphs (a) through (o) of Section 163.340 (8), F.S. are present and all taxing authorities (as such term is defined in the Redevelopment Act) subject to Section 163.387 (2)(a), F.S. agree, either by interlocal agreement, agreements with the CRA or by resolution, that the area is blighted."

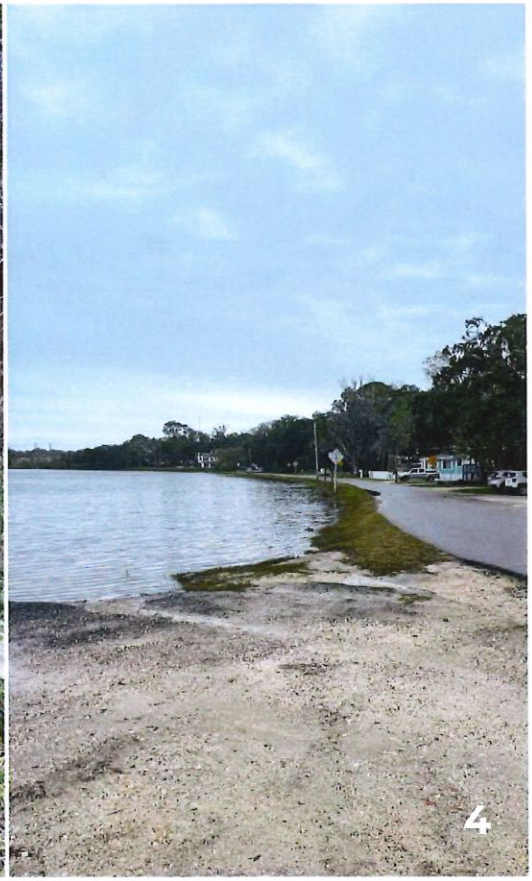
5.0 Slum & Blight Conditions Observed

5.1 Conditions of Slum Observed

5.1.1 *Conditions that endanger life or property by fire or other causes*

In portions of the Study Area, there are conditions which endanger life by means of fire or flooding. Overgrown vegetation, especially when near overhead powerlines or other power sources, pose fire risks to surrounding properties. Without regular maintenance to the vegetation, generally in right-of-way or greenbelt areas, lightning or downed powerlines could easily cause a fire that can easily spread. Stormwater drainage areas and waterways can cause flooding, risk to properties, and risk to human life. Along Lewis Boulevard, Oyster Creek flows into San Sebastian River. At this confluence, the creek flows very closely to neighboring roadways (US-1, Lewis Boulevard, and Rio Vista Drive). During heavy rains, these roadways are at risk of flooding, as are neighboring residential and commercial properties.

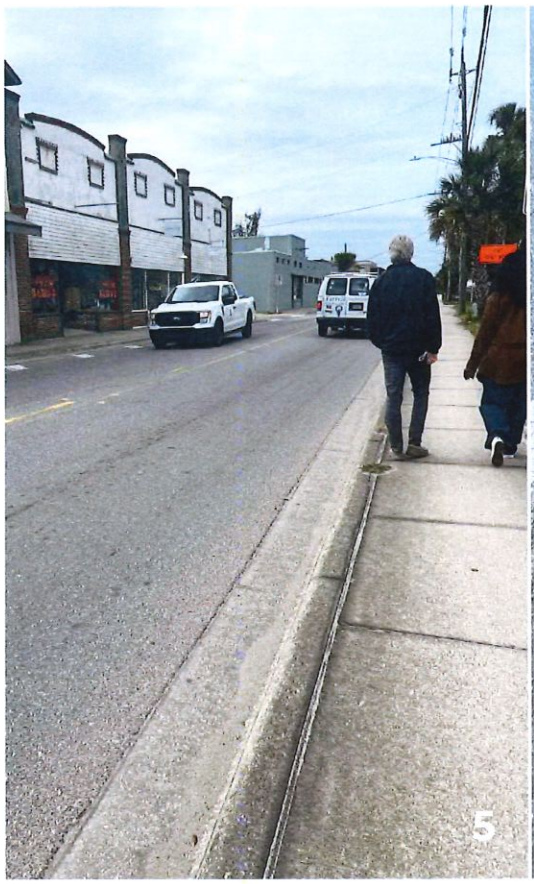




5.2 Conditions of Blight Observed

5.2.1 Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities

Defective or inadequate transportation infrastructure is determined by the size and arrangement of transportation infrastructure and supporting facilities, including pedestrian and public transit infrastructure. Parking facilities are in short supply in the Study Area, which impacts the ability of residents and visitors to visit local businesses or institutions. Pedestrian infrastructure is also lacking. West King Street is a busy thoroughfare connecting western St. Johns County to St. Augustine's downtown core. There is insufficient pedestrian and biking infrastructure to protect residents and visitors from vehicles. Many people bike through the Study Area, particularly along West King Street into historic Downtown St. Augustine, yet there is very little biking infrastructure. Cyclists must hug the shoulder of a busy road to be able to reach their destinations. Many roads do not have marked or signalized pedestrian crossings. When sidewalks are present, they tend to be in disrepair or have accessibility challenges, as can be seen in the images on the next page. Where pedestrian and biking infrastructure exists, it is inadequate to the number and speed of vehicles moving through the commercial corridor. The observed defective transportation facilities within the Study Area satisfy the definition for a condition of "blight."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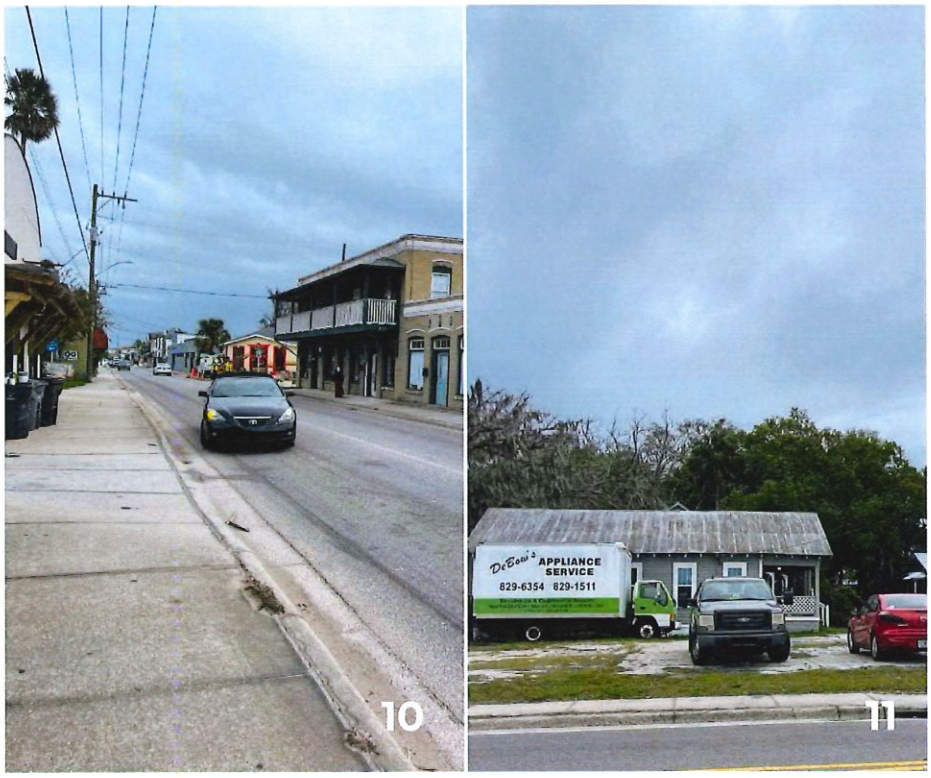
5.2.2 *Faulty lot layout in relation to size, adequacy, accessibility, or usefulness*

Lot layouts are classified as faulty if their sizes, adequacy, accessibility from roadways, or usefulness serve as a deterrent to successful redevelopment activity. Accessibility of lots is the primary challenge identified within the Study Area, specifically regarding commercial lots along major corridors. Commercial lots in the Study Area generally have small parking lots in the front of the building which are challenging to navigate, and over time this condition may impact consumers' willingness to visit certain businesses.

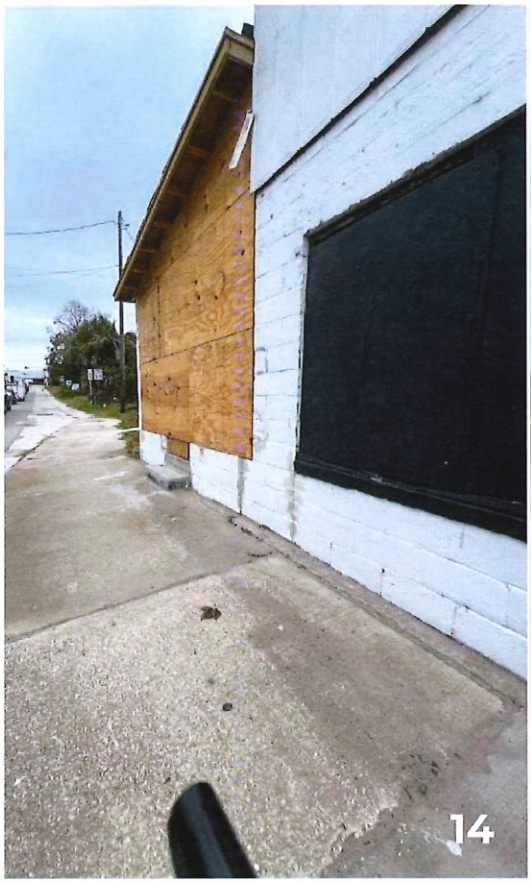


5.2.3 Unsanitary or unsafe conditions

Some infrastructure in the Study Area causes unsafe and unsanitary conditions. Roadways are in differing states of repair, some with cracked asphalt and potholes. Parking lots and sidewalks have large potholes and cracks, as well. These conditions are unsafe for pedestrians, as well as vehicles. Stormwater infrastructure is also creating unsafe and unsanitary conditions with flooding and standing water which can provide ample breeding grounds for mosquitos, other insects, and the diseases they can carry. Standing water can also create fall risks which can result in drowning, especially for children.

