

**CITY OF ST. AUGUSTINE CITY COMMISSION  
REGULAR MEETING AGENDA  
MONDAY, JANUARY 27, 2020 - 5:00 PM  
ALCAZAR ROOM**

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**1. CALL TO ORDER**

- ◆ Roll Call
- ◆ Invocation and Pledge of Allegiance

**2. ADMINISTRATIVE ITEMS**

- ◆ Modification and Approval of REGULAR AGENDA

**3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS**

**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.B. Items of Great Public Importance**

**7.C. Other Items Requiring Public Hearing**

**8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED**

**8.A. Ordinances - Second Reading**

- 8.A.1. Ordinance 2019-50:** Provides regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts and violations and penalties. *(I. Lopez, City Attorney)*
- 8.A.2. Ordinance 2019-51:** Codifies the findings, intent, purpose and interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories. *(I. Lopez, City Attorney)*
- 8.A.3. Ordinance 2019-52:** Confirms regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51. *(I. Lopez, City Attorney)*

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

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

**9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED**

**9.A. Ordinances - First Reading**

- 9.A.1. Ordinance 2020-07:** Amends the Planned Unit Development for the Columbia Restaurant to allow for a maximum of 27% lot coverage to install an outdoor walk-in cooler. *(D. Birchim, Director, Planning and Building)*

**9.B. Resolutions**

**10. STAFF REPORTS AND PRESENTATIONS**

**11. ITEMS BY CITY ATTORNEY**

- 11.A. 2020 Legislative Bill Tracking information. No Presentation.**

**12. ITEMS BY CITY CLERK**

- 12.A. Request for appointments to the Code Enforcement Adjustment and Appeals Board due to term expiration of two positions in December, 2019. *(D. Galambos, City Clerk)***

**13. ITEMS BY CITY MANAGER**

- 13.A. Discussion regarding the scheduling of Workshop dates. *(J. Regan, City Manager)***

**14. ITEMS BY MAYOR AND COMMISSIONERS**

## 15. ADJOURN

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

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### CONSENT AGENDA - JANUARY 27, 2020

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**CA.1.** Preview of upcoming Commission meetings.

**CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON FEBRUARY 10, 2020:**

- Ordinance 2020-02
- Ordinance 2020-03
- Ordinance 2020-04
- Ordinance 2020-05
- Ordinance 2020-06

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

- February 10, 2020, 5pm, Regular Commission Meeting
- February 24, 2020, 5pm, Regular Commission Meeting
- March 9, 2020, 5pm, Regular Commission Meeting

**CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS: None**

- December 9, 2019, Regular 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). None.**

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

**CA.8.** Approval of order releasing code enforcement lien at 34 Miruela Avenue. (*J. Cary, Assistant City Attorney*)

**CA.9.** First quarter for year 2019-2020 report for the City Attorney's office. (*I. Lopez, City Attorney*)

**CA.10.** First quarter for year 2019-2020 report for the public works and the utilities departments. (*R. Franklin, Director, Public Works and T. Grant, Director Utilities*)

**CA.11.** Financial report through December, 2019. (*M. Litzinger, Director, Finance*)



## **CITY OF ST. AUGUSTINE**

### **MEMORANDUM**

TO: Mayor, Vice-Mayor and Commissioners

DATE: January 16, 2020

RE: **SHORT-TERM RENTALS**

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This memo includes highlights of Ordinance 2019-50, Ordinance 2019-51, and Ordinance 2019-52. Together they will form the new codified sections of 28-145 through 28-156 encompassing vacation rentals (also known as short-term rentals). This is part of the ongoing review of the effects of vacation rentals initiated by the city commission, with recommendations from the Short-Term Rental Committee.

#### **Part One: New Regulations**

The proposed new regulations do not restrict frequency or duration of stays, consistent with state preemption law. The proposed regulations came out of the Short-Term Rental Committee's public meetings, staff discussion, and city commission direction.

#### **Public Policy Issues to be Discussed:**

1. What should be the parking requirements?
    - After input from the city commission, the requirements have been revised to include multiple alternatives: onsite, offsite use by exception, street parking permits, or parking garage permits.
    - HP-1 through HP-4 zoning districts do not require onsite parking for uses such as hotels; should the parking requirements for vacation rentals exempt those zoning districts entirely or require them to use one of the alternatives to onsite parking?
  2. Should there be less vacation rental regulations for rooms rented within someone's full-time residence?
    - For instance relaxing the parking requirement, or the emergency lighting requirement.
- ❖ City Commission may raise any other public policy questions for discussion and direction.

#### **Part Two: Existing Regulations**

- (a) Confirmation and codification of Ordinance 2010-24 regarding RS-1 and RS-2 zoning
  - This ordinance re-iterates and codifies Ordinance 2010-24 and explains in clear language the existing requirement of weekly rentals for RS-1 and RS-2 zoning as it pertains to vacation rentals. The City Commission at its previous meeting requested that all relevant ordinances be re-stated in this section of the code in order to make it more user friendly for individuals to find and understand vacation rental regulations in one place.
- (b) Confirmation and re-statement of restrictions on Submerged Lands and HP-1 zoning

- Similarly, this ordinance re-states the existing restrictions on income generating uses of the City's submerged lands, and the existing zoning limitation of monthly rentals in HP-1 zoning. Residential docks do not require a submerged land lease, but any income generating use of the dock would trigger the need for obtaining a submerged land lease from the city; for instance, if a boat is docked on a residential dock and used as a vacation rental. Existing commercial operations, such as marinas, are already required to obtain a submerged land lease, therefore use of boats in those marinas would already comply.

### **Enforcement Issues:**

#### **1. Current complaint driven enforcement:**

- Historically, the City has enforced all code compliance, whether zoning or other land development regulation, by responding to citizen complaints. The City does not actively monitor websites and social media for code compliance due to staffing limitations.

#### **2. New web-based data aggregator:**

- New forms of technology can now provide continuous web-based monitoring and issue reports regarding possible violations of our codes (ie: Host Compliance).

#### **3. Existing Regulations versus New Regulations that affect short-term rentals:**

- State law, as interpreted by the court (*Miami v. AirBnB*) and the Attorney General (AGO 2019-07), does not allow the City to modify frequency and duration rules for vacation rentals. The City can enforce duration and frequency rules that pre-date 2011 (ie: RS-1, RS-2 weekly rentals, HP-1 monthly rentals). The City is also legally allowed to repeal those ordinances, but it cannot modify them. The City can also enact new regulations that do not affect frequency or duration at all (*Cinnamon Beach v. Flagler*), such as maximum occupancy, parking requirements, etc.

#### **4. Practical example of compliance with weekly rental requirement:**

- Assuming a week to be from Sunday through Saturday, a rental must be booked by a customer for the entire week and cannot be double booked. For example, the Smiths book the week of December 8<sup>th</sup> through the 14<sup>th</sup>. They are not required to stay the entire week, they can choose to only occupy the rental for some of those nights, but they 'own' that week and that week cannot be booked to someone else.

#### **5. Transient lodging, short-term rentals, vacation rentals:**

- *Transient lodging* is an older terminology that encompasses all types of shorter-term rentals (including nightly rentals) than a typical year-to-year lease. It is found in numerous local codes (including the City's definition of 'motel'), it is described in the state's revenue requirements (aka 'bed tax'), and in the state's public lodging statutes.
- *Short-term rental* is also a term that is found in some local codes, and in the City's case it is found in Ord. 2010-24 describing a particular subset of transient lodging allowing weekly rentals for RS-1 and RS-2 zoning.
- *Vacation rental* is a term created by state law, and it describes a particular subset of transient rentals located in condos, single-family homes and multi-family homes.

Two versions of the proposed rules are included:

❖ **Planning and Zoning Board Recommendations:** *(in blue on ordinance)*

The Planning and Zoning Board (PZB) made several recommendations at their January 7, 2020, meeting:

1. Maximum guests per room:
  - The PZB recommended that up to two children per rental be allowed in addition to the maximum two adults that are allowed under the current ordinance.
2. Compact exit lighting:
  - The PZB recommended an additional life/safety requirement of “compact exit lights” to mark exits; we have incorporated that referencing code.
3. Parking requirements:
  - The PZB recommended that “stabilized parking” be defined; we have incorporated a broad definition.
  - The PZB recommended that there not be a parking requirement in HP zones, where parking is not otherwise required.
4. Water rates:
  - The PZB recommended that the Commission consider whether vacation rentals use more water than a typical residential property, and if there should be a different rate structure for vacation rentals. This recommendation is for the Commission’s consideration, but is not included as a possible amendment to this ordinance, as it would likely require a study that is outside of the scope of this ordinance.

❖ **City Commission Version from First Reading:** *(in red on ordinance)*

The City Commission had two (2) suggested changes after first reading:

1. At Section 28-146, clarifying that the information submitted to the City be accurately reflected in the listings.
2. At Section 28-154, clarifying that the thirty (30) minute response time is for the Property Manager or Owner to merely acknowledge receipt of the Preliminary Compliance Complaint.  
All complaints flagged will be further reviewed by Code Enforcement officers prior to prosecution.
3. The new regulations would become effective on October 1, 2020 to coincide with our fiscal year and give an opportunity for outreach.

Please place Ordinances 2019-50, 2019-51, and 2019-52 on the agenda for the January 27, 2020 City Commission meeting for second reading.

Thank you.

/s/ Isabelle C. Lopez

Isabelle C. Lopez  
City Attorney

Attachments

xc: John Regan, City Manager  
Meredith Breidenstein, Assistant City Manager  
Darlene Galambos, City Clerk

**Agenda Titles:**

- 1) Ordinance 2019-50 provides regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts, and violations and penalties.
- 2) Ordinance 2019-51 codifies the findings, intent, purpose, and interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories.
- 3) Ordinance 2019-52 confirms regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51.

# **CITY COMMISSION VERSION**

*(after 1<sup>st</sup> reading)*

**ORDINANCE NO. 2019-50**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-145 THROUGH SECTION 28-154 REGULATING VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR ANNUAL INSPECTIONS; PROVIDING FOR MAXIMUM INTENSITY OF USE; PROVIDING FOR LIMITATIONS ON ANCILLARY USE; PROVIDING FOR LIFE-SAFETY REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR SOLID WASTE REMOVAL; PROVIDING FOR VALIDITY OF CONTRACTS PREDATING THIS ORDINANCE; PROVIDING FOR PRELIMINARY COMPLIANCE COMPLAINT SYSTEM; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Commission appointed a Short-Term Rental Committee to take public comment, hear expert testimony, accept into the public record evidence, and provide an opportunity to industry members and community stakeholders to give input into possible regulations affecting short term or vacation rentals; and

**WHEREAS**, the City Commission at its September 9, 2019 public meeting, received the Short-Term Rental Committee's findings and recommendations; and

**WHEREAS**, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption has been interpreted in the Seventh Circuit case of 30 Cinnamon Beach v. Flagler County (2015 CA 167) to allow other types of local regulations of vacation or short-term rentals; and

**WHEREAS**, after review, the Planning and Zoning Board recommended approval of this ordinance at its January 7, 2020 regular meeting; and

**WHEREAS**, the City Commission heard testimony at numerous public hearings from residents, homeowners, professional property managers, bed and breakfast operators, and individuals who self-manage vacation rental units in their homes or as investment properties; and

**WHEREAS**, the City Commission weighed the negative effects of vacation rentals on quality of life, safety, commercialization, intensification of traditional residential neighborhoods, degradation of community life and cohesion to those neighborhoods and availability and affordability of long-term rental stock, against the positive effects on property values, property maintenance, economic vitality, and diversification of household incomes created by vacation rentals in residential neighborhoods; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Sections 28-145 through 28-154.  
Chapter 28, Article III, Division 2., Sections 28-145 through 28-154 of the Code of the City of St. Augustine, are hereby created as follows:

**Sec. 28-145 – Regulation of Vacation Rentals**

**(a) Definitions:**

- (1) Bedroom.** A bedroom shall have the same meaning as the term sleeping unit found in the Florida Building Code.
- (2) Rental Unit.** A rental unit is the smallest portion of a vacation rental offered to the public as an individual unit available to rent.
- (3) Short term Rental.** A short-term rental is synonymous to a vacation rental.
- (4) Vacation Rental.** A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

**(b) Supplemental intent of these regulations:**

**The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.**

**Sec. 28-146 – Registration**

**Every vacation rental shall register with the City on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of registration and thereafter annually. The information provided on each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that inaccurately reflect the registration form information will be considered a separate violation of this code.**

**The registration will include the following:**

- (i) Address of the vacation rental.**
- (ii) Name, address, and contact information of the property owner.**

- (iii) Name, address, and contact information of the property manager if different than the property owner.
- (iv) Number of rental units offered to the public for rent at this location.
- (v) Number of bedrooms.
- (vi) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.
- (vii) Site plan or other document depicting approved parking spaces provided.
- (viii) Property owner authorization providing for inspection pursuant to Section 28-147 of this code.

#### **Sec. 28-147 – Annual Inspection**

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by City officials for an inspection of the life-safety code, zoning code, and property maintenance code.

#### **Sec. 28-148 – Intensity of Use**

The maximum occupancy of a vacation rental is two (2) persons per bedroom per vacation rental. The total maximum occupancy of a vacation rental is twelve (12) persons.

#### **Sec. 28-149 – Ancillary Use**

Each vacation rental may host guests who are not counted towards the maximum occupancy of the rental unit. These guests must vacate the vacation rental premises between the hours of 10:00 pm and 8:00 am. Ancillary use of the vacation rental does not imply or grant the property the right to operate as a special event venue pursuant to this Code. Total life-safety occupancy maximums apply to the ancillary use of the vacation rental.

#### **Sec. 28-150 Life-Safety**

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke detector, a carbon monoxide detector, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

#### **Sec. 28-151 Parking**

- (i) Each vacation rental will provide at least one (1) stabilized parking space per bedroom offered for rent.



- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass.
- (iii) Vacation rentals in all zoning districts will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the Planning and Zoning Board for a use by exception for offsite parking. In the alternative, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

#### **Sec. 28-152 Solid Waste**

Vacation rental property owners are responsible to ensure that garbage and trash receptacles are placed curbside consistent with City regulations at Sections 30-7 and 30-8 of this code. Appropriate fees and rates commensurate with collection volumes may be established pursuant to Section 30-10 of this code.