5.2.4 Deterioration of site or other improvements

The deterioration of site or other improvements is primarily determined by the physical conditions of buildings or site improvements, including their evaluated useful lives. Several commercial sites within the Study Area have been left to deteriorate and are either abandoned or waiting to be sold or leased. Buildings have graffiti and boarded windows and doors. Residential structures, as observed during the field study, have damaged roofs, dilapidated structural elements, and other signs of lacking maintenance. The deterioration is also seen in parking lots, sidewalks, and roadways. Roadways have potholes and cracks, and the shoulders of the roads have vegetation growing throughout. Sidewalks are broken, uneven, and have large holes in them. Parking lots at commercial sites have large missing pieces of asphalt and cracks. These conditions impact the perception of the Study Area and may prevent business owners or potential residents from choosing to locate in the area. The observed deterioration of sites or other improvements within the Study Area satisfy the definition of a blighted condition.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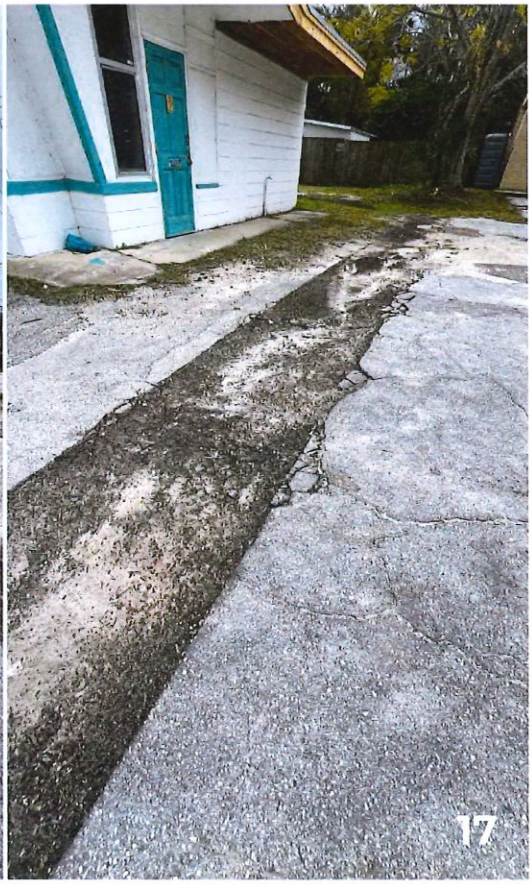
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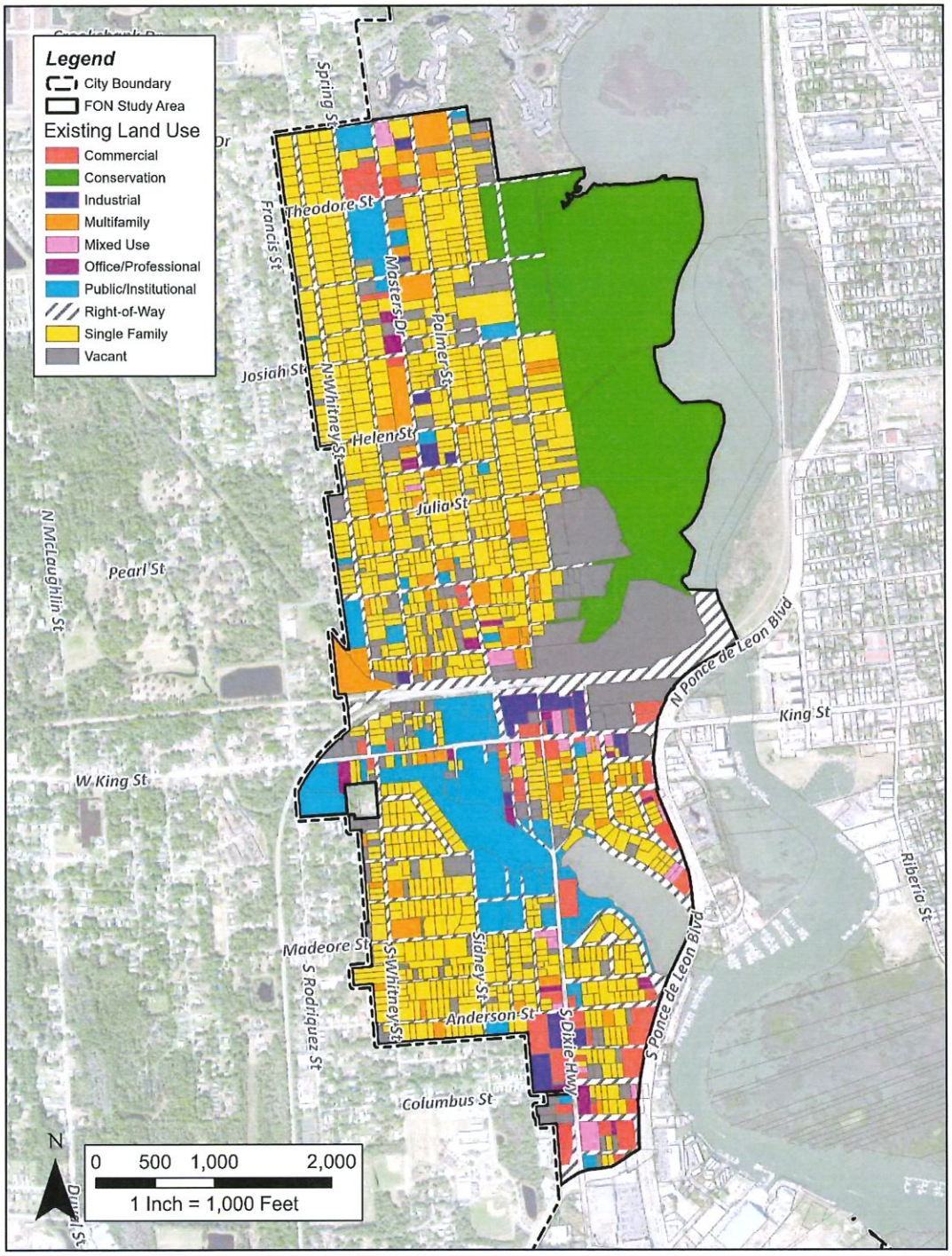
5.2.5 Inadequate and outdated building density patterns

Less than five percent of the Study Area is currently being used for commercial or office/professional uses, and over a third of the Study Area (35%) is used for residential purposes. This separation of uses prevents residents from being able to shop in their neighborhoods for everyday goods and increases the dependence upon personal vehicle use. In conjunction with the separation of uses in the Study Area, lot sizes are generally small making them difficult to maneuver for vehicles for ingress, egress, and parking. Along West King Street, the main concentration of commercial activity, there are limited areas for residents and visitors to park when visiting businesses in the area. With many curb cuts and narrow sidewalks, it is also challenging for pedestrians to access these areas. The observed inadequate and outdated building pattern within the Study Area satisfy the definition for a condition of "blight." **Figure 2**, on the next page, shows the current land use within the Study Area and the outdated building pattern.

Current Land Use	Acres	Percent (%)
Single Family Residential	182.8	35.0%
Conservation	93.8	18.0%
Right-of-Way/Utilities	69.7	13.3%
Vacant	67.0	12.8%
Public/Institutional	45.1	8.6%
Multifamily	25.2	4.8%
Commercial	19.7	3.8%
Industrial	9.3	1.8%
Mixed Use	5.3	1.0%
Office/Professional	4.6	0.9%
TOTAL ACREAGE	**522.4 ac**	

Figure 2. Current Land Use



Sources: City of St. Augustine, St. Johns County Property Appraiser, FGDL, 2023

5.2.6 Incidence of crime in the area higher than in the remainder of the county or municipality.

Based on service calls from the St. Augustine Police Department, the Study Area has more service calls than at least one other zone within the City. The Study Area accounts for approximately 20% of the service

calls but only accounts for 5% of the City's area. Proportionally, the Study Area has a higher rate of service calls for criminal activity than its size would indicate.

6.0 Summary of Conditions (per Florida Statutes)

As stated above, the Study Area is experiencing several conditions of slum and blight. There are dangers and hazards to the community, as well as conditions that prevent economic prosperity and accessibility. A field visit, public records research, and analysis of GIS data of the Study Area revealed the following conditions of slum and blight:

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) Fault lot layout in relation to size, adequacy, accessibility, or usefulness.

(3) Unsanitary or unsafe conditions.

(4) Deterioration of site or other improvements

(5) Inadequate and outdated building density patterns

(6) Incidence of crime in the area higher than in the remainder of the county or municipality.

These observed conditions have affected private sector investment and depressed redevelopment efforts and taxable income in the Study Area. There is private investment in the Study Area, but it is likely that conditions are suppressing additional investment from the private sector. The deteriorating properties, lack of accessibility to parcels, and unsanitary conditions, coupled with other observed conditions of blight have harmed economic development activity and redevelopment activity within the Study Area. The presence of these conditions within the Study Area qualifies its creation as the West City 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 to be 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 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 six (6) 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) Fault lot layout in relation to size, adequacy, accessibility, or usefulness.

(3) Unsanitary or unsafe conditions.

(4) Deterioration of site or other improvements

(5) Inadequate and outdated building density patterns.

(6) Incidence of crime in the area higher than in the remainder of the county or municipality.

8.0 Matrix of Slum & Blight Conditions

Florida Statute Reference and Definition	Observation of Conditions		
	Observed	Not Observed	Suspected
"Slum Area"			
Inadequate provision for ventilation, light, air, sanitation, or open spaces		X	
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		X	
The existence of that endanger life or property by fire or other causes	X		
"Blight Area"			
Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities	X		
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			X
Faulty lot layout in relation to size, adequacy, accessibility, or usefulness	X		
Unsanitary or unsafe conditions	X		
Deterioration of site or other improvements	X		
Inadequate and outdated building density patterns	X		
Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality			X
Tax or special assessment delinquency exceeding the fair value of the land		X	
Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality			X
Incidence of crime in the area higher than in the remainder of the county or municipality	X		
Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality		X	

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			X
Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area		X	
Governmentally owned property with adverse environmental conditions caused by a public or private entity			X
A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.		X	

9.0 Legal Description

Commencing at a point at the intersection of the North line of allice Street with the East line of Master Drive per OR book 2224, page 506 of St. John County official records; Thence along the westerly right-of-way line of Masters Drive South 09°15'00" East a distance of 660.00 feet to a POINT OF BEGINNING also a point at the northerly right-of-way of George Street.

Thence continue South 81°56'10" West, 811.95 feet; Thence South 7°56'37" East, 9.10 feet; Thence North 4°47'04" West, 52.05 feet; Thence North 1°55'25" West, 52.05 feet to the beginning of a non-tangent curve concave easterly, said curve has a radius of 953.36 feet, to which a radial line bears South 88°49'42" West; Thence northerly along said curve through a central angle of 31°38'57" an arc distance of 526.62 feet; Thence North 29°56'17" East, 54.07 feet; Thence North 30°52'37" East, 79.19 feet to the beginning of a non-tangent curve concave westerly, said curve has a radius of 506.64 feet, to which a radial line bears South 62°31'40" East; Thence northerly along said curve through a central angle of 33°08'52" an arc distance of 293.11 feet; Thence North 9°02'52" West, 56.69 feet; Thence North 10°46'46" West, 56.69 feet; Thence North 12°30'40" West, 56.69 feet; Thence (10) North 9°10'11" West, 113.33 feet; Thence (11) North 85°10'36" West, 164.47 feet; Thence South 82°24'47" West, 94.01 feet; Thence North 61°39'39" West, 17.76 feet; Thence North 33°41'50" West, 2.25 feet; Thence North 4°23'43" East, 1.63 feet; Thence North 62°51'32" East, 6.30 feet; Thence North 67°07'51" East, 9.66 feet; Thence North 31°15'44" East, 4.09 feet; Thence North 3°24'16" East, 5.26 feet; Thence North 56°49'12" West, 7.77 feet; Thence North 79°41'50" West, 5.59 feet; Thence South 82°00'46" West, 10.79 feet; Thence South 69°50'59" West, 18.51 feet; Thence South 56°34'30" West, 7.71 feet; Thence South 32°58'44" West, 14.01 feet; Thence South 61°48'11" West, 23.54 feet; Thence South 65°15'03" West, 26.40 feet; Thence South 81°27'07" West, 19.20 feet; Thence South 81°21'39" West, 18.69 feet; Thence South 81°21'39" West, 19.20 feet; Thence South 83°00'30" West, 69.95 feet; Thence South 82°42'18" West, 70.65 feet; Thence South 81°59'21" West, 20.42 feet; Thence South 88°31'50" West, 7.74 feet; Thence North 88°46'23" West, 46.70 feet; Thence North 85°45'19" West, 28.70 feet; Thence North 89°08'14" West, 16.63 feet; Thence South 86°11'06" West, 30.07 feet; Thence South 76°51'18" West, 30.23 feet; Thence South 90°00'00" West, 8.75 feet; Thence North 72°56'24" West, 12.36 feet; Thence North 65°39'32" West, 11.52 feet; Thence North 87°51'44" West, 16.76 feet; Thence South 71°42'25" West, 7.96 feet; Thence South 48°00'45" West, 10.09 feet; Thence South 71°52'52" West, 7.23 feet; Thence South 89°14'45" West, 9.50 feet; Thence North 71°59'55" West, 10.52 feet; Thence South 89°09'23" West, 16.94 feet; Thence South 66°25'07" West, 3.85 feet; Thence North 55°52'33" West, 29.78 feet; Thence South 41°05'50" West, 26.47 feet; Thence South 86°58'04" West, 1.73 feet; Thence South 55°42'45" West, 6.66 feet; Thence South 35°39'11" West, 7.08 feet; Thence South 17°21'08" West, 5.59 feet; Thence South 41°09'03" West, 62.35 feet; Thence South 83°26'42" West, 6.28 feet; Thence North 82°00'00" West, 11.68 feet; Thence South 53°40'23" West, 26.38 feet; Thence South

62°24'20" West, 26.45 feet; Thence South 77°23'04" West, 9.16 feet; Thence North 84°13'00" West, 14.89 feet; Thence North 60°37'23" West, 9.68 feet; Thence South 90°00'00" West, 3.37 feet; Thence South 57°27'54" West, 8.60 feet; Thence South 33°26'45" West, 12.13 feet; Thence South 9°09'23" West, 3.93 feet; Thence South 17°36'30" West, 6.82 feet; Thence South 67°06'40" West, 6.11 feet; Thence South 50°02'19" West, 14.60 feet; Thence South 28°06'52" West, 14.46 feet; Thence South 34°07'40" West, 27.18 feet; Thence South 38°47'34" West, 12.67 feet; Thence South 59°14'46" West, 8.80 feet; Thence South 76°31'20" West, 15.55 feet; Thence South 22°14'46" West, 1.49 feet; Thence South 8°30'35" East, 10.93 feet; Thence South 66°30'11" West, 5.90 feet; Thence North 26°10'53" West, 16.48 feet; Thence North 2°57'14" West, 15.77 feet; Thence North 20°44'38" West, 8.82 feet; Thence North 26°34'02" West, 13.56 feet; Thence North 14°01'42" West, 3.87 feet; Thence North 32°13'35" East, 3.40 feet; Thence South 79°13'10" East, 4.01 feet; Thence South 55°01'41" East, 11.31 feet; Thence South 55°01'41" East, 4.18 feet; Thence South 59°35'22" East, 13.33 feet; Thence South 82°59'37" East, 7.18 feet; Thence North 73°40'59" East, 5.34 feet; Thence North 39°54'30" East, 17.93 feet; Thence North 42°49'44" East, 15.17 feet; Thence North 18°26'06" East, 5.53 feet; Thence North 4°45'57" East, 9.03 feet; Thence North 15°31'32" West, 5.84 feet; Thence North 88°19'01" West, 12.76 feet; Thence North 74°59'41" West, 6.28 feet; Thence North 3°34'02" West, 1.00 feet; Thence North 44°27'10" East, 9.28 feet; Thence North 6°20'04" East, 3.40 feet; Thence North 37°14'44" West, 19.00 feet; Thence North 0°00'00" West, 5.62 feet; Thence North 25°28'10" East, 2.91 feet; Thence (105) North 56°18'35" East, 2.93 feet; Thence (106) North 88°05'30" East, 3.75 feet; Thence South 80°32'16" East, 5.32 feet; Thence South 55°47'49" East, 19.35 feet; Thence South 80°43'36" East, 3.10 feet; Thence North 87°13'46" East, 7.76 feet; Thence North 46°38'23" East, 6.19 feet; Thence North 36°03'47" East, 14.23 feet; Thence North 49°15'07" East, 5.36 feet; Thence North 74°17'29" East, 8.31 feet; Thence North 89°10'46" East, 26.19 feet; Thence North 72°09'06" East, 13.46 feet; Thence North 51°32'58" East, 5.43 feet; Thence North 33°10'40" East, 7.77 feet; Thence North 25°28'09" East, 26.31 feet; Thence North 00°29'34" West, 7.25 feet; Thence North 72°47'57" West, 5.50 feet; Thence North 89°22'03" West, 11.31 feet; Thence South 71°12'01" West, 3.10 feet; Thence South 45°43'16" West, 6.98 feet; Thence South 12°59'45" West, 11.67 feet; Thence South 26°33'38" West, 2.94 feet; Thence South 55°22'39" West, 6.38 feet; Thence South 88°27'07" West, 9.25 feet; Thence North 77°13'04" West, 6.22 feet; Thence North 61°37'06" West, 2.63 feet; Thence North 37°24'32" West, 2.67 feet; Thence North 8°03'31" West, 7.58 feet; Thence North 5°11'40" East, 4.14 feet; Thence North 22°41'33" East, 14.90 feet; Thence North 26°25'16" East, 22.33 feet; Thence North 38°48'29" East, 37.27 feet; Thence North 45°12'36" East, 23.71 feet; Thence North 69°32'24" East, 8.94 feet; Thence North 86°15'37" East, 9.58 feet; Thence North 53°46'56" East, 5.50 feet; Thence North 30°47'04" East, 6.84 feet; Thence North 10°26'12" East, 9.66 feet; Thence North 2°09'11" West, 16.64 feet; Thence North 13°57'14" West, 20.99 feet; Thence North 1°28'07" West, 9.75 feet; Thence North 11°22'57" East, 9.82 feet; Thence North 0°30'16" West, 7.13 feet; Thence South 81°55'55" West, 739.13 feet; Thence North 8°03'49" West, 525.00 feet; Thence South 81°56'10" West, 180.00 feet; Thence North 8°03'49" West, 135.00 feet.

Containing an area of approximately 541.5 acres.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: April 11, 2024

RE: Agenda Item for April 22, 2024, City Commission Meeting;
CRA Budget Amendment Procedures Proposal

Neighborhood Services and Community Redevelopment Agency Manager is asking that the attached CRA Budget Amendment Procedures be placed on the on the April 22, 2024, City Commission Meeting Agenda under Staff Presentations and Reports.

Attached please find the proposed Community Redevelopment Agency Budget Amendment Procedures. During the January 22, 2024, Community Redevelopment Agency Meeting, the Commission, sitting as the Community Redevelopment Agency Board asked staff to prepare and present procedures that could be utilized to amend already approved CRA budgets as provided by Florida State Statute Chapter 189.016 (6) (b).

Upon development and staff review of the proposed procedures, it was determined that the CRA Board could not provide authorization for the establishment of such procedures, but that the City Commission, the governing body, would need to provide the authorization.

The proposed procedures offer that staff would use the already established and approved budget variation procedures, allow amendments of no more than $100,000 without the governing body's approval, allow amendments within the budgets main categorized strategic goals, specifying that all changes be properly identified on the CRA budget spreadsheet, and posted to the CRA website within thirty (30) days of the changes. To ensure transparency, changes will be thoroughly highlighted in the annual budget presentation and request for budget adoption in the following fiscal year.

Recommendation | Action Item:
Staff recommends that the City Commission establish and authorize the use of the attached CRA Budget Amendment Procedures, effective immediately.

Jaime D. Perkins
Neighborhood Services & CRA Manager

cc: Assistant City Managers, City Attorney, & Department Directors

Attachments:
CRA Budget Amendment Procedures

CRA Budget Amendment Procedures

Purpose: Per Florida State Statute Chapter 189.016 (6)(b) The Governing Body may establish procedures by which the designated budget officer may authorize certain amendments if the total appropriations of the fund do not increase. Procedures will allow for City/CRA authorized staff to make certain changes to the Community Redevelopment Area budgets throughout the year without the formal adoption of a resolution.