#### **Sec. 28-153 Existing contracts unaffected.**

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

#### **Sec. 28-154 Violations and Penalties**

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond by acknowledging that they have received the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156, as well as Section 28-159 may be prosecuted pursuant to Article VI: Code Enforcement, or pursuant to any other procedure and remedy available to the City, including but not limited to, revocation of the vacation rental registration.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Sections 28-145 through 28-154 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Severance of Invalid Provisions. 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 on October 1, 2020, pursuant to § 166.041(4), Florida Statutes.

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**PASSED** by the City Commission of the City of St. Augustine, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Tracy W. Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk  
(SEAL)

# **PZB RECOMMENDATIONS**

**ORDINANCE NO. 2019-50**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-145 THROUGH SECTION 28-154 REGULATING VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR ANNUAL INSPECTIONS; PROVIDING FOR MAXIMUM INTENSITY OF USE; PROVIDING FOR LIMITATIONS ON ANCILLARY USE; PROVIDING FOR LIFE-SAFETY REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR SOLID WASTE REMOVAL; PROVIDING FOR VALIDITY OF CONTRACTS PREDATING THIS ORDINANCE; PROVIDING FOR PRELIMINARY COMPLIANCE COMPLAINT SYSTEM; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Commission appointed a Short-Term Rental Committee to take public comment, hear expert testimony, accept into the public record evidence, and provide an opportunity to industry members and community stakeholders to give input into possible regulations affecting short term or vacation rentals; and

**WHEREAS**, the City Commission at its September 9, 2019 public meeting, received the Short-Term Rental Committee's findings and recommendations; and

**WHEREAS**, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption has been interpreted in the Seventh Circuit case of 30 Cinnamon Beach v. Flagler County (2015 CA 167) to allow other types of local regulations of vacation or short-term rentals; and

**WHEREAS**, after review, the Planning and Zoning Board recommended approval of this ordinance at its January 7, 2020 regular meeting; and

**WHEREAS**, the City Commission heard testimony at numerous public hearings from residents, homeowners, professional property managers, bed and breakfast operators, and individuals who self-manage vacation rental units in their homes or as investment properties; and

**WHEREAS**, the City Commission weighed the negative effects of vacation rentals on quality of life, safety, commercialization, intensification of traditional residential neighborhoods, degradation of community life and cohesion to those neighborhoods and availability and affordability of long-term rental stock, against the positive effects on property values, property maintenance, economic vitality, and diversification of household incomes created by vacation rentals in residential neighborhoods; and

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

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Section 1. Creating Chapter 28, Article III, Division 2., Sections 28-145 through 28-154.  
Chapter 28, Article III, Division 2., Sections 28-145 through 28-154 of the Code of the City of St. Augustine, are hereby created as follows:

**Sec. 28-145 – Regulation of Vacation Rentals**

**(a) Definitions:**

- (1) Bedroom.** A bedroom shall have the same meaning as the term sleeping unit found in the Florida Building Code.
- (2) Rental Unit.** A rental unit is the smallest portion of a vacation rental offered to the public as an individual unit available to rent.
- (3) Short term Rental.** A short-term rental is synonymous to a vacation rental.
- (4) Vacation Rental.** A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

**(b) Supplemental intent of these regulations:**

**The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.**

**Sec. 28-146 – Registration**

**Every vacation rental shall register with the City on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of registration and thereafter annually. Each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that do not conform to the registration form information will be considered a separate violation of this code.**

**The registration will include the following:**

- (i) Address of the vacation rental.**
- (ii) Name, address, and contact information of the property owner.**

- (iii) Name, address, and contact information of the property manager if different than the property owner.
- (iv) Number of rental units offered to the public for rent at this location.
- (v) Number of bedrooms.
- (vi) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.
- (vii) Site plan or other document depicting approved parking spaces provided.
- (viii) Property owner authorization providing for inspection pursuant to Section 28-147 of this code.

### **Sec. 28-147 – Annual Inspection**

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by City officials for an inspection of the life-safety code, zoning code, and property maintenance code.

### **Sec. 28-148 – Intensity of Use**

The maximum occupancy of a vacation rental is two (2) ~~persons~~ adults per bedroom per vacation rental, plus an additional two children under the age of 18 per vacation rental. The total maximum occupancy of a vacation rental is twelve (12) persons.

### **Sec. 28-149 – Ancillary Use**

Each vacation rental may host guests who are not counted towards the maximum occupancy of the rental unit. These guests must vacate the vacation rental premises between the hours of 10:00 pm and 8:00 am. Ancillary use of the vacation rental does not imply or grant the property the right to operate as a special event venue pursuant to this Code. Total life-safety occupancy maximums apply to the ancillary use of the vacation rental.

### **Sec. 28-150 Life-Safety**

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke detector, a carbon monoxide detector, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable, with emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

### **Sec. 28-151 Parking**

- (i) Each vacation rental, except as provided in subparagraph (iii) below, will provide at least one (1) stabilized parking space per bedroom offered for rent.
- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass. For the purposes of this Division, stabilized parking shall be defined as a space that is covered and graded by semi-permeable or impervious materials such as asphalt, concrete, pavers, gravel, or a similar material.
- (iii) Vacation rentals in all zoning districts that otherwise have on-site parking requirements will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the Planning and Zoning Board for a use by exception for offsite parking. In the alternative, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

### **Sec. 28-152 Solid Waste**

Vacation rental property owners are responsible to ensure that garbage and trash receptacles are placed curbside consistent with City regulations at Sections 30-7 and 30-8 of this code. Appropriate fees and rates commensurate with collection volumes may be established pursuant to Section 30-10 of this code.

### **Sec. 28-153 Existing contracts unaffected.**

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

### **Sec. 28-154 Violations and Penalties**

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond to the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156, as well as Section 28-159 may be prosecuted pursuant to Article VI: Code Enforcement, or pursuant to any other procedure and remedy available to the City, including but not limited to, revocation of the vacation rental registration.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Sections 28-145 through 28-154 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Severance of Invalid Provisions. 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 on October 1, 2020, pursuant to § 166.041(4), Florida Statutes.

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**PASSED** by the City Commission of the City of St. Augustine, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Tracy W. Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk  
(SEAL)



## ORDINANCE NO. 2019-51

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-155 WHICH CODIFIES THE FINDINGS, INTENT, PURPOSE, AND INTERPRETATION FOUND IN ORDINANCE 2010-24 THAT ESTABLISHED REGULATIONS FOR REGISTRATION AND PERMISSIBLE ACTIVITIES FOR SHORT-TERM RENTALS IN RS-1 AND RS-2 CATEGORIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, on April 28, 1975, Ordinance 1974-37 enacted a comprehensive scheme of zoning regulations including definitions for motel uses and limitations on permitted uses in Residential Single Family 1 and 2 (RS-1 and RS-2) zoning districts;

**WHEREAS**, Ordinance 2010-24 was adopted by the St. Augustine City Commission on August 23, 2010; and

**WHEREAS**, zoning restrictions of uses, known as Euclidean Zoning, has been a legal form of zoning restriction since the 1926 United States Supreme Court decision in Village of Euclid v. Ambler Realty Co., and the City's municipal code is explicitly a use restricted code, per Sec. 28-7, "The use of provisions in the various zoning districts are exclusive and any use not included under permitted or permissible uses shall be prohibited in such districts"; and

**WHEREAS**, Ordinance 2010-24 included factual findings, described the legislative intent, promulgated the purpose of the regulation, and provided the enacting governmental agency's interpretation of the relevant municipal code; and

**WHEREAS**, the editorial codification of Ordinance 2010-24 omitted the preamble, also known as the "whereas" clauses, found in the originally adopted ordinance; and

**WHEREAS**, consistent with Dills v. City of Marietta, 674 F. 2d 1377 (11<sup>th</sup> Cir. 1982), and Florida Attorney General Opinion 077-49, preambles establish contemporaneous findings of fact and law, as well as, the interpretation, purpose and intent of the enactment; and

**WHEREAS**, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in RS-1 and RS-2 zoning during the required registration process found in Ordinance 2010-24 and the City's website also provides information regarding RS-1 and RS-2 weekly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding RS-1 and RS-2 weekly rental restrictions; and

**WHEREAS**, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

**WHEREAS**, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3<sup>d</sup> DCA 2018) and Florida Attorney General Opinion AGO-2019-07, this ordinance seeks to codify language "identical in its material provisions" to that found in the 2010 enacted ordinance; and,

**WHEREAS**, after review, the Planning and Zoning Board recommended approval of this ordinance at its January 7, 2020 regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-155. Chapter 28, Article III, Division 2., Section 28-155 of the Code of the City of St. Augustine, is hereby created as follows:

**Sec. 28-155. – Effect of Ordinance 2010-24 on RS-1 and RS-2 Short-Term Rentals.**

**(a) Codification of Findings and Intent of Ordinance 2010-24.**

The rental of single-family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code.

The Residential, Single-family-one (RS-1) and the Residential, Single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character.

The rental of single-family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated.

Large gatherings, twenty (20) or more persons, at a single-family residential dwelling unit are not uncommon in a single-family residential neighborhood on an occasional basis, but the short-term rental of a single-family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood.

On August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the Residential, Single-family-one (RS-1) and Residential, Single-family-two (RS-2) zoning districts.

(b) Code definition of motel enacted by Ordinance 1974-37.

The definition for motel, referenced in Ordinance 2010-24, was enacted on April 28, 1975. Motel is defined as a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are generally for periods of a week or longer and occupancy is generally by residents rather than transients.

(c) RS-1 and RS-2 zoning districts enacted by Ordinance 1974-37.

RS-1 and RS-2 zoning districts, referenced in Ordinance 2010-24, were enacted on April 28, 1975. RS-1 and RS-2 zoning does not allow motels, defined as rentals with daily charge.

(d) Interpretation of weekly short-term rental requirement in RS-1 and RS-2 zoning districts.

Ordinance 2010-24 referenced existing zoning definitions and limitations for short-term rentals in RS-1 and RS-2 zoning districts. Motel uses, defined as rentals with daily charge, are not permitted in RS-1 and RS-2 zoning. Ordinance 2010-24 allows for these residentially zoned properties to be rented as short-term rentals for periods of one week or longer with registration. Nightly rentals are deemed a motel use and are not allowed in RS-1 and RS-2 zoning.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Section 28-155 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Severance of Invalid Provisions. 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 on March 1, 2020, pursuant to § 166.041(4), Florida Statutes.

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**PASSED** by the City Commission of the City of St. Augustine, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Tracy W. Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk  
(SEAL)

## ORDINANCE NO. 2019-52

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-156 CONFIRMING REGULATIONS THAT AFFECT SHORT-TERM RENTALS AS PREVIOUSLY ENACTED IN ORDINANCE 1995-35, REQUIRING SUBMERGED LAND LEASES FOR COMMERCIAL DOCKS, AND ORDINANCE 1989-51 LIMITING RENTAL PERIODS TO MONTHLY OR LONGER RENTALS IN HP-1 ZONING; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, Ordinance 1995-35, enacted on January 8<sup>th</sup>, 1996, regulates the use of the City's submerged lands and requires a submerged lands lease for use of the City's bottomlands in any revenue generating activity; and

**WHEREAS**, Ordinance 1989-51, enacted on August 14<sup>th</sup>, 1989, specifically limits rental units in the Historic Preservation 1 (HP-1) zoning district to monthly or greater periods of time; and

**WHEREAS**, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in HP-1 zoning and the City's website also provides information regarding HP-1 monthly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding HP-1 monthly rental restrictions; and

**WHEREAS**, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

**WHEREAS**, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3<sup>d</sup> DCA 2018), this ordinance seeks to confirm language "identical in its material provisions" to that found in the 1989 and 1996 enacted ordinances; and,

**WHEREAS**, after review, the Planning and Zoning Board recommended approval of this ordinance at its January 7, 2020 regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-156. Chapter 28, Article III, Division 2., Section 28-156 of the Code of the City of St. Augustine, is hereby created as follows:

**Sec. 28-156. Existing regulations confirmed.**

**(a) Short-term rentals on submerged lands require submerged land lease.**

Ordinance 1995-35 enacted on January 8th, 1996, relating to the city's submerged lands requires a submerged land lease from the city for docks or other structures used in revenue-generating or income-related activities. This existing ordinance applies to the use of boats as short term rentals.

**(b) Short-term rentals in HP-1 zoning require monthly or greater rental period of time.**

Ordinance 1989-51 enacted on August 14th, 1989, relating to the zoning of permitted uses and structures in Historic Preservation One zoning district requires rentals on a monthly or greater period of time. This existing ordinance applies to the use of HP-1 zoned properties as short term rentals.

**(c) Other regulations continue in effect.**

In addition, other local, state, and federal regulations may apply to the use of specific properties, structures, vessels, or vehicles as short term rentals. Specific identification of the above ordinances does not waive any other applicable regulations.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Section 28-156 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Severance of Invalid Provisions. 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 on March 1, 2020, pursuant to § 166.041(4), Florida Statutes.

**PASSED** by the City Commission of the City of St. Augustine, Florida, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Tracy W. Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk  
(SEAL)

## **CITY OF ST. AUGUSTINE**

### **MEMORANDUM**

TO: Mayor, Vice-Mayor and Commissioners

DATE: January 16, 2020

RE: **SHORT-TERM RENTALS**

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This memo includes highlights of Ordinance 2019-50, Ordinance 2019-51, and Ordinance 2019-52. Together they will form the new codified sections of 28-145 through 28-156 encompassing vacation rentals (also known as short-term rentals). This is part of the ongoing review of the effects of vacation rentals initiated by the city commission, with recommendations from the Short-Term Rental Committee.

#### **Part One: New Regulations**

The proposed new regulations do not restrict frequency or duration of stays, consistent with state preemption law. The proposed regulations came out of the Short-Term Rental Committee's public meetings, staff discussion, and city commission direction.