Procedures | Criteria

Staff identifies the need to modify fund allocations within the previously approved budget line items. These changes are done to ensure the continued progress of CRA projects and programs:

- Allocation of funds may be amended, but funds may only be transferred to, or from, subcategories within the main category. **Ex:** If the adopted budget allocated funds to projects or programs (subcategories/line items) within the Neighborhood Improvements/Infrastructure, and Beautification category, funds may not be transferred or reallocated to the Administrative Cost subcategory/line items. Funds may be transferred within subcategories or line items identified under the Neighborhood Improvements/ Infrastructure, and Beautification category. For example, if there are multiple recreational projects identified or funds are allocated to future projects under that same main category, those funds may be transferred to a specific sub-category project to satisfy cost obligations.

- Staff should adopt best practices in an effort to reallocate transferred funds back to the project or program that funds were initially allocated toward when new fiscal year (FY) revenues become available. **Ex:** If $5,000 was transferred from project A to project B to satisfy cost obligations, when revenues become available in the following FY, $5,000 should be reallocated to project A.

- Staff may not amend the budget allocation or line item by more than $100,000 at any one time.

- If an amendment to a line item of more than $100,000 is deemed necessary by staff, then the governing body or CRA Board must approve this amendment by resolution in a public meeting.

- Grant Revenues previously approved are not recognized as appropriation increases; however, the budget spreadsheet must reflect the increased revenues received and the amended budget must be published to the CRA website within 30 calendar days.

- To ensure transparency, all changes must be clearly identified in the appropriate reporting columns found on the budget spreadsheet and specifically acknowledged during the presentation and recommendation for adoption of the new FY budget.

- The amended budget must be posted to the CRA website within 30 calendar days of any applicable changes. The budget spreadsheet must be easily identifiable as an amended budget.

- Staff will follow the currently approved budget variation procedures when making amendments to the budget. Proper forms must be submitted, and senior staff approval must be received prior to amending the CRA budget.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: April 10, 2024

RE: Request for appointment to fill one (1) Alternate Member – Historic Architectural Review Board (HARB)

Notification was previously given regarding one (1) vacancy for Alternate position on HARB.

According to Ordinance 2016-08, Alternates shall have previously served as regular members and will only be called to participate and vote at meetings in the event of an anticipated lack of quorum, or bare minimum quorum, of the regular members.

One qualified application was received from Randal Roark. Mr. Roark meets the eligibility criteria and may be appointed as an Alternate Member should the Commission choose to do so. The new term will expire on March 28, 2026

Attached is Mr. Roark's application, in addition to the current HARB roster, Board profile, and responsibilities.

.

Darlene Galambos

Darlene Galambos
City Clerk

Attachments: Application

xc: Clerk's Office

HISTORIC ARCHITECTURAL REVIEW BOARD

Meets Monthly, 3rd Thursday - 1:00 p.m.
Alcazar Room, City Hall

Board Member	Contact information	Appointment	3-Year Terms Expire
Gaere MacDonald **VICE-CHAIR** Contractor	23 Water Street, 32084 904-814-7799 gmdconstruction@aol.com	03/25/19 1st full term 03/14/22 2nd full term	3/28/2025
VACANT			3/28/2027
VACANT			3/28/2027
Brad Beach Architect	5 Hope St., 32084 904-521-3470 Bbeach.design@gmail.com	03/14/22 1st full term	3/28/2025
Paul L. Weaver, III Professional Preservation Consultant	5 Milton St, 32084 PO Box 1002, 32085 (preferred) 904-824-5178 (Business) 904-347-6090 (Cell) hpa007@aol.com	06/25/18 fill vacancy 04/27/20 1st full term 03/13/23 2nd full term	3/28/2026
VACANT Alternate			3/28/2026
Alternate **Barbara Wingo** Attorney/Historian	17 Saragossa St. 32084 PO Box 497, 32085 (preferred) 904-824-5146 352-214-1214 (Cell) bcwingo@gmail.com	03/14/22	3/28/2025

03.14.23

HISTORIC ARCHITECTURAL REVIEW BOARD

Authorization:	Code of Ordinances, Chapter 28, Article II, Division 3 and Ordinance 2005-15.
Number of Members:	Five (5) Regular Members and Two (2) Alternates
Terms of Office:	Three (3) years, expiring on March 28th - Original terms staggered; no member appointed for more than two full consecutive terms.
Appointment:	By City Commission.
Qualifications:	While preference shall be given to current City residents, City Commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified. All members of the historic architectural review board shall have either thorough training and/or experience in: 1 history or related fields; 2 archaeology; 3 architectural history; 4 historic architecture; and 5 art history. Alternates shall be appointed for a three (3) year term, and shall have previously served as regular members and shall comply with all local and state requirements of office. Alternates will only be called upon to participate and vote at meetings in the event of an anticipated lack of quorum or bare minimum quorum of the regular members. See Section 28-82 for the criteria required in order to be appointed to the Board.
Duties:	Act on applications for Certificates of Appropriateness in HP-1 through HP-5; act on applications for building permits on property abutting HP-1 through HP-3; act on all applications for demolition permits for structures 50 years old or older within the City limits; cooperate with governments in planning proposed and future projects reflecting concerns and policies and assist as a consultant in development of future land use plans; advise property owners & government agencies concerning maintenance, protection, enhancement and preservation of historic resources; advise the City Commission concerning effects of local governmental actions on resources designated under the ordinance; recommend issuance of stop work order when not in compliance; develop rules and procedures necessary to implement powers and duties of the HARB consistent with ordinance; conduct regular public meetings and call special meetings; and designate historical landmarks.
Attendance:	Ordinance 2018-11 amended Sec. 2-191 to remove the language regarding meeting attendance and instead states "Members of Boards may be removed by majority vote of the Commission, upon notice of the intent to remove the Board member mailed to the address on record at the office of the city clerk by certified U.S. mail, return receipt requested, and a hearing before the City Commission providing the member an opportunity to be heard".
Meetings:	Third Thursday of each month, 1 P.M. the Alcazar Room, City Hall.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: April 11, 2024

RE: Consent Agenda Item for the April 22, 2024, Commission Meeting;
Request to Name a Public Park Located at 81 Weeden Street

In accordance with Resolution 2016-15 which outlines the process for the official naming of public parks and city facilities, I hereby submit the following request on behalf of City Commissioner Barbara Blonder, who is sponsoring this request to name the vacant parcel, located at 81 Weeden Street.

Per the resolution, following a time for suggestions to be received, a committee representing the Public Works Department, Planning and Building Department and Communications Department will meet to review public input and recommend a name to the City Manager for consideration by the City Commission.

Please place this item on the Consent Agenda for the April 22, 2024, City Commission meeting. Should this item be accepted by the City Commission, the following timeline will be initiated:

- Friday, April 26 — Call for submissions, through Friday May 10 (two weeks)
- Friday, May 10 — Submissions requests close
- Tuesday, May 21 — Committee review of submissions, make selection(s)
- Monday, June 10 — City Commission considers recommendation

I am available for any questions you may have. I can be reached by phone at 904.209.4254, or by email at jperkins@citystaug.com.

Jaime D. Perkins
Neighborhood Services and CRA Manager

cc: Assistant City Managers, City Attorney, Department Directors

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, March 25, 2024

The City Commission met in formal session Monday, March 25,2024, at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Vice-Mayor Roxanne Horvath, and the following were present:

1. Roll Call: Roxanne Horvath, Vice Mayor/City Commissioner
Barbara Blonder, City Commissioner
Cynthia Garris, City Commissioner
Jim Springfield, City Commissioner

Absent: Nancy Sikes-Kline, Mayor/City Commissioner

Also Present: David Birchim, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Reuben Franklin, Assistant City Manager
Amy Skinner, Director, Planning and Building
Jamie D. Perkins, Neighborhood Services and CRA Manager
Melissa Wissel, Director, Communications
Jennifer Michaux, Police Chief
Elyse Wiemann Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Horvath requested a moment of silence and Commissioner Blonder led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mr. Birchim announced that proclamation 2024-11 was sponsored by Commissioner Blonder.

MOTION

Commissioner Springfield MOVED to approve the Regular Agenda with the modification. The motion was SECONDED by Commissioner Garris and APPROVED BY UNANIMOUS VOICE VOTE.

3. Special Presentations, Recognitions and Proclamations

Proclamation 2024-11: Proclaims April 2024 as Water Conservation Month in the City of St. Augustine. (Skies-Kline, Mayor)

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Jose Riera
- JoAnna Engel
- Scott York
- Bill Logebon
- Paul Hamill
- Jeff Fox
- Victoria Payne

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- Terry Takken
- Jennifer Cushion
- Wolfgang Schau
- Ann Derby
- Ellen Avery-Smith
- 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 APRIL 8, 2024:
• Ordinance 2024-06 - Sunsets the Code Enforcement Adjustments and Appeals Board
• Ordinance 2024-07 - Edits and brings into conformity references to the Nuisance, Adjustment and Appeals Board and Special Magistrate

CA.3. Reminder of Upcoming Meetings:

• April 8, 2024, 5:00pm, Regular City Commission Meeting
• April 22, 2024, 4:00pm, Community Redevelopment Agency Meeting
• April 22, 2024, 5:00pm, Regular City Commission Meeting
• May 13, 2024, 5:00pm, Regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS: NONE.

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S): NONE.

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

Proclamation 2024-14: Proclaims April 2024 as Autism Awareness month in the City of St. Augustine. (J. Springfield, Commissioner)

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.
End Consent Agenda

5.A. Additions, deletions or modifications to Consent Agenda

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Springfield MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Horvath 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)

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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 2024-06: Sunsets the Code Enforcement, Adjustment and Appeals Board and establishes the Nuisance, Appeals and Adjustment Board. (I. Lopez, City Attorney)

Isabelle Lopez, the City Attorney reviewed the Ordinance.

MOTION

Commissioner Blonder MOVED to pass Ordinance 2024-06 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 COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 2 ARTICLE V, DIVISION 2 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING SECTIONS 2-211, 2-212, 2-213, AND 2-216 NAMING THE NUISANCE, APPEALS AND ADJUSTMENT BOARD; PROVIDING FOR ORGANIZATION AND POWERS; REPEALING SECTIONS 2-214 AND 2-215; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:
AYES: Blonder, Springfield, Garris, Horvath
NAYES: NONE
MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2024-07: Edits and bring into conformity references to the Nuisance, Adjustments and Appeals Board and Special Magistrate throughout the municipal code. (I. Lopez, City Attorney)

Isabelle Lopez, the City Attorney reviewed the Ordinance.

MOTION

Commissioner Springfield MOVED to pass Ordinance 2024-07 on first reading and moved to second reading. The motion was SECONDED by Commissioner Garris.

Isabelle Lopez, City Attorney, read the Ordinance.

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING SECTIONS 3-23, 8-3, 8-4, 8-5, 8-446, 8-447, 8-448, 8-452, 8-453, 19-2, 19-5, 22-3, 25-56, 25-57, 28-35, 28-90, 28-347, AND 29-43 TO CONFORM TO THE SUNSETTING OF THE CODE ENFORCEMENT, ADJUSTMENT AND APPEALS BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:
AYES: Springfield, Garris, Blonder, Horvath
NAYES: NONE
MOTION APPROVED UNANIMOUSLY

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9.B. Resolutions

9.B.1. Resolution 2024-11: Supports the grant application under the Florida Inland Navigation District (FIND) waterways assistance program. (J. Perkins, Neighborhood Services and CRA Manager)

Jamie D. Perkins reviewed the Resolution in support of the grant application to the Florida Inland Navigation District (FIND).

Commissioner Springfield asked if this was outside the improvements for the two parks.

Ms. Perkins replied that this was in the approved master plan and was included in the Eddie Vickers and Robert B. Hayling Park.

Commissioner Springfield asked would the kayak launch be built even if the funding was not granted.

Ms. Perkins confirmed it would be built; however, it would take longer as funding challenges created long term challenges. She said this ranked very high from the public and it would be built.

Commissioner Blonder asked for a timeline if the grant was received.

Ms. Perkins replied if the grant were awarded construction would start within a year as the design was already completed. She said a survey may be required to make sure the design they had was accurate.

Commissioner Horvath asked if this included parking.

Ms. Perkins advised this particular grant did not include parking; however, there would be money from the Community Redevelopment Agency that would assist with parking.

MOTION

Commissioner Blonder MOVED to pass Resolution 2024-11. The motion was SECONDED by Commissioner Springfield.

VOTE ON MOTION:
AYES: Blonder, Springfield, Garris, Horvath
NAYES: NONE
MOTION APPROVED UNANIMOUSLY

9.B.2. Resolution 2024-12: Sets the dates for the traditional Nights of Lights celebration. (M. Wissel, Director Communications)

Melissa Wissel reviewed the Resolution to set the dates for the traditional Nights of Lights Celebration.

Commissioner Blonder stated she appreciated the business owners who spoke against the resolution; however, stated she disagreed as she had heard from many citizens who were in support of the resolution.

Commissioner Springfield agreed and noted this was more definitive for people when making plans to attend.

Commissioner Garris stated the residents had to come first and many were in support of the resolution.

MOTION

Commissioner Blonder MOVED to pass Resolution 2024-12. The motion was SECONDED by Commissioner Springfield.

VOTE ON MOTION:
AYES: Blonder, Springfield, Garris, Horvath
NAYES: NONE
MOTION APPROVED UNANIMOUSLY

Commissioner Blonder encouraged heavily messaging the information so that the

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businesses and visitors were clear on when Nights of Lights begins and ends.

Commissioner Garris suggested adding the information to the bottom of the water bill closer to the season.

10. Staff Reports and Presentations

10.A. Staff presentation of the Neighborhood Grant Program Guidelines and Application Booklet. (J. Perkins, Neighborhood Services and CRA Manager)

Jamie D. Perkins reviewed the Neighborhood Grant Program Guidelines and Applications. She said if approved, the program would be accepting applications as soon as April 1st. She said the maximum award would be $3,000 and grants would be awarded to organizations in the fiscal year third quarter. She reviewed the criteria to receive the grant monies. She said the City had the ability to support five community agencies each year.

Commissioner Springfield said the total program was able to support 5 projects a year for a total of $15,000.

Ms. Perkins advised that was correct.

Commissioner Blonder asked if landscaping or maintaining mangroves to assist with the viewshed would be a project that could be considered. She asked if that could be added to the project list.

Ms. Perkins said that could be considered by the review committee and in the grant criteria, it was noted certain projects may have to be reviewed by the City Attorney to ensure everything was following legal and state guidelines.

There was Commission consensus to move forward with the Neighborhood Grant Program.

10.B. Staff presentation on updating the City's 2014 Vision Plan. (A. Skinner, Director Planning and Building)

Amy Skinner, Planning and Building Director reviewed the presentation for updating the City's 2014 Vision Plan. She said staff contacted the Northeast Florida Regional Council to help with the process. She reviewed the draft outline for services and noted it would be around $50,000 for the work to be completed. She said they were trying to reduce the cost by using current information already collected by the City.

Commissioner Blonder questioned if money could be saved if the survey conducted by the Communications department were incorporated as it was comprehensive, and many questions were directed towards quality of life.

Ms. Skinner said she thought it could be used as it was recent data and it contained a lot of information to help update the vision plan.

Commissioner Springfield thought there were a lot of goals; however, no dates were provided. He said they should have measurable goals and a timeline.

Commissioner Horvath was excited for this to take place and expected to have good results from the Northeast Regional Council.

Ms. Skinner said there was a meeting scheduled to help update them and dates would be added. She said she would provide an update at a subsequent meeting.

10.C. Madeira Development City Commission update. (A. Skinner, Director Planning and Building)

Amy Skinner, Planning and Building Director provided an update regarding the Maderia Development.

DRAFT

Commissioner Horvath asked about the trees mentioned during public comment and if those had been identified.

Ms. Skinner said tree surveys had been submitted with the original Planning Unit Development (PUD) and those trees over twenty inches had been identified. She said any plat had to be consistent with the stipulations outlined in the PUD.

Commissioner Horvath asked if the tree survey was available.

Ms. Skinner said the tree survey had been submitted with the original PUD in 2004.

Commissioner Horvath requested an updated tree survey and thought the trees should be protected. She said if there were trees over twenty inches, those should be protected and provided a buffer.

Commissioner Springfield asked if the soil in the area had to be mitigated.

Ms. Skinner confirmed that was correct and phase three had always had trees. She said it was her understanding that all soil mitigation was complete.

Commissioner Blonder felt there was miscommunication and thought it was unfortunate the developer was unwilling to sell. She said since the development was approved, what could happen needed to be clarified. She said the birds would mostly be impacted and pointed out the wetlands would not be developed.

Commissioner Garris asked if this was near Fort Mose.
Ms. Skinner advised this was south of this development with another neighborhood in between.

Commissioner Horvath asked for the most recent tree survey to be provided.

Ms. Skinner said she would ask the developer for the most recent tree survey.

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

Mr. Birchim provided an update on the Conservation Program and noted the website would be available tomorrow.

14. Items by Mayor and Commissioners

Commissioner Springfield asked for a definition of a loudspeaker.

Ms. Lopez explained the code had to be viewed in its entirety. She said one definition would not clearly explain the intent of the code.

Commissioner Horvath suggested speaking with the citizen that was concerned with this during public comment.

Commissioner Horvath expressed her excitement for the progress from the Art Committee. She said the first phase was underway and the request for qualifications would be reviewed.

15. Adjournment

There being no further business, the meeting was adjourned at 6:29 P.M.[1]

_____
Nancy Sikes-Kline, MAYOR

_____
Darlene Galambos, CITY CLERK

[1] Transcribed by Elyse Wiemann

DRAFT

City of St. Augustine

La Lealisíma y Valerosa Ciudad de San Agustín de la Florida

Est. 1565

P R O C L A M A T I O N

Whereas, *landscape architecture is a multifaceted profession that encompasses the analysis, design, planning, management, and stewardship of the natural and built environment, playing a crucial role in shaping the spaces where people live, work, and play; and*

Whereas, *landscape architects design and create community masterplans, walkable neighborhoods, multimodal transportation networks, green stormwater systems, and accessible spaces such as public plazas, parks, schools, residential common areas, playgrounds, and trails that lead to active lifestyles and healthy communities; and*

Whereas, *the American Society of Landscape Architects, founded on January 4, 1899, has reached the remarkable milestone of its 125th anniversary; and*

Whereas, *the 125th anniversary of the American Society of Landscape Architects is an opportunity to reflect on the profession's transformative impact on public health, safety, and welfare through the thoughtful design, analysis, management, and stewardship of the natural and built environments in St. Augustine, contributing to the overall well-being of its residents; and*

Whereas, *landscape architects, as licensed professionals, have played an integral role in shaping the economic, social, and cultural fabric of St. Augustine, contributing to the creation of vibrant and livable communities that enhance the quality of life for all residents.*

NOW THEREFORE, *the City Commission of the City of St. Augustine hereby proclaims the month of* ***April 2024*** *as* ***LANDSCAPE ARCHITECTURE MONTH*** *in the City of St. Augustine and encourages its citizens to acknowledging their role in creating inviting and safe spaces that contribute to the state's economy, while simultaneously preserving the environment and ecological systems*

IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Seal of the City of St. Augustine to be affixed this 22nd day of April in the year of our Lord two thousand and twenty-four and the four hundred and fifty-eighth year of the founding of St. Augustine, the Nation's Oldest City.*

_____

Nancy Sikes-Kline, Mayor

2024-17

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim
City Manager

DATE: April 12, 2024

RE: City Commission Consent Agenda Item

As you're aware, the U.S. Department of Housing and Urban Development (HUD) has designated St John's County as an urban county for allocation of FY 2021-2024 Community Development Block Grant (CDBG) funding. During this period, the City elected to be excluded from the urban county to maintain eligibility for Florida Small Cities CDBG program funding. The City has historically capitalized on the small cities CDBG programs completing several project applications and receiving grant awards from the Department of Commerce vice allocation through the County and their priority list.

At this time, the County is required to requalify as an urban county for FY 2025-2027 HUD, CDBG funding opportunities and has notified the City of it's eligibility to be included in, or excluded from the urban county entitlement program.

Participating or joining with the urban county will render the City ineligible to apply for Florida Small Cities CDBG programs. This will limit the City's ability to directly apply for CDBG project funding such as recent application and award for Coronavirus relief for the St Francis House or other redevelopment and disaster relief projects.

Staff recommends maintaining the City's exclusion from participation in the urban county for the ability to directly participate in the Florida Small Cities Program funding. If you concur, please place this item on the consent agenda for the City Commission meeting, scheduled for April 22, 2024.