#### **Public Policy Issues to be Discussed:**

1. What should be the parking requirements?
    - After input from the city commission, the requirements have been revised to include multiple alternatives: onsite, offsite use by exception, street parking permits, or parking garage permits.
    - HP-1 through HP-4 zoning districts do not require onsite parking for uses such as hotels; should the parking requirements for vacation rentals exempt those zoning districts entirely or require them to use one of the alternatives to onsite parking?
  2. Should there be less vacation rental regulations for rooms rented within someone's full-time residence?
    - For instance relaxing the parking requirement, or the emergency lighting requirement.
- ❖ City Commission may raise any other public policy questions for discussion and direction.

#### **Part Two: Existing Regulations**

- (a) Confirmation and codification of Ordinance 2010-24 regarding RS-1 and RS-2 zoning
  - This ordinance re-iterates and codifies Ordinance 2010-24 and explains in clear language the existing requirement of weekly rentals for RS-1 and RS-2 zoning as it pertains to vacation rentals. The City Commission at its previous meeting requested that all relevant ordinances be re-stated in this section of the code in order to make it more user friendly for individuals to find and understand vacation rental regulations in one place.
- (b) Confirmation and re-statement of restrictions on Submerged Lands and HP-1 zoning



- Similarly, this ordinance re-states the existing restrictions on income generating uses of the City's submerged lands, and the existing zoning limitation of monthly rentals in HP-1 zoning. Residential docks do not require a submerged land lease, but any income generating use of the dock would trigger the need for obtaining a submerged land lease from the city; for instance, if a boat is docked on a residential dock and used as a vacation rental. Existing commercial operations, such as marinas, are already required to obtain a submerged land lease, therefore use of boats in those marinas would already comply.

### **Enforcement Issues:**

#### **1. Current complaint driven enforcement:**

- Historically, the City has enforced all code compliance, whether zoning or other land development regulation, by responding to citizen complaints. The City does not actively monitor websites and social media for code compliance due to staffing limitations.

#### **2. New web-based data aggregator:**

- New forms of technology can now provide continuous web-based monitoring and issue reports regarding possible violations of our codes (ie: Host Compliance).

#### **3. Existing Regulations versus New Regulations that affect short-term rentals:**

- State law, as interpreted by the court (*Miami v. AirBnB*) and the Attorney General (AGO 2019-07), does not allow the City to modify frequency and duration rules for vacation rentals. The City can enforce duration and frequency rules that pre-date 2011 (ie: RS-1, RS-2 weekly rentals, HP-1 monthly rentals). The City is also legally allowed to repeal those ordinances, but it cannot modify them. The City can also enact new regulations that do not affect frequency or duration at all (*Cinnamon Beach v. Flagler*), such as maximum occupancy, parking requirements, etc.

#### **4. Practical example of compliance with weekly rental requirement:**

- Assuming a week to be from Sunday through Saturday, a rental must be booked by a customer for the entire week and cannot be double booked. For example, the Smiths book the week of December 8<sup>th</sup> through the 14<sup>th</sup>. They are not required to stay the entire week, they can choose to only occupy the rental for some of those nights, but they 'own' that week and that week cannot be booked to someone else.

#### **5. Transient lodging, short-term rentals, vacation rentals:**

- *Transient lodging* is an older terminology that encompasses all types of shorter-term rentals (including nightly rentals) than a typical year-to-year lease. It is found in numerous local codes (including the City's definition of 'motel'), it is described in the state's revenue requirements (aka 'bed tax'), and in the state's public lodging statutes.
- *Short-term rental* is also a term that is found in some local codes, and in the City's case it is found in Ord. 2010-24 describing a particular subset of transient lodging allowing weekly rentals for RS-1 and RS-2 zoning.
- *Vacation rental* is a term created by state law, and it describes a particular subset of transient rentals located in condos, single-family homes and multi-family homes.

Two versions of the proposed rules are included:

❖ **Planning and Zoning Board Recommendations:** *(in blue on ordinance)*

The Planning and Zoning Board (PZB) made several recommendations at their January 7, 2020, meeting:

1. Maximum guests per room:
  - The PZB recommended that up to two children per rental be allowed in addition to the maximum two adults that are allowed under the current ordinance.
2. Compact exit lighting:
  - The PZB recommended an additional life/safety requirement of “compact exit lights” to mark exits; we have incorporated that referencing code.
3. Parking requirements:
  - The PZB recommended that “stabilized parking” be defined; we have incorporated a broad definition.
  - The PZB recommended that there not be a parking requirement in HP zones, where parking is not otherwise required.
4. Water rates:
  - The PZB recommended that the Commission consider whether vacation rentals use more water than a typical residential property, and if there should be a different rate structure for vacation rentals. This recommendation is for the Commission’s consideration, but is not included as a possible amendment to this ordinance, as it would likely require a study that is outside of the scope of this ordinance.

❖ **City Commission Version from First Reading:** *(in red on ordinance)*

The City Commission had two (2) suggested changes after first reading:

1. At Section 28-146, clarifying that the information submitted to the City be accurately reflected in the listings.
2. At Section 28-154, clarifying that the thirty (30) minute response time is for the Property Manager or Owner to merely acknowledge receipt of the Preliminary Compliance Complaint.  
All complaints flagged will be further reviewed by Code Enforcement officers prior to prosecution.
3. The new regulations would become effective on October 1, 2020 to coincide with our fiscal year and give an opportunity for outreach.

Please place Ordinances 2019-50, 2019-51, and 2019-52 on the agenda for the January 27, 2020 City Commission meeting for second reading.

Thank you.

/s/ Isabelle C. Lopez

Isabelle C. Lopez  
City Attorney

Attachments

xc: John Regan, City Manager  
Meredith Breidenstein, Assistant City Manager  
Darlene Galambos, City Clerk

**Agenda Titles:**

- 1) Ordinance 2019-50 provides regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts, and violations and penalties.
- 2) Ordinance 2019-51 codifies the findings, intent, purpose, and interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories.
- 3) Ordinance 2019-52 confirms regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51.

# **CITY COMMISSION VERSION**

*(after 1<sup>st</sup> reading)*

**ORDINANCE NO. 2019-50**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-145 THROUGH SECTION 28-154 REGULATING VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR ANNUAL INSPECTIONS; PROVIDING FOR MAXIMUM INTENSITY OF USE; PROVIDING FOR LIMITATIONS ON ANCILLARY USE; PROVIDING FOR LIFE-SAFETY REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR SOLID WASTE REMOVAL; PROVIDING FOR VALIDITY OF CONTRACTS PREDATING THIS ORDINANCE; PROVIDING FOR PRELIMINARY COMPLIANCE COMPLAINT SYSTEM; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Commission appointed a Short-Term Rental Committee to take public comment, hear expert testimony, accept into the public record evidence, and provide an opportunity to industry members and community stakeholders to give input into possible regulations affecting short term or vacation rentals; and

**WHEREAS**, the City Commission at its September 9, 2019 public meeting, received the Short-Term Rental Committee's findings and recommendations; and

**WHEREAS**, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption has been interpreted in the Seventh Circuit case of 30 Cinnamon Beach v. Flagler County (2015 CA 167) to allow other types of local regulations of vacation or short-term rentals; and

**WHEREAS**, after review, the Planning and Zoning Board recommended approval of this ordinance at its January 7, 2020 regular meeting; and

**WHEREAS**, the City Commission heard testimony at numerous public hearings from residents, homeowners, professional property managers, bed and breakfast operators, and individuals who self-manage vacation rental units in their homes or as investment properties; and

**WHEREAS**, the City Commission weighed the negative effects of vacation rentals on quality of life, safety, commercialization, intensification of traditional residential neighborhoods, degradation of community life and cohesion to those neighborhoods and availability and affordability of long-term rental stock, against the positive effects on property values, property maintenance, economic vitality, and diversification of household incomes created by vacation rentals in residential neighborhoods; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Sections 28-145 through 28-154.  
Chapter 28, Article III, Division 2., Sections 28-145 through 28-154 of the Code of the City of St. Augustine, are hereby created as follows:

**Sec. 28-145 – Regulation of Vacation Rentals**

**(a) Definitions:**

- (1) Bedroom.** A bedroom shall have the same meaning as the term sleeping unit found in the Florida Building Code.
- (2) Rental Unit.** A rental unit is the smallest portion of a vacation rental offered to the public as an individual unit available to rent.
- (3) Short term Rental.** A short-term rental is synonymous to a vacation rental.
- (4) Vacation Rental.** A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

**(b) Supplemental intent of these regulations:**

**The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.**

**Sec. 28-146 – Registration**

**Every vacation rental shall register with the City on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of registration and thereafter annually. The information provided on each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that inaccurately reflect the registration form information will be considered a separate violation of this code.**

**The registration will include the following:**

- (i) Address of the vacation rental.**
- (ii) Name, address, and contact information of the property owner.**

- (iii) Name, address, and contact information of the property manager if different than the property owner.
- (iv) Number of rental units offered to the public for rent at this location.
- (v) Number of bedrooms.
- (vi) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.
- (vii) Site plan or other document depicting approved parking spaces provided.
- (viii) Property owner authorization providing for inspection pursuant to Section 28-147 of this code.

#### **Sec. 28-147 – Annual Inspection**

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by City officials for an inspection of the life-safety code, zoning code, and property maintenance code.

#### **Sec. 28-148 – Intensity of Use**

The maximum occupancy of a vacation rental is two (2) persons per bedroom per vacation rental. The total maximum occupancy of a vacation rental is twelve (12) persons.

#### **Sec. 28-149 – Ancillary Use**

Each vacation rental may host guests who are not counted towards the maximum occupancy of the rental unit. These guests must vacate the vacation rental premises between the hours of 10:00 pm and 8:00 am. Ancillary use of the vacation rental does not imply or grant the property the right to operate as a special event venue pursuant to this Code. Total life-safety occupancy maximums apply to the ancillary use of the vacation rental.

#### **Sec. 28-150 Life-Safety**

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke detector, a carbon monoxide detector, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

#### **Sec. 28-151 Parking**

- (i) Each vacation rental will provide at least one (1) stabilized parking space per bedroom offered for rent.

- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass.
- (iii) Vacation rentals in all zoning districts will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the Planning and Zoning Board for a use by exception for offsite parking. In the alternative, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

#### **Sec. 28-152 Solid Waste**

Vacation rental property owners are responsible to ensure that garbage and trash receptacles are placed curbside consistent with City regulations at Sections 30-7 and 30-8 of this code. Appropriate fees and rates commensurate with collection volumes may be established pursuant to Section 30-10 of this code.

#### **Sec. 28-153 Existing contracts unaffected.**

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

#### **Sec. 28-154 Violations and Penalties**

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond by acknowledging that they have received the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156, as well as Section 28-159 may be prosecuted pursuant to Article VI: Code Enforcement, or pursuant to any other procedure and remedy available to the City, including but not limited to, revocation of the vacation rental registration.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Sections 28-145 through 28-154 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Severance of Invalid Provisions. 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 on October 1, 2020, pursuant to § 166.041(4), Florida Statutes.

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**PASSED** by the City Commission of the City of St. Augustine, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Tracy W. Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk  
(SEAL)

# **PZB RECOMMENDATIONS**

**ORDINANCE NO. 2019-50**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-145 THROUGH SECTION 28-154 REGULATING VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR ANNUAL INSPECTIONS; PROVIDING FOR MAXIMUM INTENSITY OF USE; PROVIDING FOR LIMITATIONS ON ANCILLARY USE; PROVIDING FOR LIFE-SAFETY REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR SOLID WASTE REMOVAL; PROVIDING FOR VALIDITY OF CONTRACTS PREDATING THIS ORDINANCE; PROVIDING FOR PRELIMINARY COMPLIANCE COMPLAINT SYSTEM; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Commission appointed a Short-Term Rental Committee to take public comment, hear expert testimony, accept into the public record evidence, and provide an opportunity to industry members and community stakeholders to give input into possible regulations affecting short term or vacation rentals; and

**WHEREAS**, the City Commission at its September 9, 2019 public meeting, received the Short-Term Rental Committee's findings and recommendations; and

**WHEREAS**, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption has been interpreted in the Seventh Circuit case of 30 Cinnamon Beach v. Flagler County (2015 CA 167) to allow other types of local regulations of vacation or short-term rentals; and

**WHEREAS**, after review, the Planning and Zoning Board recommended approval of this ordinance at its January 7, 2020 regular meeting; and

**WHEREAS**, the City Commission heard testimony at numerous public hearings from residents, homeowners, professional property managers, bed and breakfast operators, and individuals who self-manage vacation rental units in their homes or as investment properties; and

**WHEREAS**, the City Commission weighed the negative effects of vacation rentals on quality of life, safety, commercialization, intensification of traditional residential neighborhoods, degradation of community life and cohesion to those neighborhoods and availability and affordability of long-term rental stock, against the positive effects on property values, property maintenance, economic vitality, and diversification of household incomes created by vacation rentals in residential neighborhoods; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Sections 28-145 through 28-154.  
Chapter 28, Article III, Division 2., Sections 28-145 through 28-154 of the Code of the City of St. Augustine, are hereby created as follows:

**Sec. 28-145 – Regulation of Vacation Rentals**

**(a) Definitions:**

- (1) Bedroom.** A bedroom shall have the same meaning as the term sleeping unit found in the Florida Building Code.
- (2) Rental Unit.** A rental unit is the smallest portion of a vacation rental offered to the public as an individual unit available to rent.
- (3) Short term Rental.** A short-term rental is synonymous to a vacation rental.
- (4) Vacation Rental.** A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

**(b) Supplemental intent of these regulations:**

**The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.**

**Sec. 28-146 – Registration**

**Every vacation rental shall register with the City on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of registration and thereafter annually. Each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that do not conform to the registration form information will be considered a separate violation of this code.**

**The registration will include the following:**

- (i) Address of the vacation rental.**
- (ii) Name, address, and contact information of the property owner.**

- (iii) Name, address, and contact information of the property manager if different than the property owner.
- (iv) Number of rental units offered to the public for rent at this location.
- (v) Number of bedrooms.
- (vi) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.
- (vii) Site plan or other document depicting approved parking spaces provided.
- (viii) Property owner authorization providing for inspection pursuant to Section 28-147 of this code.

### **Sec. 28-147 – Annual Inspection**

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by City officials for an inspection of the life-safety code, zoning code, and property maintenance code.