As always, please do not hesitate to contact me if you have any questions. Thank you for your assistance.

Corey L. Sakryd
Director General Services

Encl: St. Johns County Urban County Notification Eligibility Letter
City of St. Augustine Urban County Draft Response Letter

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk
file

RECEIVED
APR 12 2024
CITY MANAGERS OFFICE

April 8, 2024

Mr. David Birchim
City Manager
City of St. Augustine
P.O. Box 210
St. Augustine, FL 32085-0210

Dear. Mr. Birchim:

The U.S. Department of Housing and Urban Development (HUD) designated St. Johns County to be an urban county for the purpose of allocating funds for the FY 25-27 Community Development Block Grant (CDBG). At this time, The County is required to requalify as an urban county for FY-25-27. Therefore, the County must notify the City of St. Augustine of its right to elect to be included in, or be excluded from, the urban county. And request the City to make its own intentions by May 01, 2024.

St. Johns County values the CDBG program for funding housing programs, community development, projects, and neighborhood revitalization activities, and the City to participate in the County's CDBG program. However, the County recognizes the City's right to decide which course of action best meets the needs of its citizens.

To assist the City of St. Augustine with the decision to be included in the urban county. Or to continue to be excluded from the urban county, the County advises the City of the following HUD regulations:

1. If the City chooses to be included with the urban county, the City will not be eligible to apply for or participate in grants under the State CDBG program while it is part of the urban county.

2. If the City chooses to be included with the urban county, the City would also be a participant in the Housing Opportunities Made Equal (HOME) program, should the County receive HOME funding, and may only receive a formula allocation under the HOME Program as a part of the urban county. This does not preclude the urban county or the City from applying to the State for HOME funds, if the State allows. The County currently does not receive HOME funding.

Health & Human Services
200 San Sebastian View, Suite 2300, St. Augustine, FL 32084
904.209.6140 | sjcfl.us

3. If the City chooses to be included with the urban county, the City is also a participant in the Emergency Solutions Grant (ESG) program, should the County receive ESG funding directly from the federal government, and may only receive a formula allocation under the ESG Program as a part of the urban county. This does not preclude the urban county or the City from applying to the State for ESG funds, if the State allows.

4. If the City decides to be included with the urban county, the County and the City must execute a participation agreement, legal review, and governing board approval, in compliance with HUD rules and regulations.

5. The City must notify the County and the HUD Field Office, in writing, prior to May 08, 2024, that it elects to be included or excluded in the urban county. Notice of the City's decision to participate should be provided to the County from the chief executive officer, and approved by City's governing body.

6. If the City chooses to be included in the urban county, such election will be effective for the entire three-year period of FY 2025-2028.

7. If the City chooses to be excluded from the urban county, such election will be effective for the entire three-year period of FY 2025-2028, unless the City specifically elects to be included in a subsequent year for the remainder of the urban county's three-year qualification period.

Thank you for your consideration on this matter. If you have any questions or concerns regarding the process or related HUD procedures, please contact me at jharvey@sjcfl.us or Anna O'Toole, HUD Community Planning and Development Representative at Anna.N.Otoole@hud.gov.

Sincerely,

Jennifer Harvey
Housing and Community Service Manager

Health & Human Services
200 San Sebastian View, Suite 2300, St. Augustine, FL 32084
904.209.6140 | sjcfl.us

CITY OF
ST AUGUSTINE
EST. 1565
NATION'S OLDEST CITY

April 12, 2024

Jennifer Harvey
Housing and Community Service Manager
St. Johns County
200 San Sebastian Way, Suite 2300
St. Augustine, FL 32084

RE: Election for Participation in FY-25-27 Community Development Block Grant (CDBG) Program

Dear Jennifer:

The City of St. Augustine elects to be excluded from St. Johns County's intent to apply for Urban County status with the U.S. Department of Housing and Urban Development (HUD).

The City is currently working with a CDBG grant for the St. Francis House. We would not be able to obtain this grant funding if we became a participant under the State CDBG program while part of the urban county. Additionally, it could also affect other possible applications for future CDBG awards we could be eligible for. Thank you for your consideration.

Sincerely yours,

David Birchim
City Manager

xc: Meredith Breidenstein, Asst City Manager
Corey Sakryd, Director General Services

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: April 11, 2024

RE: Consent Agenda Item for the April 22, 2024, Commission Meeting;
Request to Name a Public Park Located at 81 Weeden Street

In accordance with Resolution 2016-15 which outlines the process for the official naming of public parks and city facilities, I hereby submit the following request on behalf of City Commissioner Barbara Blonder, who is sponsoring this request to name the vacant parcel, located at 81 Weeden Street.

Per the resolution, following a time for suggestions to be received, a committee representing the Public Works Department, Planning and Building Department and Communications Department will meet to review public input and recommend a name to the City Manager for consideration by the City Commission.

Please place this item on the Consent Agenda for the April 22, 2024, City Commission meeting. Should this item be accepted by the City Commission, the following timeline will be initiated:

- Friday, April 26 — Call for submissions, through Friday May 10 (two weeks)
- Friday, May 10 — Submissions requests close
- Tuesday, May 21 — Committee review of submissions, make selection(s)
- Monday, June 10 — City Commission considers recommendation

I am available for any questions you may have. I can be reached by phone at 904.209.4254, or by email at jperkins@citystaug.com.

Jaime D. Perkins
Neighborhood Services and CRA Manager

cc: Assistant City Managers, City Attorney, Department Directors

City of St. Augustine
Budget Preparation Schedule for FY 2023

	DATE	RESPONSIBILITY	ACTION
1	**02/27/23**	**City Commission**	Regular Meeting - Present Meeting Schedule
2	03/08/23	Budget, Public Works & Utilities	Discuss CIP Projects and ARPA
3	03/15/23	All Staff	Follwup up on CIP and ARPA Projects after regular Staff Meeting
4	04/10/23	Financial Services	Upload 3/31 actual data into OpenGov
5	05/01/23	Department Heads	Submit any Departmental reorganizations, incremental Personal Service and Information Technology requests.
6	05/01/23	Financial Services	Release electronic access of OpenGov to departments for input
7	**05/22/23**	**City Commission**	Workshop - Review Strategic Plan, Mid-Year Budget Analysis, and CIP
8	05/24/23	Department Heads	Budget Planning Meeting after Regular Staff Meeting
9	06/12/23	Department Heads	Budget worksheets Submitted in OpenGov
10	6/12/23-7/21/23	Budget Team	Budget Review Period - Departmental Meetings when Necessary
11	**7/10/2023 3:00 p.m.**	**City Commission**	***Special Meeting*** - Discussion of 2023 Budget Assumptions (Revenues)
12	07/01/23	Tax Collector	Certification of taxable values. (Tentative hearing date shall be no sooner than 65-days from certification, but no more than 80-days.)
13	**7/10/23 5:00 p.m.**	**City Commission**	Regular Meeting - Adopt Resolution of proposed millage rate. Adopt other Budget-Related Resolutions.
14	07/20/23	Financial Services	DR-420 due - Notice to the Tax Collector
15	07/28/23	Financial Services	All budgets must be balanced - begin budget book preparation
16	**8/14/2023 3:00 p.m.**	**City Commission**	***Special Meeting 3pm*** - Discussion of 2024 Budget Assumptions and 5-Year CIP
17	**8/14/23 5:00 p.m.**	**City Commission**	**Regular Meeting - Public Hearing on any Budget-Related Resolutions.**
18	08/17/23	Financial Services	Budget Books Delivered to Commissioners
19	**8/24/23 9:00 a.m.**	**City Commission**	***Special Meeting / Rountable Discussion*** of FY 2024 tentative budget and action items.
20	**8/25/23 9:00 a.m.**	**City Commission**	***Special Meeting*** - Discussion and approval of FY 2024 tentative budget and action items if necessary
21	**9/14/2023 5:05 p.m.**	**City Commission**	***Special Meeting*** - Initial public hearing for FY 2024 budget and tentative millage rate adoption.
22	09/08/23	Budget, IT, City Clerk, Finance	Certify Fire Assessment Roll to Tax Collector by 9/12/23. Prepare notice of millage, budget hearing and final public hearing for publication on 9/18/23.
23	**9/28/2023 5:05 p.m.**	**City Commission**	***Special Meeting*** - Final public hearing for FY 2024 budget and final millage rate adoption.
24	10/02/23	Financial Services	Send Resolution of Final Millage rate to Property Appraiser, Tax Collector and DOR
25	10/02/23	Financial Services	Implement adopted budget.
26	10/13/23	Financial Services	Submit package for TRIM compliance.

City of St. Augustine
Budget Preparation Schedule for FY 2023

All submissions should be made to Mark Simpson, Finance Director

City of St. Augustine
Budget Preparation Schedule for FY 2025

	DATE	RESPONSIBILITY	ACTION
1	**04/22/24**	**City Commission**	Regular Meeting - Include Preparation Schedule on Consent Agenda
2	04/25/24	Financial Services	Upload 3/31 actual data into OpenGov
3	05/01/24	Department Heads	Submit any Personal Service and Information Technology requests.
4	05/01/24	Financial Services	Release electronic access of OpenGov to departments for input
5	05/01/24	Finance, Public Works & Utilities	Discuss CIP Projects and prepare for 5/13 Special Meeting
6	**05/13/2024 3:30pm**	**City Commission**	***Workshop* - Review Strategic Plan, Mid-Year Budget Analysis, and CIP**
7	06/17/24	Department Heads	Budget Worksheets Must be Submitted in OpenGov
8	6/17/24-7/31/24	Budget Team	Budget Review Period - Departmental Meetings when Necessary
9	07/01/24	Tax Collector	Certification of taxable values. (Tentative hearing date shall be no sooner than 65-days from certification, but no more than 80-days.)
10	**7/08/2024 3:00 p.m.**	**City Commission**	***Special Meeting*** - Discussion of 2025 Budget Assumptions (Revenues)
11	**7/08/24 5:00 p.m.**	**City Commission**	Regular Meeting - Adopt Resolution of proposed millage rate. Adopt other Budget-Related Resolutions
12	07/22/24	Financial Services	DR-420 due - Notice to the Tax Collector
13	07/29/24	Financial Services	All budgets must be balanced - begin budget book preparation
14	**8/12/24 5:00 p.m.**	**City Commission**	**Regular Meeting - Public Hearing on any Budget-Related Resolutions.**
15	08/15/24	Financial Services	Budget Books Delivered to Commissioners
16	**8/22/24 9:00 a.m.**	**City Commission**	***Special Meeting / Rountable Discussion*** of FY 2025 tentative budget and action items.
17	**8/23/24 9:00 a.m.**	**City Commission**	***Special Meeting*** - Discussion and approval of FY 2025 tentative budget and action items (if necessary)
18	**9/5/2024 5:05 p.m.**	**City Commission**	***Special Meeting*** - Initial public hearing for FY 2025 budget and tentative millage rate adoption.
19	09/08/24	Budget, IT, City Clerk, Finance	Certify Fire Assessment Roll to Tax Collector by 9/12/24. Prepare notice of millage, budget hearing and final public hearing for publication on 9/19/24.
20	**9/19/2024 5:05 p.m.**	**City Commission**	***Special Meeting*** - Final public hearing for FY 2025 budget and final millage rate adoption.
21	10/01/24	Financial Services	Send Resolution of Final Millage rate to Property Appraiser, Tax Collector and DOR
22	10/01/24	Financial Services	Implement adopted budget.
23	10/14/24	Financial Services	Submit package for TRIM compliance.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim
City Manager

DATE: April 9, 2024

RE: Consent Agenda Item – Monthly Financial Report

Attached are unaudited financial summaries by fund for Commission review for the period ending March 31st 2024. The statements are in the form of an income statement and include current year budget and current year-to-date actuals, with previous year-to-date actuals for comparison purposes.