### **Sec. 28-148 – Intensity of Use**

The maximum occupancy of a vacation rental is two (2) ~~persons~~ adults per bedroom per vacation rental, plus an additional two children under the age of 18 per vacation rental. The total maximum occupancy of a vacation rental is twelve (12) persons.

### **Sec. 28-149 – Ancillary Use**

Each vacation rental may host guests who are not counted towards the maximum occupancy of the rental unit. These guests must vacate the vacation rental premises between the hours of 10:00 pm and 8:00 am. Ancillary use of the vacation rental does not imply or grant the property the right to operate as a special event venue pursuant to this Code. Total life-safety occupancy maximums apply to the ancillary use of the vacation rental.

### **Sec. 28-150 Life-Safety**

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke detector, a carbon monoxide detector, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable, with emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

### **Sec. 28-151 Parking**

- (i) Each vacation rental, except as provided in subparagraph (iii) below, will provide at least one (1) stabilized parking space per bedroom offered for rent.
- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass. For the purposes of this Division, stabilized parking shall be defined as a space that is covered and graded by semi-permeable or impervious materials such as asphalt, concrete, pavers, gravel, or a similar material.
- (iii) Vacation rentals in all zoning districts that otherwise have on-site parking requirements will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the Planning and Zoning Board for a use by exception for offsite parking. In the alternative, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

### **Sec. 28-152 Solid Waste**

Vacation rental property owners are responsible to ensure that garbage and trash receptacles are placed curbside consistent with City regulations at Sections 30-7 and 30-8 of this code. Appropriate fees and rates commensurate with collection volumes may be established pursuant to Section 30-10 of this code.

### **Sec. 28-153 Existing contracts unaffected.**

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

### **Sec. 28-154 Violations and Penalties**

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond to the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156, as well as Section 28-159 may be prosecuted pursuant to Article VI: Code Enforcement, or pursuant to any other procedure and remedy available to the City, including but not limited to, revocation of the vacation rental registration.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Sections 28-145 through 28-154 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Severance of Invalid Provisions. 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 on October 1, 2020, pursuant to § 166.041(4), Florida Statutes.

-----  
**PASSED** by the City Commission of the City of St. Augustine, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Tracy W. Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk  
(SEAL)

## ORDINANCE NO. 2019-51

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-155 WHICH CODIFIES THE FINDINGS, INTENT, PURPOSE, AND INTERPRETATION FOUND IN ORDINANCE 2010-24 THAT ESTABLISHED REGULATIONS FOR REGISTRATION AND PERMISSIBLE ACTIVITIES FOR SHORT-TERM RENTALS IN RS-1 AND RS-2 CATEGORIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, on April 28, 1975, Ordinance 1974-37 enacted a comprehensive scheme of zoning regulations including definitions for motel uses and limitations on permitted uses in Residential Single Family 1 and 2 (RS-1 and RS-2) zoning districts;

**WHEREAS**, Ordinance 2010-24 was adopted by the St. Augustine City Commission on August 23, 2010; and

**WHEREAS**, zoning restrictions of uses, known as Euclidean Zoning, has been a legal form of zoning restriction since the 1926 United States Supreme Court decision in Village of Euclid v. Ambler Realty Co., and the City's municipal code is explicitly a use restricted code, per Sec. 28-7, "The use of provisions in the various zoning districts are exclusive and any use not included under permitted or permissible uses shall be prohibited in such districts"; and

**WHEREAS**, Ordinance 2010-24 included factual findings, described the legislative intent, promulgated the purpose of the regulation, and provided the enacting governmental agency's interpretation of the relevant municipal code; and

**WHEREAS**, the editorial codification of Ordinance 2010-24 omitted the preamble, also known as the "whereas" clauses, found in the originally adopted ordinance; and

**WHEREAS**, consistent with Dills v. City of Marietta, 674 F. 2d 1377 (11<sup>th</sup> Cir. 1982), and Florida Attorney General Opinion 077-49, preambles establish contemporaneous findings of fact and law, as well as, the interpretation, purpose and intent of the enactment; and



**WHEREAS**, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in RS-1 and RS-2 zoning during the required registration process found in Ordinance 2010-24 and the City's website also provides information regarding RS-1 and RS-2 weekly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding RS-1 and RS-2 weekly rental restrictions; and

**WHEREAS**, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

**WHEREAS**, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3<sup>d</sup> DCA 2018) and Florida Attorney General Opinion AGO-2019-07, this ordinance seeks to codify language "identical in its material provisions" to that found in the 2010 enacted ordinance; and,

**WHEREAS**, after review, the Planning and Zoning Board recommended approval of this ordinance at its January 7, 2020 regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-155. Chapter 28, Article III, Division 2., Section 28-155 of the Code of the City of St. Augustine, is hereby created as follows:

**Sec. 28-155. – Effect of Ordinance 2010-24 on RS-1 and RS-2 Short-Term Rentals.**

**(a) Codification of Findings and Intent of Ordinance 2010-24.**

The rental of single-family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code.

The Residential, Single-family-one (RS-1) and the Residential, Single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character.

The rental of single-family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated.

Large gatherings, twenty (20) or more persons, at a single-family residential dwelling unit are not uncommon in a single-family residential neighborhood on an occasional basis, but the short-term rental of a single-family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood.

On August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the Residential, Single-family-one (RS-1) and Residential, Single-family-two (RS-2) zoning districts.

(b) Code definition of motel enacted by Ordinance 1974-37.

The definition for motel, referenced in Ordinance 2010-24, was enacted on April 28, 1975. Motel is defined as a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are generally for periods of a week or longer and occupancy is generally by residents rather than transients.

(c) RS-1 and RS-2 zoning districts enacted by Ordinance 1974-37.

RS-1 and RS-2 zoning districts, referenced in Ordinance 2010-24, were enacted on April 28, 1975. RS-1 and RS-2 zoning does not allow motels, defined as rentals with daily charge.

(d) Interpretation of weekly short-term rental requirement in RS-1 and RS-2 zoning districts.

Ordinance 2010-24 referenced existing zoning definitions and limitations for short-term rentals in RS-1 and RS-2 zoning districts. Motel uses, defined as rentals with daily charge, are not permitted in RS-1 and RS-2 zoning. Ordinance 2010-24 allows for these residentially zoned properties to be rented as short-term rentals for periods of one week or longer with registration. Nightly rentals are deemed a motel use and are not allowed in RS-1 and RS-2 zoning.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Section 28-155 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Severance of Invalid Provisions. 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 on March 1, 2020, pursuant to § 166.041(4), Florida Statutes.

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**PASSED** by the City Commission of the City of St. Augustine, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Tracy W. Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk  
(SEAL)

## ORDINANCE NO. 2019-52

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-156 CONFIRMING REGULATIONS THAT AFFECT SHORT-TERM RENTALS AS PREVIOUSLY ENACTED IN ORDINANCE 1995-35, REQUIRING SUBMERGED LAND LEASES FOR COMMERCIAL DOCKS, AND ORDINANCE 1989-51 LIMITING RENTAL PERIODS TO MONTHLY OR LONGER RENTALS IN HP-1 ZONING; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, Ordinance 1995-35, enacted on January 8<sup>th</sup>, 1996, regulates the use of the City's submerged lands and requires a submerged lands lease for use of the City's bottomlands in any revenue generating activity; and

**WHEREAS**, Ordinance 1989-51, enacted on August 14<sup>th</sup>, 1989, specifically limits rental units in the Historic Preservation 1 (HP-1) zoning district to monthly or greater periods of time; and

**WHEREAS**, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in HP-1 zoning and the City's website also provides information regarding HP-1 monthly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding HP-1 monthly rental restrictions; and

**WHEREAS**, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

**WHEREAS**, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3<sup>d</sup> DCA 2018), this ordinance seeks to confirm language "identical in its material provisions" to that found in the 1989 and 1996 enacted ordinances; and,

**WHEREAS**, after review, the Planning and Zoning Board recommended approval of this ordinance at its January 7, 2020 regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-156. Chapter 28, Article III, Division 2., Section 28-156 of the Code of the City of St. Augustine, is hereby created as follows:

**Sec. 28-156. Existing regulations confirmed.**

**(a) Short-term rentals on submerged lands require submerged land lease.**

Ordinance 1995-35 enacted on January 8th, 1996, relating to the city's submerged lands requires a submerged land lease from the city for docks or other structures used in revenue-generating or income-related activities. This existing ordinance applies to the use of boats as short term rentals.

**(b) Short-term rentals in HP-1 zoning require monthly or greater rental period of time.**

Ordinance 1989-51 enacted on August 14th, 1989, relating to the zoning of permitted uses and structures in Historic Preservation One zoning district requires rentals on a monthly or greater period of time. This existing ordinance applies to the use of HP-1 zoned properties as short term rentals.

**(c) Other regulations continue in effect.**

In addition, other local, state, and federal regulations may apply to the use of specific properties, structures, vessels, or vehicles as short term rentals. Specific identification of the above ordinances does not waive any other applicable regulations.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Section 28-156 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Severance of Invalid Provisions. 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 on March 1, 2020, pursuant to § 166.041(4), Florida Statutes.

**PASSED** by the City Commission of the City of St. Augustine, Florida, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Tracy W. Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk  
(SEAL)

## **CITY OF ST. AUGUSTINE**

### **MEMORANDUM**

TO: Mayor, Vice-Mayor and Commissioners

DATE: January 16, 2020

RE: **SHORT-TERM RENTALS**

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This memo includes highlights of Ordinance 2019-50, Ordinance 2019-51, and Ordinance 2019-52. Together they will form the new codified sections of 28-145 through 28-156 encompassing vacation rentals (also known as short-term rentals). This is part of the ongoing review of the effects of vacation rentals initiated by the city commission, with recommendations from the Short-Term Rental Committee.

#### **Part One: New Regulations**

The proposed new regulations do not restrict frequency or duration of stays, consistent with state preemption law. The proposed regulations came out of the Short-Term Rental Committee's public meetings, staff discussion, and city commission direction.

#### **Public Policy Issues to be Discussed:**

1. What should be the parking requirements?
    - After input from the city commission, the requirements have been revised to include multiple alternatives: onsite, offsite use by exception, street parking permits, or parking garage permits.
    - HP-1 through HP-4 zoning districts do not require onsite parking for uses such as hotels; should the parking requirements for vacation rentals exempt those zoning districts entirely or require them to use one of the alternatives to onsite parking?
  2. Should there be less vacation rental regulations for rooms rented within someone's full-time residence?
    - For instance relaxing the parking requirement, or the emergency lighting requirement.
- ❖ City Commission may raise any other public policy questions for discussion and direction.

#### **Part Two: Existing Regulations**

- (a) Confirmation and codification of Ordinance 2010-24 regarding RS-1 and RS-2 zoning
  - This ordinance re-iterates and codifies Ordinance 2010-24 and explains in clear language the existing requirement of weekly rentals for RS-1 and RS-2 zoning as it pertains to vacation rentals. The City Commission at its previous meeting requested that all relevant ordinances be re-stated in this section of the code in order to make it more user friendly for individuals to find and understand vacation rental regulations in one place.
- (b) Confirmation and re-statement of restrictions on Submerged Lands and HP-1 zoning

- Similarly, this ordinance re-states the existing restrictions on income generating uses of the City's submerged lands, and the existing zoning limitation of monthly rentals in HP-1 zoning. Residential docks do not require a submerged land lease, but any income generating use of the dock would trigger the need for obtaining a submerged land lease from the city; for instance, if a boat is docked on a residential dock and used as a vacation rental. Existing commercial operations, such as marinas, are already required to obtain a submerged land lease, therefore use of boats in those marinas would already comply.

### **Enforcement Issues:**

#### **1. Current complaint driven enforcement:**

- Historically, the City has enforced all code compliance, whether zoning or other land development regulation, by responding to citizen complaints. The City does not actively monitor websites and social media for code compliance due to staffing limitations.

#### **2. New web-based data aggregator:**

- New forms of technology can now provide continuous web-based monitoring and issue reports regarding possible violations of our codes (ie: Host Compliance).

#### **3. Existing Regulations versus New Regulations that affect short-term rentals:**

- State law, as interpreted by the court (*Miami v. AirBnB*) and the Attorney General (AGO 2019-07), does not allow the City to modify frequency and duration rules for vacation rentals. The City can enforce duration and frequency rules that pre-date 2011 (ie: RS-1, RS-2 weekly rentals, HP-1 monthly rentals). The City is also legally allowed to repeal those ordinances, but it cannot modify them. The City can also enact new regulations that do not affect frequency or duration at all (*Cinnamon Beach v. Flagler*), such as maximum occupancy, parking requirements, etc.

#### **4. Practical example of compliance with weekly rental requirement:**

- Assuming a week to be from Sunday through Saturday, a rental must be booked by a customer for the entire week and cannot be double booked. For example, the Smiths book the week of December 8<sup>th</sup> through the 14<sup>th</sup>. They are not required to stay the entire week, they can choose to only occupy the rental for some of those nights, but they 'own' that week and that week cannot be booked to someone else.

#### **5. Transient lodging, short-term rentals, vacation rentals:**

- *Transient lodging* is an older terminology that encompasses all types of shorter-term rentals (including nightly rentals) than a typical year-to-year lease. It is found in numerous local codes (including the City's definition of 'motel'), it is described in the state's revenue requirements (aka 'bed tax'), and in the state's public lodging statutes.
- *Short-term rental* is also a term that is found in some local codes, and in the City's case it is found in Ord. 2010-24 describing a particular subset of transient lodging allowing weekly rentals for RS-1 and RS-2 zoning.
- *Vacation rental* is a term created by state law, and it describes a particular subset of transient rentals located in condos, single-family homes and multi-family homes.



Two versions of the proposed rules are included:

❖ **Planning and Zoning Board Recommendations:** *(in blue on ordinance)*

The Planning and Zoning Board (PZB) made several recommendations at their January 7, 2020, meeting:

1. Maximum guests per room:
  - The PZB recommended that up to two children per rental be allowed in addition to the maximum two adults that are allowed under the current ordinance.
2. Compact exit lighting:
  - The PZB recommended an additional life/safety requirement of “compact exit lights” to mark exits; we have incorporated that referencing code.
3. Parking requirements:
  - The PZB recommended that “stabilized parking” be defined; we have incorporated a broad definition.
  - The PZB recommended that there not be a parking requirement in HP zones, where parking is not otherwise required.
4. Water rates:
  - The PZB recommended that the Commission consider whether vacation rentals use more water than a typical residential property, and if there should be a different rate structure for vacation rentals. This recommendation is for the Commission’s consideration, but is not included as a possible amendment to this ordinance, as it would likely require a study that is outside of the scope of this ordinance.

❖ **City Commission Version from First Reading:** *(in red on ordinance)*

The City Commission had two (2) suggested changes after first reading:

1. At Section 28-146, clarifying that the information submitted to the City be accurately reflected in the listings.
2. At Section 28-154, clarifying that the thirty (30) minute response time is for the Property Manager or Owner to merely acknowledge receipt of the Preliminary Compliance Complaint.  
All complaints flagged will be further reviewed by Code Enforcement officers prior to prosecution.
3. The new regulations would become effective on October 1, 2020 to coincide with our fiscal year and give an opportunity for outreach.

Please place Ordinances 2019-50, 2019-51, and 2019-52 on the agenda for the January 27, 2020 City Commission meeting for second reading.

Thank you.

/s/ Isabelle C. Lopez

Isabelle C. Lopez  
City Attorney

Attachments

xc: John Regan, City Manager  
Meredith Breidenstein, Assistant City Manager  
Darlene Galambos, City Clerk

**Agenda Titles:**

- 1) Ordinance 2019-50 provides regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts, and violations and penalties.
- 2) Ordinance 2019-51 codifies the findings, intent, purpose, and interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories.
- 3) Ordinance 2019-52 confirms regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51.

# **CITY COMMISSION VERSION**

*(after 1<sup>st</sup> reading)*

**ORDINANCE NO. 2019-50**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-145 THROUGH SECTION 28-154 REGULATING VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR ANNUAL INSPECTIONS; PROVIDING FOR MAXIMUM INTENSITY OF USE; PROVIDING FOR LIMITATIONS ON ANCILLARY USE; PROVIDING FOR LIFE-SAFETY REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR SOLID WASTE REMOVAL; PROVIDING FOR VALIDITY OF CONTRACTS PREDATING THIS ORDINANCE; PROVIDING FOR PRELIMINARY COMPLIANCE COMPLAINT SYSTEM; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Commission appointed a Short-Term Rental Committee to take public comment, hear expert testimony, accept into the public record evidence, and provide an opportunity to industry members and community stakeholders to give input into possible regulations affecting short term or vacation rentals; and

**WHEREAS**, the City Commission at its September 9, 2019 public meeting, received the Short-Term Rental Committee's findings and recommendations; and

**WHEREAS**, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption has been interpreted in the Seventh Circuit case of 30 Cinnamon Beach v. Flagler County (2015 CA 167) to allow other types of local regulations of vacation or short-term rentals; and

**WHEREAS**, after review, the Planning and Zoning Board recommended approval of this ordinance at its January 7, 2020 regular meeting; and

**WHEREAS**, the City Commission heard testimony at numerous public hearings from residents, homeowners, professional property managers, bed and breakfast operators, and individuals who self-manage vacation rental units in their homes or as investment properties; and

**WHEREAS**, the City Commission weighed the negative effects of vacation rentals on quality of life, safety, commercialization, intensification of traditional residential neighborhoods, degradation of community life and cohesion to those neighborhoods and availability and affordability of long-term rental stock, against the positive effects on property values, property maintenance, economic vitality, and diversification of household incomes created by vacation rentals in residential neighborhoods; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Sections 28-145 through 28-154.  
Chapter 28, Article III, Division 2., Sections 28-145 through 28-154 of the Code of the City of St. Augustine, are hereby created as follows:

**Sec. 28-145 – Regulation of Vacation Rentals**

**(a) Definitions:**

- (1) Bedroom.** A bedroom shall have the same meaning as the term sleeping unit found in the Florida Building Code.
- (2) Rental Unit.** A rental unit is the smallest portion of a vacation rental offered to the public as an individual unit available to rent.
- (3) Short term Rental.** A short-term rental is synonymous to a vacation rental.
- (4) Vacation Rental.** A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

**(b) Supplemental intent of these regulations:**

**The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.**

**Sec. 28-146 – Registration**

**Every vacation rental shall register with the City on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of registration and thereafter annually. The information provided on each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that inaccurately reflect the registration form information will be considered a separate violation of this code.**

**The registration will include the following:**

- (i) Address of the vacation rental.**
- (ii) Name, address, and contact information of the property owner.**

- (iii) Name, address, and contact information of the property manager if different than the property owner.
- (iv) Number of rental units offered to the public for rent at this location.
- (v) Number of bedrooms.
- (vi) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.
- (vii) Site plan or other document depicting approved parking spaces provided.
- (viii) Property owner authorization providing for inspection pursuant to Section 28-147 of this code.

#### **Sec. 28-147 – Annual Inspection**

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by City officials for an inspection of the life-safety code, zoning code, and property maintenance code.

#### **Sec. 28-148 – Intensity of Use**

The maximum occupancy of a vacation rental is two (2) persons per bedroom per vacation rental. The total maximum occupancy of a vacation rental is twelve (12) persons.

#### **Sec. 28-149 – Ancillary Use**

Each vacation rental may host guests who are not counted towards the maximum occupancy of the rental unit. These guests must vacate the vacation rental premises between the hours of 10:00 pm and 8:00 am. Ancillary use of the vacation rental does not imply or grant the property the right to operate as a special event venue pursuant to this Code. Total life-safety occupancy maximums apply to the ancillary use of the vacation rental.

#### **Sec. 28-150 Life-Safety**

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke detector, a carbon monoxide detector, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

#### **Sec. 28-151 Parking**

- (i) Each vacation rental will provide at least one (1) stabilized parking space per bedroom offered for rent.

- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass.
- (iii) Vacation rentals in all zoning districts will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the Planning and Zoning Board for a use by exception for offsite parking. In the alternative, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

#### **Sec. 28-152 Solid Waste**

Vacation rental property owners are responsible to ensure that garbage and trash receptacles are placed curbside consistent with City regulations at Sections 30-7 and 30-8 of this code. Appropriate fees and rates commensurate with collection volumes may be established pursuant to Section 30-10 of this code.

#### **Sec. 28-153 Existing contracts unaffected.**

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

#### **Sec. 28-154 Violations and Penalties**

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond by acknowledging that they have received the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156, as well as Section 28-159 may be prosecuted pursuant to Article VI: Code Enforcement, or pursuant to any other procedure and remedy available to the City, including but not limited to, revocation of the vacation rental registration.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Sections 28-145 through 28-154 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Severance of Invalid Provisions. 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 on October 1, 2020, pursuant to § 166.041(4), Florida Statutes.

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**PASSED** by the City Commission of the City of St. Augustine, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Tracy W. Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk  
(SEAL)



# **PZB RECOMMENDATIONS**

**ORDINANCE NO. 2019-50**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-145 THROUGH SECTION 28-154 REGULATING VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR ANNUAL INSPECTIONS; PROVIDING FOR MAXIMUM INTENSITY OF USE; PROVIDING FOR LIMITATIONS ON ANCILLARY USE; PROVIDING FOR LIFE-SAFETY REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR SOLID WASTE REMOVAL; PROVIDING FOR VALIDITY OF CONTRACTS PREDATING THIS ORDINANCE; PROVIDING FOR PRELIMINARY COMPLIANCE COMPLAINT SYSTEM; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Commission appointed a Short-Term Rental Committee to take public comment, hear expert testimony, accept into the public record evidence, and provide an opportunity to industry members and community stakeholders to give input into possible regulations affecting short term or vacation rentals; and

**WHEREAS**, the City Commission at its September 9, 2019 public meeting, received the Short-Term Rental Committee's findings and recommendations; and

**WHEREAS**, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption has been interpreted in the Seventh Circuit case of 30 Cinnamon Beach v. Flagler County (2015 CA 167) to allow other types of local regulations of vacation or short-term rentals; and

**WHEREAS**, after review, the Planning and Zoning Board recommended approval of this ordinance at its January 7, 2020 regular meeting; and

**WHEREAS**, the City Commission heard testimony at numerous public hearings from residents, homeowners, professional property managers, bed and breakfast operators, and individuals who self-manage vacation rental units in their homes or as investment properties; and

**WHEREAS**, the City Commission weighed the negative effects of vacation rentals on quality of life, safety, commercialization, intensification of traditional residential neighborhoods, degradation of community life and cohesion to those neighborhoods and availability and affordability of long-term rental stock, against the positive effects on property values, property maintenance, economic vitality, and diversification of household incomes created by vacation rentals in residential neighborhoods; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Sections 28-145 through 28-154.  
Chapter 28, Article III, Division 2., Sections 28-145 through 28-154 of the Code of the City of St. Augustine, are hereby created as follows:

**Sec. 28-145 – Regulation of Vacation Rentals**

**(a) Definitions:**

- (1) Bedroom.** A bedroom shall have the same meaning as the term sleeping unit found in the Florida Building Code.
- (2) Rental Unit.** A rental unit is the smallest portion of a vacation rental offered to the public as an individual unit available to rent.
- (3) Short term Rental.** A short-term rental is synonymous to a vacation rental.
- (4) Vacation Rental.** A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

**(b) Supplemental intent of these regulations:**

**The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.**

**Sec. 28-146 – Registration**

**Every vacation rental shall register with the City on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of registration and thereafter annually. Each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that do not conform to the registration form information will be considered a separate violation of this code.**

**The registration will include the following:**

- (i) Address of the vacation rental.**
- (ii) Name, address, and contact information of the property owner.**

- (iii) Name, address, and contact information of the property manager if different than the property owner.
- (iv) Number of rental units offered to the public for rent at this location.
- (v) Number of bedrooms.
- (vi) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.
- (vii) Site plan or other document depicting approved parking spaces provided.
- (viii) Property owner authorization providing for inspection pursuant to Section 28-147 of this code.

### **Sec. 28-147 – Annual Inspection**

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by City officials for an inspection of the life-safety code, zoning code, and property maintenance code.

### **Sec. 28-148 – Intensity of Use**

The maximum occupancy of a vacation rental is two (2) ~~persons~~ adults per bedroom per vacation rental, plus an additional two children under the age of 18 per vacation rental. The total maximum occupancy of a vacation rental is twelve (12) persons.

### **Sec. 28-149 – Ancillary Use**

Each vacation rental may host guests who are not counted towards the maximum occupancy of the rental unit. These guests must vacate the vacation rental premises between the hours of 10:00 pm and 8:00 am. Ancillary use of the vacation rental does not imply or grant the property the right to operate as a special event venue pursuant to this Code. Total life-safety occupancy maximums apply to the ancillary use of the vacation rental.

### **Sec. 28-150 Life-Safety**

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke detector, a carbon monoxide detector, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable, with emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

### **Sec. 28-151 Parking**

- (i) Each vacation rental, except as provided in subparagraph (iii) below, will provide at least one (1) stabilized parking space per bedroom offered for rent.
- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass. For the purposes of this Division, stabilized parking shall be defined as a space that is covered and graded by semi-permeable or impervious materials such as asphalt, concrete, pavers, gravel, or a similar material.
- (iii) Vacation rentals in all zoning districts that otherwise have on-site parking requirements will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the Planning and Zoning Board for a use by exception for offsite parking. In the alternative, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

### **Sec. 28-152 Solid Waste**

Vacation rental property owners are responsible to ensure that garbage and trash receptacles are placed curbside consistent with City regulations at Sections 30-7 and 30-8 of this code. Appropriate fees and rates commensurate with collection volumes may be established pursuant to Section 30-10 of this code.

### **Sec. 28-153 Existing contracts unaffected.**

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

### **Sec. 28-154 Violations and Penalties**

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond to the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156, as well as Section 28-159 may be prosecuted pursuant to Article VI: Code Enforcement, or pursuant to any other procedure and remedy available to the City, including but not limited to, revocation of the vacation rental registration.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Sections 28-145 through 28-154 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Severance of Invalid Provisions. 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 on October 1, 2020, pursuant to § 166.041(4), Florida Statutes.

-----  
**PASSED** by the City Commission of the City of St. Augustine, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Tracy W. Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk  
(SEAL)

## ORDINANCE NO. 2019-51

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-155 WHICH CODIFIES THE FINDINGS, INTENT, PURPOSE, AND INTERPRETATION FOUND IN ORDINANCE 2010-24 THAT ESTABLISHED REGULATIONS FOR REGISTRATION AND PERMISSIBLE ACTIVITIES FOR SHORT-TERM RENTALS IN RS-1 AND RS-2 CATEGORIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, on April 28, 1975, Ordinance 1974-37 enacted a comprehensive scheme of zoning regulations including definitions for motel uses and limitations on permitted uses in Residential Single Family 1 and 2 (RS-1 and RS-2) zoning districts;

**WHEREAS**, Ordinance 2010-24 was adopted by the St. Augustine City Commission on August 23, 2010; and

**WHEREAS**, zoning restrictions of uses, known as Euclidean Zoning, has been a legal form of zoning restriction since the 1926 United States Supreme Court decision in Village of Euclid v. Ambler Realty Co., and the City's municipal code is explicitly a use restricted code, per Sec. 28-7, "The use of provisions in the various zoning districts are exclusive and any use not included under permitted or permissible uses shall be prohibited in such districts"; and

**WHEREAS**, Ordinance 2010-24 included factual findings, described the legislative intent, promulgated the purpose of the regulation, and provided the enacting governmental agency's interpretation of the relevant municipal code; and

**WHEREAS**, the editorial codification of Ordinance 2010-24 omitted the preamble, also known as the "whereas" clauses, found in the originally adopted ordinance; and

**WHEREAS**, consistent with Dills v. City of Marietta, 674 F. 2d 1377 (11<sup>th</sup> Cir. 1982), and Florida Attorney General Opinion 077-49, preambles establish contemporaneous findings of fact and law, as well as, the interpretation, purpose and intent of the enactment; and

**WHEREAS**, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in RS-1 and RS-2 zoning during the required registration process found in Ordinance 2010-24 and the City's website also provides information regarding RS-1 and RS-2 weekly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding RS-1 and RS-2 weekly rental restrictions; and

**WHEREAS**, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

**WHEREAS**, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3<sup>d</sup> DCA 2018) and Florida Attorney General Opinion AGO-2019-07, this ordinance seeks to codify language "identical in its material provisions" to that found in the 2010 enacted ordinance; and,

**WHEREAS**, after review, the Planning and Zoning Board recommended approval of this ordinance at its January 7, 2020 regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-155. Chapter 28, Article III, Division 2., Section 28-155 of the Code of the City of St. Augustine, is hereby created as follows:

**Sec. 28-155. – Effect of Ordinance 2010-24 on RS-1 and RS-2 Short-Term Rentals.**

**(a) Codification of Findings and Intent of Ordinance 2010-24.**

The rental of single-family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code.