The summaries reflect activity through six months of the fiscal year which is 50%. Comparing this percentage with the actual percentage spent/earned is a useful way to gauge our performance.

Please place on the April 22, 2024 Consent Agenda. If you have any questions about the attached statements or any other financial matter, please do not hesitate to contact me.

Nicole Hall

Nicole Hall
Deputy Director, Finance

cc: D. Galambos, City Clerk
M. Breidenstein, Assistant City Manager
R. Franklin, Assistant City Manager

City of St Augustine
Budgetary and Prior Year
Comparison of Revenues Expenditures
March 2024

	General				
	2024 BUDGET	2024 ACTUAL		2023 ACTUAL	
REVENUES					
Ad Valorem Taxes	$ 20,869,393	$ 18,951,788	91%	$ 16,190,844	17%
Sales, Use & Gas Taxes	930,858	241,927	26%	202,127	20%
Utility & Communication Service Taxes	2,770,631	1,804,483	65%	1,189,133	52%
Grants	19,134,179	24,402	0%	-	
Intergovernmental	2,272,495	1,291,487	57%	1,018,623	27%
Franchise Fees	2,121,000	1,393,448	66%	1,013,531	37%
Licenses, Permits & Other Fees	6,162,094	4,402,731	71%	4,107,975	7%
Fines and Forfeitures	181,000	335,910	186%	96,271	249%
Administrative Overhead Charges	5,670,717	2,835,359	50%	2,430,880	17%
Investment Income	1,400,360	979,269	70%	656,206	49%
Miscellaneous	3,520,345	1,315,323	37%	1,239,563	6%
Total Operating Revenues	**65,033,072**	**33,576,126**	**52%**	**28,145,154**	**19%**
EXPENDITURES					
Current Operating:					
General Government	13,596,387	6,149,999	45%	6,863,939	-10%
Public Safety	16,433,138	7,447,210	45%	7,033,837	6%
Physical Environment	4,522,172	2,029,308	45%	1,802,037	13%
Transportation	6,020,166	2,078,059	35%	1,546,655	34%
Culture/Recreation	3,033,658	852,692	28%	850,268	0%
Capital Outlay	29,494,655	5,796,657	20%	3,111,018	86%
Total Expenditures	**73,100,175**	**24,353,925**	**33%**	**21,207,753**	**15%**
Excess (Deficiency) of Revenues Over (Under) Expenditures	**(8,067,103)**	**9,222,201**		**6,937,401**	
OTHER FINANCING SOURCES (USES)					
Transfers In	13,399,754	6,699,877	50%	1,868,602	259%
Transfers (Out)	(5,332,646)	(2,666,323)	50%	(523,560)	409%
Total Other Financing Sources (Uses)	**8,067,108**	**4,033,554**		**1,345,042**	
Net Changes in Fund Balances	**5**	**13,255,755**		**8,282,443**	

City of St Augustine
Budgetary and Prior Year
Comparison of Revenues Expenditures
March 2024

	Utility				
	2024 BUDGET	2024 ACTUAL		2023 ACTUAL	
OPERATING REVENUES					
User Charges	$ 21,942,307	$ 12,243,955	56%	$ 10,266,026	19%
Fees	1,596,800	4,114,384	258%	2,567,740	60%
Rental		-			
Other	85,000	46,228		39,537	
Total Operating Revenues	**23,624,107**	**16,404,567**	**69%**	**12,873,303**	**27%**
OPERATING EXPENSES					
Salaries, Wages and Employee Benefits	6,982,854	2,963,967	42%	2,761,867	7%
Utilities	1,015,401	647,537	64%	394,254	64%
Supplies and Materials	1,234,638	712,428	58%	355,637	100%
Contractual Services	2,407,893	377,888	16%	483,659	-22%
Repairs and Maintenance	1,636,664	585,769	36%	507,290	15%
Cost of Goods Sold					
Other	189,383	47,575	25%	60,002	-21%
Administrative Overhead Charges	3,261,969	1,630,985	50%	762,914	114%
Total Operating Expenses	**16,728,801**	**6,966,149**	**42%**	**5,325,623**	**31%**
Operating Income (Loss)	**6,895,306**	**9,438,418**		**7,547,680**	**25%**
NON-OPERATING REVENUES (EXPENSES)					
Investment Income	829,000	1,083,010	131%	807,007	34%
Interest Expense and Fiscal Charges	(1,871,340)	(402,578)	22%	(448,295)	-10%
Gain (Loss) on Sale of Capital Assets	7,500	650	9%	2,209	-71%
Capital Expenditures	(20,470,386)	(3,314,864)	16%	(2,466,700)	34%
Other		398,912		115,278	246%
Total Non-Operating Revenues (Expenses)	**(21,505,226)**	**(2,234,869)**		**(1,990,501)**	
Income Before Contributions and Transfers	**(14,609,920)**	**7,203,549**		**5,557,179**	
Capital Contributions	1,293,124	300,000	23%	-	
Transfers In	16,217,133	3,463,257	21%	2,797,178	24%
Transfers (Out)	(2,900,337)	(3,828,882)	132%	(1,473,690)	160%
Change in Net Position	**(0)**	**7,137,925**		**6,880,667**	

City of St Augustine
Budgetary and Prior Year
Comparison of Revenues Expenditures
March 2024

	Stormwater				
	2024 BUDGET	2024 ACTUAL		2023 ACTUAL	
OPERATING REVENUES					
User Charges	$ 1,510,274	$ 763,730	51%	$ 720,949	6%
Fees	-				
Rental		-			
Other		-			
Total Operating Revenues	**1,510,274**	**763,730**	**51%**	**720,949**	**6%**
OPERATING EXPENSES					
Salaries, Wages and Employee Benefits	443,279	123,239	28%	200,373	-38%
Utilities	1,857	445	24%	746	-40%
Supplies and Materials	27,304	6,877	25%	7,248	-5%
Contractual Services	172,881	-	0%	-	0%
Repairs and Maintenance	444,985	40,453	9%	14,910	171%
Cost of Goods Sold		-			
Other	9,175	1,400	15%	2,740	-49%
Administrative Overhead Charges	465,959	232,980	50%	221,748	5%
Total Operating Expenses	**1,565,440**	**405,393**	**26%**	**447,764**	**26%**
Operating Income (Loss)	**(55,166)**	**358,337**		**273,185**	
NON-OPERATING REVENUES (EXPENSES)					
Investment Income	35,000	26,905	77%	15,355	75%
Interest Expense and Fiscal Charges	-				
Gain (Loss) on Sale of Capital Assets					
Capital Expenditures	(8,771,826)	(282,653)	3%	(21,806)	1196%
Other	-				
Total Non-Operating Revenues (Expenses)	**(8,736,826)**	**(255,747)**		**(6,451)**	
Income Before Contributions and Transfers	**(8,791,992)**	**102,589**		**266,734**	
Capital Contributions	7,200,477		0%	-	
Transfers In	1,848,383	49,058	3%	47,746	3%
Transfers (Out)	(256,868)	(128,434)	50%	(349,402)	-63%
Change in Net Position	**(0)**	**23,214**		**(34,921)**	

City of St Augustine
Budgetary and Prior Year
Comparison of Revenues Expenditures
March 2024

	Solid Waste				
	2024 BUDGET	2024 ACTUAL		2023 ACTUAL	
OPERATING REVENUES					
User Charges	$ 5,716,595	$ 2,829,510	49%	$ 2,719,090	4%
Fees	50,000	20,769	42%	35,540	-42%
Rental		-			
Other	-	9,939	0%	7,159	39%
Total Operating Revenues	**5,766,595**	**2,860,218**	**50%**	**2,754,630**	**4%**
OPERATING EXPENSES					
Salaries, Wages and Employee Benefits	2,271,396	992,563	44%	860,214	15%
Utilities	13,477	4,574	34%	5,298	-14%
Supplies and Materials	407,530	214,706	53%	179,290	20%
Contractual Services	4,034,235	860,320	21%	1,035,598	-17%
Repairs and Maintenance	51,309	137,852	269%	203,431	-32%
Cost of Goods Sold	-	-	0%		
Other	14,800	1,383	9%	1,054	31%
Administrative Overhead Charges	783,784	391,892	50%	267,361	47%
Total Operating Expenses	**7,576,531**	**2,603,291**	**34%**	**2,552,246**	**2%**
Operating Income (Loss)	**(1,809,936)**	**256,927**		**202,384**	
NON-OPERATING REVENUES (EXPENSES)					
Investment Income	60,000	38,959	65%	36,087	0%
Interest Expense and Fiscal Charges	-	-			
Gain (Loss) on Sale of Capital Assets	-	28,712	0%	108,200	0%
Capital Expenditures	(359,688)	(74,048)	21%	(1,099,175)	
Other	10,000	5,313	0%	1,601	0%
Total Non-Operating Revenues (Expenses)	**(289,688)**	**(1,064)**		**(953,287)**	
Income Before Contributions and Transfers	**(2,099,624)**	**255,863**		**(750,903)**	
Capital Contributions	-	198,585		-	
Transfers In	2,469,588	245,384	10%	1,502,615	-84%
Transfers (Out)	(369,964)	(184,982)	50%	(446,782)	-59%
Change in Net Position	-	**514,850**		**304,930**	