The Residential, Single-family-one (RS-1) and the Residential, Single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character.



The rental of single-family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated.

Large gatherings, twenty (20) or more persons, at a single-family residential dwelling unit are not uncommon in a single-family residential neighborhood on an occasional basis, but the short-term rental of a single-family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood.

On August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the Residential, Single-family-one (RS-1) and Residential, Single-family-two (RS-2) zoning districts.

(b) Code definition of motel enacted by Ordinance 1974-37.

The definition for motel, referenced in Ordinance 2010-24, was enacted on April 28, 1975. Motel is defined as a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are generally for periods of a week or longer and occupancy is generally by residents rather than transients.

(c) RS-1 and RS-2 zoning districts enacted by Ordinance 1974-37.

RS-1 and RS-2 zoning districts, referenced in Ordinance 2010-24, were enacted on April 28, 1975. RS-1 and RS-2 zoning does not allow motels, defined as rentals with daily charge.

(d) Interpretation of weekly short-term rental requirement in RS-1 and RS-2 zoning districts.

Ordinance 2010-24 referenced existing zoning definitions and limitations for short-term rentals in RS-1 and RS-2 zoning districts. Motel uses, defined as rentals with daily charge, are not permitted in RS-1 and RS-2 zoning. Ordinance 2010-24 allows for these residentially zoned properties to be rented as short-term rentals for periods of one week or longer with registration. Nightly rentals are deemed a motel use and are not allowed in RS-1 and RS-2 zoning.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Section 28-155 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Severance of Invalid Provisions. 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 on March 1, 2020, pursuant to § 166.041(4), Florida Statutes.

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**PASSED** by the City Commission of the City of St. Augustine, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Tracy W. Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk  
(SEAL)

## ORDINANCE NO. 2019-52

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-156 CONFIRMING REGULATIONS THAT AFFECT SHORT-TERM RENTALS AS PREVIOUSLY ENACTED IN ORDINANCE 1995-35, REQUIRING SUBMERGED LAND LEASES FOR COMMERCIAL DOCKS, AND ORDINANCE 1989-51 LIMITING RENTAL PERIODS TO MONTHLY OR LONGER RENTALS IN HP-1 ZONING; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, Ordinance 1995-35, enacted on January 8<sup>th</sup>, 1996, regulates the use of the City's submerged lands and requires a submerged lands lease for use of the City's bottomlands in any revenue generating activity; and

**WHEREAS**, Ordinance 1989-51, enacted on August 14<sup>th</sup>, 1989, specifically limits rental units in the Historic Preservation 1 (HP-1) zoning district to monthly or greater periods of time; and

**WHEREAS**, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in HP-1 zoning and the City's website also provides information regarding HP-1 monthly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding HP-1 monthly rental restrictions; and

**WHEREAS**, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

**WHEREAS**, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3<sup>d</sup> DCA 2018), this ordinance seeks to confirm language "identical in its material provisions" to that found in the 1989 and 1996 enacted ordinances; and,

**WHEREAS**, after review, the Planning and Zoning Board recommended approval of this ordinance at its January 7, 2020 regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-156. Chapter 28, Article III, Division 2., Section 28-156 of the Code of the City of St. Augustine, is hereby created as follows:

**Sec. 28-156. Existing regulations confirmed.**

**(a) Short-term rentals on submerged lands require submerged land lease.**

Ordinance 1995-35 enacted on January 8th, 1996, relating to the city's submerged lands requires a submerged land lease from the city for docks or other structures used in revenue-generating or income-related activities. This existing ordinance applies to the use of boats as short term rentals.

**(b) Short-term rentals in HP-1 zoning require monthly or greater rental period of time.**

Ordinance 1989-51 enacted on August 14th, 1989, relating to the zoning of permitted uses and structures in Historic Preservation One zoning district requires rentals on a monthly or greater period of time. This existing ordinance applies to the use of HP-1 zoned properties as short term rentals.

**(c) Other regulations continue in effect.**

In addition, other local, state, and federal regulations may apply to the use of specific properties, structures, vessels, or vehicles as short term rentals. Specific identification of the above ordinances does not waive any other applicable regulations.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Section 28-156 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Severance of Invalid Provisions. 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 on March 1, 2020, pursuant to § 166.041(4), Florida Statutes.

**PASSED** by the City Commission of the City of St. Augustine, Florida, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Tracy W. Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk  
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.  
City Manager

DATE: January 27, 2020

RE: Ordinance 2020-07 – Amending the Columbia Restaurant Planned Unit Development to allow for a Maximum of 27% Lot Coverage to Install an Outdoor Walk-in Cooler

On December 3, 2019, the Planning and Zoning Board recommended approval for an amendment to the Columbia Restaurant Planned Unit Development. This amendment increases the maximum lot coverage for all structures from 25% to 27%. The property owners applied for this PUD amendment in order to install a covered, outdoor walk-in cooler in the rear of the building, adjacent to the parking lot. The proposed 312 square foot walk-in cooler will increase the current lot coverage from 25% to 25.6%, leaving an additional 738 square feet for future building expansion. This PUD requires approval from the Historic Architectural Review Board for all exterior changes to the site and buildings.

On December 19, 2019, the Historic Architectural Review Board approved a Certificate of Appropriateness for the design of the outdoor walk-in cooler at 98 St. George Street.

Please place Ordinance 2020-07 on the City Commission agenda of first reading.

If you have any questions, please let me know.



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David Birchim, AICP  
Director, Planning and Building

**ORDINANCE NO. 2020-07**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE,  
FLORIDA, MODIFYING ORDINANCE 2011-03, THE  
COLUMBIA RESTAURANT OF ST. AUGUSTINE  
PLANNED UNIT DEVELOPMENT, 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 an Historic Preservation land use designation for the subject property, and associated use and 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 Columbia Restaurant of St. Augustine PUD was established by Ordinance 2011-03, became effective on April 21, 2011; and

**WHEREAS**, the Columbia Restaurant of St. Augustine PUD contained a plan for a restaurant expansion; and

**WHEREAS**, the Columbia Restaurant of St. Augustine PUD, applied for a modification to PUD Ordinance 2011-03 to build a covered structure over an exterior walk-in cooler and to increase the maximum lot coverage from 25% to 27%; and

**WHEREAS**, on December 3, 2019 the City of St. Augustine Planning and Zoning Board reviewed a request to modify the Columbia Restaurant of St. Augustine PUD and made recommendations to the City Commission for approval of the PUD modification with the following conditions:

- (1) To increase the maximum lot coverage to twenty-seven percent (27%)

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

Section 1. Modification of Ordinance 2011-03, the Columbia Restaurant of St. Augustine Planned Unit Development. The Columbia Restaurant of St. Augustine Planned Unit Development is hereby modified for property described in the General Warranty Deeds and 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 Columbia Restaurant of St. Augustine Planned Unit Development



are as presented in the Development Plan Narrative dated January 3, 2020 attached hereto and containing complete description of the Planned Unit Development and its consistency with the Comprehensive Plan and containing the following amended condition:

- (1) Maximum lot coverage: All Structures: Maximum of twenty-seven percent (27%) of a total lot size of 52,495 sq. ft.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Tracy Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk

# **THE COLUMBIA RESTAURANT OF ST. AUGUSTINE**

**Amendment to Planned Unit Development Text**  
(Approved at Ord. 2011-03)

**Submittal Date:**

November 8, 2019

January 3, 2020 (Amended per PZB approval)

**Request:**

Amendment to the previously approved Planned Unit Development (PUD), to add a small enclosed area to the existing restaurant, on the north side of the building facing the parking lot, for the inclusion of an additional walk-in cooler. The very minor addition has been designed to mesh seamlessly into the current building and will meet all HARB-approved architecture/features and to include extensive landscaping. Accordingly, the minor addition is proposed to meet all of the city codes. This minor modification will allow the applicant to provide for additional cooler space that is currently lacking and for better internal service functions, as depicted in the diagrams provided.

**Applicant/Owner:**

Columbia Restaurant of St. Augustine  
2025 East 7<sup>th</sup> Avenue  
Tampa, FL 33605-3901

**Authorized Agent for the Applicant:**

James G. Whitehouse, Esq.  
St. Johns Law Group  
104 Sea Grove Main Street  
St. Augustine, FL 32080

**Exhibits:**

Development Plan Narrative

**Parcel Identification Numbers:**

197500 0000

**DEVELOPMENT PLAN NARRATIVE**  
**THE COLUMBIA RESTAURANT OF ST. AUGUSTINE**  
**PLANNED UNIT DEVELOPMENT**

**SECTION I- INTRODUCTION AND REQUEST**

This is an application for amendment to the previously approved Planned Unit Development (PUD). Included is the request to add a small enclosed area to the existing restaurant, on the north side of the building facing the parking lot, for the inclusion of an additional walk-in cooler, as well as all accompanying documents as required by the City of St. Augustine Zoning Code ("Zoning Code"). This Application is filed on behalf of the Applicant, Columbia Restaurant of St. Augustine, Inc. The Applicant is requesting an amendment to the previously-approved PUD in accordance with the City of St. Augustine Zoning Code, which includes a small addition to the north side of the building facing the parking lot, for the inclusion this additional walk-in cooler. The PUD has been in place since the parcel containing the Columbia Restaurant was rezoned from HP-3 to PUD in order to add a roof-over the internal courtyard. At that time, the exterior of the existing facades was not affected. That rezoning was necessary since the existing main structure built in 1983, exceeded the current 2,500 s.f. maximum size for a main structure, per Section 28-188,(2)b of the City Code, and was therefore deemed an existing legal non-conforming structure. Further, at the time, all other aspects of the existing structure and parking lot remained the same, except as were noted in the General Development Plan. Finally, that plan also noted that conformance with the requirements of the HP3 Zoning District would remain, except as noted in the GDP. The PUD was approved in 2011 (Ord. 2011-03).

As the industry has continued to change, the need for additional cooler space has become essential to the continued feasibility of having this local favorite in the downtown core. This additional cooler space will allow additional storage to meet the industry norms and it may also lessen the delivery burdens on the constrained downtown streets. The applicant has already engaged the services of city architect Les Thomas and is prepared to move forward with this minor addition in a manner that will, first and foremost, meet all of the all HARB requirements, including all approved architecture/features, as well as meeting all of the other city codes. Moreover, this modification will allow the applicant to continue to provide the parking areas currently located on their parcel. Through the guidance and advice of Mr. Thomas, this minor addition for the additional walk-in cooler will simply be seamlessly added to the main structure in a currently notched area of the building behind the kitchen adjacent to the parking area and the minor filling of this area will not be apparent to the general view of the building as a whole. Further, as aforementioned, the very minor addition will meet all of the HARB requirements and should blend seamlessly into the overall design of the building, as depicted in the elevations, pictures and site plan provided. Applicant herein seeks the modifications, including the rezoning, as presented.

The objective of the PUD as modified is to continue the operation of the Columbia Restaurant on this site.

**A. Location/Surrounding Areas:** The property within the PUD currently consists of approximately 1.06 acres, described by the Legal Description as included in the Proof of Ownership documents, attached. The property is located at the Northwest corner of the intersection of St. George Street and Hypolita Street and it is bordered by Spanish Street on its West and Cuna Street on its North. The property currently contains one main structure housing the Columbia Restaurant and a cement-paved parking area on the North part of the parcel.

**B. Ownership/Agreement:** The Property is owned by Columbia Restaurant of St. Augustine, Inc., as shown by the Proof of Ownership documents in the Application materials, who has authorized James G. Whitehouse, Esquire / St. Johns Law Group to represent it. Evidence of authorization is contained within the Application materials, as well.

Applicant hereby agrees and stipulates to proceed with the proposed development in accordance with PUD Ordinance as adopted by the City of St. Augustine City Commission with the amendments as outlined. The Applicant also agrees to comply with all conditions and safeguards established by the Planning & Building Department and the Planning & Zoning Board (PZB), Historic Architectural Review Board (HARB) and the City of St. Augustine City Commission. The Applicant understands that any architectural site changes to any property in the PUD must be in compliance with the AGHP and is subject to HARB approval.

## SECTION II- APPLICATION

**A. Permitted Uses:** The development will be constructed in an orderly manner. The property currently contains a restaurant, with associated bar and lounge serving alcohol beverages, a parking lot area, and two smaller "out buildings" that currently house small retail shops. This current mix of uses will continue to be allowed along with any other uses as allowed in the HP-3 zoning district.

This PUD shall not relieve the Applicant, its successors and assigns, of their obligations from complying with all Federal, State and local applicable laws and does not otherwise limit, nor expand, the authority of the City of St. Augustine to enforce such laws nor limit, nor expand, defenses available to the property owner.

Uses by exception shall be allowed as per city code and the request for any uses not currently allowed shall be by an amendment to the PUD.

**B. Development Standards for NEW Structures within the PUD:** The attached Site Plan depicts the current site plan and layout of the current structures and parking area, as well as the very minor addition to the main structure for the proposed fill-in of the notched area for the walk-in cooler. The only difference from that which was approved previously is the inclusion of this small addition to the main building for the walk-in cooler. In addition, the following specific criteria shall apply:

### 1. Maximum lot coverage:

All Structures: Maximum of twenty-seven percent (27%) of total lot size of 52,495 sq. ft.

**2. Maximum building height:** Maximum thirty-five (35) feet, measured from a ten foot finished floor elevation.

**3. Parking:** The Applicant will continue to operate the parking area currently in use in the parking lot on the northwest corner of the property.

**4. Signage:** Size and construction of all signs within the property will be in conformance with the City of St. Augustine Sign Ordinance requirements. Any and all signs currently in use shall continue to be allowed and may be maintained and repaired in their current form.

**5. Stormwater:** Stormwater will be retained on site within the retention areas. The drainage structures and facilities will be designed and constructed in compliance with the regulations of the City of St. Augustine and will conform with the permit requirements established by the St. Johns River Water Management District.

**6. Access:** Vehicular and pedestrian access to the property will be provided.

**7. Fencing:** The Applicant will maintain the current fencing and walls as currently designed and may repair them as needed in their current form. All changes shall be reviewed and approved if required by the City Code.

**8. Utilities:** All electrical and telephone lines will be maintained are currently exist on the site. Electrical power will be provided by Florida Power and Light Company or other franchised utility provider. Security lighting may be provided as needed.

**9. Potable Water:** Potable water will be provided by the City of St. Augustine via existing connections. Construction will be in accordance with current permit standards and requirements.

**10. Fire Protection/Assessment:** Fire protection will be afforded by fire hydrants in accordance with City standards. Applicant will comply with the non-ad valorem assessment for fire services adopted by the City through Ordinance Number 97-25 and Resolution Number 97-04. This will include the re-adoption or continuance on an annual basis of such assessment, by Resolution of the City Commission.

**11. Sanitary Sewer:** The development will be served by central sewer collection from the City of St. Augustine. Any extensions or new connections shall be in accordance with City requirements and construction shall conform to current permit standards.

**12. Sidewalks:** Applicant will maintain all internal sidewalks.

**13. Design:** The design of the minor addition shall be submitted to and reviewed by the Historic Architectural Review Board to assure that it reflects a high standard of construction and consistent with modern construction methods and materials and the site constraints. These amendments do not change the design or architectural elements.

**14. Deliveries/Refuse:** All deliveries shall enter the restaurant and outparcels and all refuse shall leave the restaurant and outparcels through the parking area that continues to be located at the northwest corner of the parcel.

### **SECTION III- MAINTENANCE**

This Planned Unit Development will be owned and operated by the Applicant and/or its assigns. The Applicant, its successors and/or assigns shall be responsible for all improvements made to the site and shall maintain the site in a clean and orderly manner in accordance with all provisions of this PUD and conditions included with the adopting ordinance. All facilities are to remain private and will not be dedicated to the City of St. Augustine. The Applicant reserves the right to transfer the ownership of the PUD or portion thereof to multiple entities, providing maintenance agreement(s) between any property owner or owners has been established, which would provide for all maintenance and other requirements as stipulated herein.

### **SECTION IV- PUD ORDINANCE CRITERIA**

**Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future Land Use Map category for the property.**

*Response: The Columbia Restaurant of St. Augustine PUD as proposed is consistent with the goals, policies and objectives of the Comprehensive Plan, including:*

#### **FUTURE LAND USE ELEMENT**

##### **FLU Objective 1**

The future land use map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development. This is implemented by FLU Policies 1.1, 1.7, 1.8, 3.2, 6.1, 11.1, and A. The measurable targets for this objective are: (1) the number of development proposals reviewed by compliance with the Future Land Use Plan as implemented by the City's development regulations contained in the City Code; and (2) approval of large scale comprehensive plan amendments by DCA, and adoption of small scale comprehensive plan amendments by the City according to the requirements contained in the Rules and Florida Statutes, and consistent with the adopted Comprehensive Plan.

*The subject property does not have any constraints related to topography or soil conditions. Water and wastewater lines are already connected to the site.*

##### **FLU Objective 11**

The City will act to discourage the proliferation of urban sprawl. This objective is implemented by FLU Policies 1.1, 1.2, 1.8, 3.2, 7.2, 7.3, 8.1, 11.1, 11.2, 11.3, and CI Policies 4.1 and 4.2

**FLU Policy 1.1:** The City shall continue to implement the adopted comprehensive plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Site plan review shall consist of review of the development proposal for compliance with all applicable chapters of the City Code including but not limited to land development regulations relating to: zoning and on-site parking; environmental protection and

conservation overlay zones; concurrency management and on-site storm drainage; signs; landscaping; subdivisions; building code and coastal construction code; utilities – potable water, sanitary sewer, solid waste and city storm sewer; archaeology; and flood control. Building permits shall not be issued which result in a reduction of the level of service for the affected public facilities below the adopted levels of service standards. Ordinances amending the City Code shall be codified at least annually. They City Code shall be on display for the public in the City Clerk's office. This policy implements FLU Objectives 1, 9 and 11.

*The location of the subject property is within the city limits. The provisions of the PUD regarding parking and utilities are fully consistent with these policies.*

#### **FLU Objective 4**

**Encourage the use of innovative and sustainable land development practices that maximize the use of existing services and facilities, such as planned unit developments, and other mixed land use development techniques, infill development, redevelopment, wastewater reuse and solid waste recycling. The measurable target for this objective is the continued presence of innovate land development regulations in the City Code.**

*The original approval of PUD Ordinance 2011-03, as amended, for this site and this Application's goal of seeking the same conditions contained within the originally-approved PUD Ordinance, will result in the continued operation of an existing property, using existing services and facilities, as intended by this Objective.*

#### **INFRASTRUCTURE ELEMENT**

##### **SANITARY SEWER SUB-ELEMENT**

##### **SS Objective 1.3**

**The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing wastewater facilities. The measurable target for this objective is the area served by the City wastewater system.**

*The subject property is in the area served by the City wastewater system and will employ the existing connections to the City's sanitary sewer system and comply with the adopted level of service.*

##### **POTABLE WATER SUB-ELEMENT**

##### **PW Goal**

**Water facilities shall continue to be provided in an efficient manner supporting the intended development of the City depicted by the Future Land Use Map.**

##### **PW Objective 1.4**

**The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing potable water facilities. This objective is implemented by PW Policies 1 and 4. The measurable target for this objective is the area served by the City potable water system.**

*The subject property will employ the existing connections to the City's potable water system. The Property is within the City's service area and will comply with the adopted level of service.*

## INFRASTRUCTURE IMPACT ANALYSIS

An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns and infrastructure of the city.

The infrastructure impact analysis shall include site specific design improvements related to traffic circulation and the movement of pedestrians, bicycles and vehicles on and off-site.

*As depicted in the site plans attached, submitted and presented, by way of this modification, this minor addition to the building for the additional walk-in cooler will allow for the continued feasibility of having this local favorite in the downtown core. This additional cooler space will allow additional storage to meet the industry norms and it may also lessen the delivery burdens on the constrained downtown streets. The applicant has already engaged the services of city architect Les Thomas and is prepared to move forward with this minor addition in a manner that will, first and foremost, meet all of the all HARB requirements, including all approved architecture/features, as well as meeting all of the other city codes. Moreover, this modification will allow the applicant to continue to provide the parking areas currently located on their parcel. Through the guidance and advice of counsel and architect, this minor addition for the walk-in cooler will simply be seamlessly added to the main structure in a currently notched area of the building behind the kitchen adjacent to the parking area and the minor filling of this area will not be apparent to the general view of the building as a whole. Further, as aforementioned, the very minor addition will meet all of the HARB requirements and should blend seamlessly into the overall design of the building, as depicted in the elevations, pictures and site plan provided. As stated, though applicant is required to re-write the PUD text to include this minor addition for the walk-in cooler, the applicant fully intends to continue to utilize the property with the currently approved uses. In fact, the minor addition will not have any impact on the current motor vehicle and pedestrian traffic. Notably, the applicant will continue to provide parking for their guests and patrons. This addition will not affect that provision at all. Further, this site's location in the downtown core will continue to encourage pedestrian, bicycle and other modal use and applicant will continue to make the site accessible to visitors so as to encourage movement by foot or bicycle or by way of one of the many other less intense transportation means. The applicant has worked with the city on many occasions regarding this objective in regards to their provision of parking as well as pedestrian access to their site.*

*To further the objectives of the city, as well as the restaurant, during their patronage at our site, the guests will be informed of the many other attractions as well as the many, less-intense transportation options, and the many other sites that are easily accessible by foot.*

*In sum, the only change from the former PUD is the minor addition for the walk-in cooler and this minor addition will have no impact upon the traffic circulation patterns of the city. Further, since this PUD property continues to provide the same parking and since this site is primarily accessed by pedestrian traffic, the PUD as a whole does not in fact unreasonably affect the current traffic patterns and flow in this area of the city.*



## **HISTORIC PRESERVATION ELEMENT**

### **HP Goal**

**Maintain and enhance the historic integrity and ambiance within the City of St. Augustine while encouraging economic growth and the identification, Preservation, continued use and adaptive reuse of existing historic structures.**

*The proposed minor addition will maintain and enhance the historic integrity and ambiance of the City of St. Augustine and will be designed in a manner to match the current architectural design of the building and it will not affect any architecture of the structure in place.*

**1. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts.**

*Response: This property is currently a PUD, this is merely a modification to the same.*

**2. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception.**

*Response: The Development Plan Narrative, attached above, contains the required development conditions sought by Applicant.*

**3. Compliance with the intent and criteria in section 28-286.**

Section 28-286 provides: The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish planned unit developments (PUD) in which development is in harmony with the general purpose and intent of the city's general planning program and comprehensive plan. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial or industrial developments, or combinations thereof, which are in keeping with overall land use density and intensity standards,

and open space objectives. The intent of a PUD is to permit flexibility from the strict application of setback, lot size, and other zoning district requirements, and provide performance criteria which:

- (1) Permit a creative approach to the development of land; and
- (2) Accomplish a more desirable environment than would be possible through the strict application of minimum zoning district requirements; and
- (3) Provide for an efficient use of land; and
- (4) Improve the appearance of the area through the preservation and enhancement of natural features, recreation areas, and open space; and
- (5) Provide an environment of stable character compatible with surrounding areas; and
- (6) Retain property values over the years.

*Response: The Development Plan Narrative, attached above, demonstrates this proposed PUD's compliance with Section 28-286.*

**4. Compliance with section 28-288 and justification for any zoning uses.**

*Response: Section 28-288 provides "Any use which is permitted by the comprehensive plan may be included and approved in a PUD." The property is currently zoned PUD under the City of St. Augustine's 2030 Comprehensive Plan ("Comp. Plan"), but it was previously located within the HP-3 Historic Preservation category and that was the reason for rezoning to PUD in 2011. Further, it is surrounded by HP-3 zoning. Thus, since Policy 1.3 of the Comp. Plan provides that historic preservation districts permit compatible nonresidential uses that will encourage the restoration and reproduction of historic structures, this PUD and the minor addition are appropriate to allow the continued existing use of the property that has been such for many years.*

**5. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB,**

building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance, or other related permit.

Response: The project is a currently existing PUD and the very minor addition for the walk-in cooler is planned to be commenced as a single phase, within a reasonable time of the approval of the Ordinance approving the PUD, and completed within a reasonable time thereafter.

6. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement.

Response: No such areas exist on the Property.

7. A termination date after which all or part of a PUD that has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule.

Response: It is the landowner's understanding and intent that should this Application be denied, the existing zoning approvals remain unchanged.

8. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the time of the reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted.

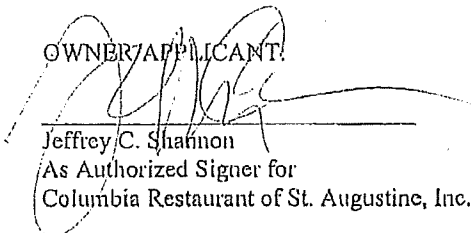
Response: Any reversion to a pre-PUD zoning district would not render the existing uses inconsistent with the Comprehensive Plan.

9. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

Response:

*The undersigned, for themselves and for their successors and assigns, acknowledges and agrees to be bound by every commitment made in this application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.*

OWNER/APPLICANT:

  
Jeffrey C. Shannon  
As Authorized Signer for  
Columbia Restaurant of St. Augustine, Inc.

SECTION V - SUMMARY AND CONCLUSIONS

Approval of this Planned Unit Development as amended, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, is justified in that:

1. The project will not adversely affect the orderly development of the City of St. Augustine as embodied by the City Zoning Ordinance and the respective Comprehensive Plan of the City, as the proposal is in conformance with the Plan and its goals and objectives, and the use, as included in the Narrative, is compatible with the surrounding zoning. The project allows

control over the size and intensity over development and assurance of compatibility with surrounding residential uses.