City of St Augustine
Budgetary and Prior Year
Comparison of Revenues Expenditures
March 2024

	Marina				
	2024 BUDGET	2024 ACTUAL		2023 ACTUAL	
OPERATING REVENUES					
User Charges	$ 3,876,030	$ 2,121,906	55%	$2,465,503	-14%
Fees		-			
Rental	31,340	13,291	42%	16,677	-20%
Other	82,313	68,196	83%	16,183	
Total Operating Revenues	**3,989,683**	**2,203,392**	**55%**	**2,498,363**	**-34%**
OPERATING EXPENSES					
Salaries, Wages and Employee Benefits	967,408	404,911	42%	392,982	3%
Utilities	141,700	44,236	31%	64,509	-31%
Supplies and Materials	93,802	31,937	34%	33,062	-3%
Contractual Services	153,208	82,108	54%	466,507	-82%
Repairs and Maintenance	271,135	133,095	49%	121,041	10%
Cost of Goods Sold	1,708,857	807,595	47%	1,027,030	-21%
Other	195,430	172,051	88%	124,610	38%
Administrative Overhead Charges	385,560	192,780	50%	164,692	17%
Total Operating Expenses	**3,917,101**	**1,868,712**	**48%**	**2,394,432**	**-22%**
Operating Income (Loss)	**72,582**	**334,681**	**461%**	**103,932**	**222%**
NON-OPERATING REVENUES (EXPENSES)					
Investment Income	100,000	87,279	87%	48,320	45%
Interest Expense and Fiscal Charges		-		-	
Gain (Loss) on Sale of Capital Assets	-	3,335		826	75%
Capital Expenditures	(4,715,496)	(4,490,698)	95%	(6,155)	100%
Other				-	
Total Non-Operating Revenues (Expenses)	**(4,615,496)**	**(4,400,084)**		**42,991**	
Income Before Contributions and Transfers	**(4,542,914)**	**(4,065,403)**		**146,923**	
Capital Contributions	3,771,262	3,582,699	95%	6,155	
Transfers In	1,024,499	973,274	95%	10,010	9624%
Transfers (Out)	(252,847)	(126,424)	50%	(76,493)	65%
Change in Net Position	-	**364,146**		**86,595**	

City of St Augustine
Budgetary and Prior Year
Comparison of Revenues Expenditures
March 2024

	VIC				
	2024 BUDGET	2024 ACTUAL		2023 ACTUAL	
OPERATING REVENUES					
User Charges	$ 700,000	$ 368,022	53%	$ 377,412	
Fees	5,813,062	3,211,694	55%	2,822,158	14%
Rental	65,000	13,014	20%	29,384	-56%
Other	250,000	263,765	106%		
Total Operating Revenues	**6,828,062**	**3,856,495**		**3,228,954**	**19%**
OPERATING EXPENSES					
Salaries, Wages and Employee Benefits	1,489,691	649,679	44%	586,699	11%
Utilities	193,447	84,469	44%	64,700	31%
Supplies and Materials	137,182	44,170	32%	57,404	-23%
Contractual Services	378,439	87,951	23%	95,635	-8%
Repairs and Maintenance	1,708,342	283,063	17%	86,527	227%
Cost of Goods Sold	350,000	135,455	39%	134,373	1%
Other	137,601	77,381	56%	78,185	-1%
Administrative Overhead Charges	506,897	253,449	50%	221,255	15%
Total Operating Expenses	**4,901,599**	**1,615,616**	**33%**	**1,324,777**	**22%**
Operating Income (Loss)	**1,926,463**	**2,240,879**		**1,904,177**	**18%**
NON-OPERATING REVENUES (EXPENSES)					
Investment Income	175,000	125,073	71%	87,973	42%
Interest Expense and Fiscal Charges	(1,551,998)	(373,579)	24%	(360,235)	4%
Gain (Loss) on Sale of Capital Assets		-			
Capital Expenditures	(225,405)	-	0%	(296,286)	-100%
Other	-	11,964		18,377	-35%
Total Non-Operating Revenues (Expenses)	**(1,602,403)**	**(236,542)**		**(638,144)**	
Income Before Contributions and Transfers	**324,060**	**2,004,337**		**1,266,033**	
Capital Contributions	92,500	-	0%	144,715	-100%
Transfers In	2,130,325	373,579	18%	360,325	
Transfers (Out)	(2,546,885)	(1,273,443)	50%	(929,574)	
Change in Net Position	-	**1,104,473**		**841,498**	

City of St Augustine
Budgetary and Prior Year
Comparison of Revenues Expenditures
March 2024

	Total Proprietary Funds				
	2024 BUDGET	2024 ACTUAL		2023 ACTUAL	
OPERATING REVENUES					
User Charges	$33,745,206	$18,327,123	54%	$16,548,980	11%
Fees	7,459,862	7,346,847	98%	5,425,438	35%
Rental	96,340	26,305	27%	46,062	-43%
Other	417,313	388,127	93%	62,879	517%
Total Operating Revenues	**41,718,721**	**26,088,403**	**63%**	**22,076,199**	**18%**
OPERATING EXPENSES					
Salaries, Wages and Employee Benefits	12,154,628	5,134,359	42%	4,802,135	7%
Utilities	1,365,882	781,260	57%	529,505	48%
Supplies and Materials	1,900,456	1,010,119	53%	632,640	60%
Contractual Services	7,146,656	1,408,266	20%	2,081,400	-32%
Repairs and Maintenance	4,112,435	1,180,232	29%	933,199	26%
Cost of Goods Sold	2,058,857	943,050	46%	1,161,403	-19%
Other	546,389	299,790	55%	266,591	12%
Administrative Overhead Charges	5,404,169	2,702,085	50%	1,637,969	65%
Total Operating Expenses	**34,689,472**	**13,459,161**	**39%**	**12,044,841**	**12%**
Operating Income (Loss)	**7,029,249**	**12,629,241**		**10,031,358**	**26%**
NON-OPERATING REVENUES (EXPENSES)					
Investment Income	1,199,000	1,361,227	114%	994,742	37%
Interest Expense and Fiscal Charges	(3,423,338)	(776,157)	23%	(808,530)	-4%
Gain (Loss) on Sale of Capital Assets	7,500	32,697		111,235	-71%
Capital Expenditures	(34,542,801)	(8,162,262)	24%	(3,890,122)	110%
Other	10,000	416,189	4162%	135,256	208%
Total Non-Operating Revenues (Expenses)	**(36,749,639)**	**(7,128,306)**		**(3,545,392)**	
Income Before Contributions and Transfers	**(29,720,390)**	**5,500,935**		**6,485,966**	
Capital Contributions	12,357,363	4,081,284		150,870	
Transfers In	23,689,928	5,104,552	22%	4,717,873	8%
Transfers (Out)	(6,326,901)	(5,542,164)	88%	(3,275,940)	69%
Change in Net Position	**(0)**	**9,144,608**		**8,078,769**	

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, A.I.C.P.
City Manager

DATE: April 11, 2024

RE: Consent Agenda Item for April 22, 2024, Commission Meeting;
Fountain of Youth Elks Lodge Grant Agreement Amendment- Extending Length of Agreement to December 31, 2024

The Neighborhood Services and Community Redevelopment Agency Manager is asking that the attached amendment be signed and returned to the Neighborhood Services and CRA office in an effort to accommodate the extension of time necessary to complete the LCRA Institutional Rehabilitation Grant Program Project.

Attached please find the Grant Award Agreement Amendment. The State of Florida, Department of State, Division of Central Office has begun processing extensions to allow grant award recipients additional time to complete projects associated with the African American Cultural and Historical Grant. Fountain of Youth Elks Lodge Institutional Rehabilitation Grant Project, located at 100 Washington Street, is ongoing. Construction services have been solicited and bids have been received. We have requested and received our initial grant award disbursement. To complete this project successfully, we anticipate requesting at least one more amendment. If authorized, this will be the third six-month extension and will extend the grant agreement to December 31, 2024.

Recommendation | Action Item:
The Mayor and Commissioners should provide authorization for City Manager, David Birchim to sign as the authorized official for the grantee, to extend the timeframe of the grant period to December 31, 2024.

Jaime D. Perkins
Neighborhood Services and CRA Manager

cc: Assistant City Managers, City Attorney, Department Directors

Attachments:
Grant Award Agreement Time Extension Amendment

City of St. Augustine

23.s.aa.900.112

This Amendment is between the State of Florida, Department of State, Division of CentralOffice hereinafter referred to as the "Division" and City of St. Augustine, hereinafter referred to as the "Grantee".

The parties entered into a grant agreement for the implementation of a African-American Cultural and Historical Grant grant, for Fountain of Youth Elks Lodge #684 Institutional RehabRehab. The parties now mutually desire to amend certain terms and conditions of the grant agreement.

In consideration of the covenants contained herein, it is agreed:

All section of the original grant agreement not specifically amended by this or a prior written amendment and all prior written amendments are hereby reaffirmed.

The following sections are hereby revised as follows:

Original Length of Agreement

7/1/2021 -6/30/2024

Amended Length of Agreement

7/1/2021 -12/31/2024

Additional Conditions

12. Grant Reporting Requirements:

j) Ninth Report is due by July 15, for the period ending June 30 (fourth year of the grant period).

k) Tenth Report is due by October 15, for the period ending September 30 (fourth year of the grant period).

l) Final Report. The Grantee must submit a Final Report to the Division within one month of the Grant Period End Date set forth in Section 2 above. All final reports must document the completion of all deliverables/tasks, expenses and activities that occurred by the Grant Period End Date. The Grantee may expend funds only for allowable costs resulting from obligations incurred during the specified agreement period. Expenditures of state or federal financial assistance must be in compliance with the laws, rules, and regulations applicable to expenditures of state and federal funds, including, but not limited to, this Agreement, the *Reference Guide for State Expenditures*, 2 CFR Part 200.

AUTHORIZATION

Authorized official for the Grantee	Authorized official for the Division

Authorized official Signature	Date	Division Authorized official Signature	Date