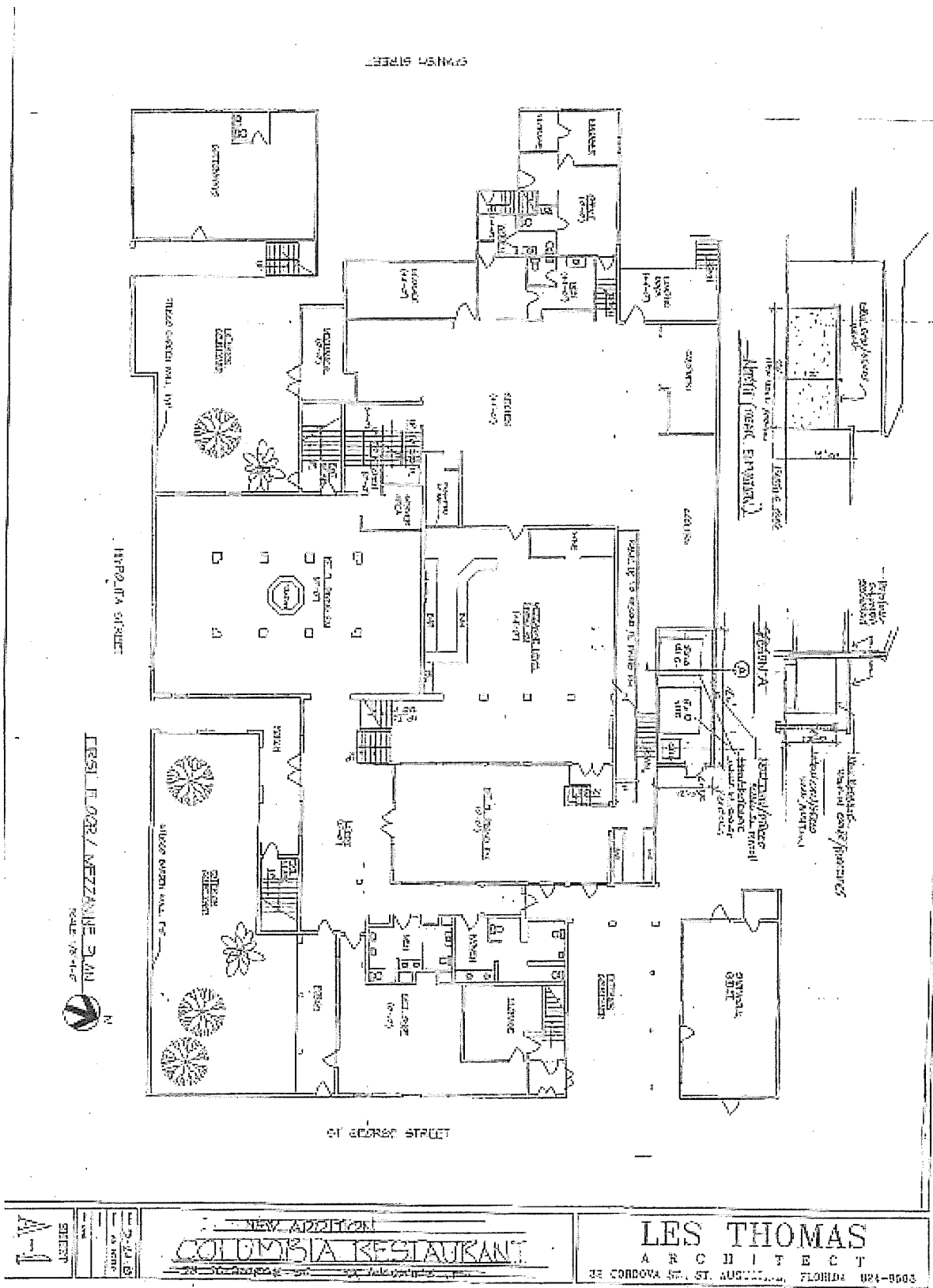
2. The project will not adversely affect the orderly development of the City of St. Augustine and will not adversely affect the health, safety and welfare of the residents or visitors to the area, will not be detrimental to the natural environment or the development of adjacent properties or the neighborhood as a result of the conditions and safeguards included in the application.

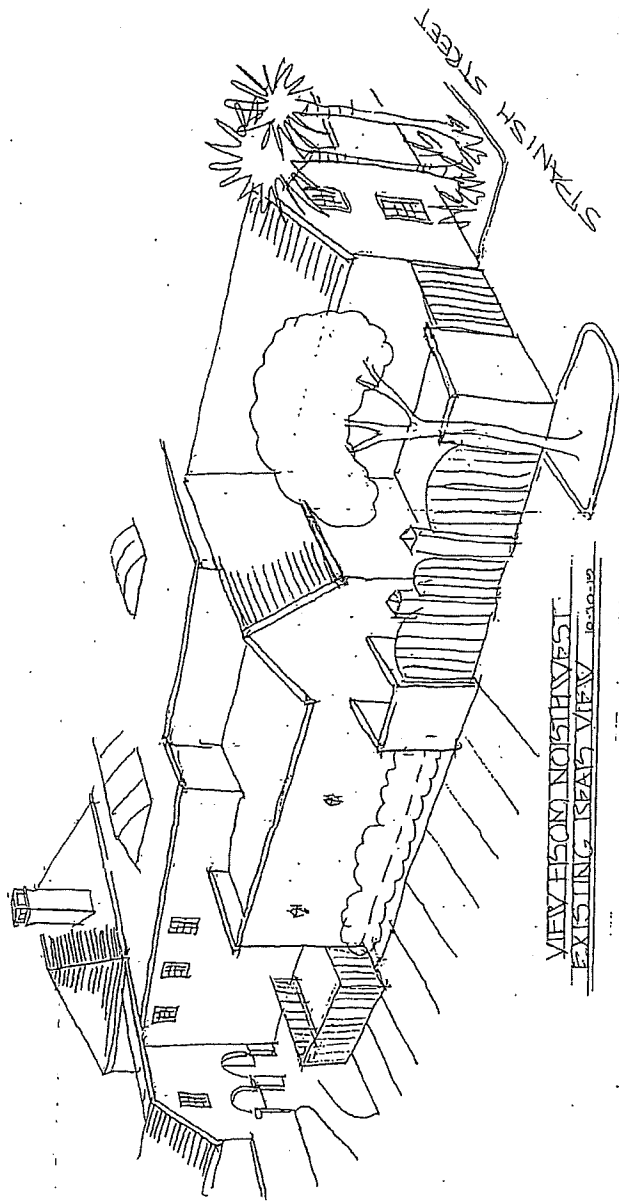
3. The project will accomplish the objective, standards and criteria set forth within the Zoning Ordinance and provides for strict regulation and maintenance of the project to provide the City with the assurance of an attractive and beneficial asset.

4. When developed in accordance with the conditions stipulated in the PUD application and imposed by this Ordinance, the proposed PUD will be consistent with the development of the property in the area and will be compatible with the desired future development of the area.

THEREFORE, This Planned Unit Development request meets all of the above listed City requirements, including the Comprehensive Plan requirements, does not conflict with any of the elements of the Comp. Plan and is consistent with the Comp. Plan. and City Code.

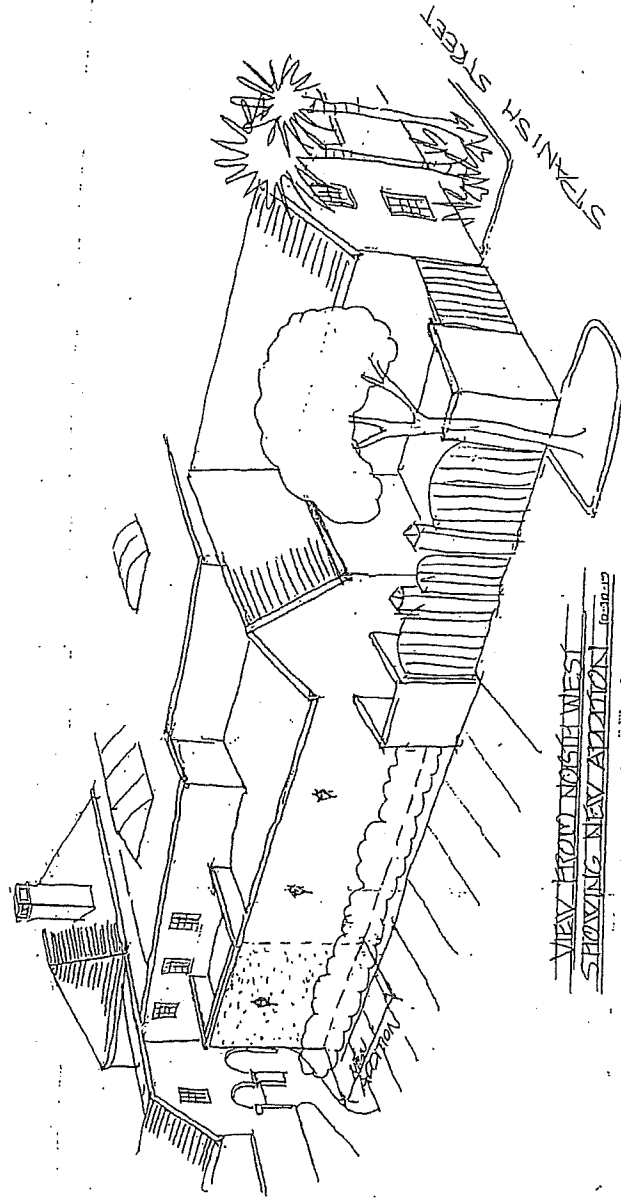






VIEW FROM NORTHWEST  
EXISTING ISPA'S VIEW 10.10.12





VIEW FROM NORTH WEST  
SHOWING NEW ADDITION







SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made as of the 16<sup>th</sup> day of December, 1986, by ST. AUGUSTINE FOUNDATION, INC., a Florida not-for-profit corporation, formerly St. Augustine Restoration Foundation, Inc., having its principal place of business at 76 St. George Street, St. Augustine, Florida 32084, hereinafter called the Grantor, to ST. AUGUSTINE GONZMART PARTNERSHIP, a Florida general partnership, whose address is 2117 East 7th Avenue, Tampa, Florida 33605, hereinafter called the Grantee.

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, its legal representatives and assigns all that certain real property situate in St. Johns County, Florida, described in Exhibit "A" annexed hereto and made a part hereof together with all improvements thereon.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

And the Grantor hereby covenants with Grantee that it is lawfully seized of said property in fee simple; that it has good right and lawful authority to sell and convey said property; and that it warrants the title to said property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other, subject to taxes for the year 1986 and subject to the terms of that certain Lease Agreement, dated July 1, 1983 by and between Grantor and Columbia Restaurant of St. Augustine, Inc.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed as of the day and year first above written.

Signed, sealed and delivered ST. AUGUSTINE FOUNDATION, INC.  
in the presence of:

By: Lawrence Lewis, Jr.  
Chairman of the Board

FLORIDA DOCUMENTARY STAMP TAX PAID  
\$10.00  
CAP. 3.0% MARSH  
STATE OF VIRGINIA  
COUNTY OF St. Johns  
Clerk Circuit Court St. Johns County  
Deputy Clerk

The foregoing instrument was acknowledged before me this 16 day of December, 1986, by Lawrence Lewis, Jr., as Chairman of the Board of St. Augustine Foundation, Inc., a Florida not-for-profit corporation, on behalf of the corporation.

Notary Public, State of Virginia

My commission expires: 12/31/87

RECEIVED  
ST. AUGUSTINE  
COUNTY CLERK  
OFFICE  
JAN 1 1987

EXHIBIT "A"

DESCRIPTION: PARCEL I (REVISED)

LOTS 2 AND 3 AND PART OF LOTS 5 AND 6 OF PLAT SHOWING A RESUBDIVISION OF LOTS 1, 2, 3, 5, 6 AND 7 OF BLOCK 13, CITY OF ST. AUGUSTINE, AS RECORDED IN MAP BOOK 4, PAGE 60, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; ALSO, LOT 4 OF SAID BLOCK 13, CITY OF ST. AUGUSTINE; SAID PART OF LOTS 5 AND 6 BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE WEST LINE OF ST. GEORGE STREET AT THE SOUTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 75 DEGREES 21 MINUTES WEST, ON THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 102.91 FEET; THENCE NORTH 15 DEGREES 28 MINUTES 30 SECONDS WEST, ON THE WEST LINE OF SAID LOTS 5 AND 6, A DISTANCE OF 95.26 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE NORTH 72 DEGREES 25 MINUTES 30 SECONDS EAST, ON THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 4.20 FEET; THENCE SOUTH 60 DEGREES 28 MINUTES 30 SECONDS EAST 9.68 FEET; THENCE SOUTH 17 DEGREES 20 MINUTES 37 SECONDS EAST 54.58 FEET; THENCE SOUTH 60 DEGREES 59 MINUTES 48 SECONDS EAST 10.13 FEET; THENCE NORTH 75 DEGREES 21 MINUTES EAST 31.54 FEET; THENCE SOUTH 17 DEGREES 20 MINUTES 37 SECONDS EAST, ON THE WEST FACE OF AN EXISTING MASONRY WALL, A DISTANCE OF 25.00 FEET; THENCE NORTH 73 DEGREES 27 MINUTES 44 SECONDS EAST, ON THE SOUTH FACE OF AN EXISTING MASONRY WALL, 50.48 FEET TO THE EAST LINE OF SAID LOT 5 AND THE WEST LINE OF ST. GEORGE STREET; THENCE SOUTH 15 DEGREES 25 MINUTES 50 SECONDS EAST, ON SAID EAST LINE OF LOT 5, A DISTANCE OF 3.90 FEET TO THE POINT OF BEGINNING.

DESCRIPTION: PARCEL II (REVISED)

A PARCEL OF LAND IN LOTS 1 AND 7 OF PLAT SHOWING A RESUBDIVISION OF LOTS 1, 2, 3, 5, 6 AND 7 OF BLOCK 13, CITY OF ST. AUGUSTINE, AS RECORDED IN MAP BOOK 4, PAGE 60, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 72 DEGREES 38 MINUTES 20 SECONDS EAST, ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 96.08 FEET TO A POINT ON THE WEST LINE OF THE EAST 10 FEET OF LOT 9 OF BLOCK 13; THENCE SOUTH 17 DEGREES 06 MINUTES 06 SECONDS EAST, ON THE SOUTHERLY EXTENSION OF SAID WEST LINE OF THE EAST 10 FEET OF LOT 9, A DISTANCE OF 22.61 FEET; THENCE SOUTH 61 DEGREES 30 MINUTES EAST 13.81 FEET; THENCE SOUTH 15 DEGREES 28 MINUTES 30 SECONDS EAST 18.44 FEET; THENCE SOUTH 72 DEGREES 26 MINUTES 30 SECONDS WEST, ON THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 4.20 FEET; THENCE SOUTH 72 DEGREES 26 MINUTES 30 SECONDS WEST, ON THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 103.03 FEET; THENCE NORTH 15 DEGREES 30 MINUTES WEST, ON THE WEST LINE OF SAID LOT 1 AND THE EAST LINE OF SPANISH STREET, 51.26 FEET TO THE POINT OF BEGINNING.

DESCRIPTION: PARCEL IV (REVISED)

ALL OF LOTS 9, 10 AND 11, BLOCK 13, CITY OF ST. AUGUSTINE, FLORIDA EXCEPTING THEREFROM THE EAST 10 FEET OF SAID LOT 9.

EXHIBIT A

DEC 22 AM 9 39  
 1939  
 1939

Warranty Deed

O.R. 728 PG 1594

86 34172

THIS DEED is made as of the 19<sup>th</sup> of December, 1986 between ST. AUGUSTINE FOUNDATION, INC., a Florida not-for-profit corporation, formerly St. Augustine Restoration Foundation, Inc.,

herein the "grantor" and ST. AUGUSTINE GONZMART PARTNERSHIP, a Florida general partnership post-office address, 2117 East 7th Avenue, Tampa, Florida 33605 herein the "grantee". (As used herein, the terms grantor and grantee shall include, where the context permits or requires, singular or plural, heirs, personal representatives, successors, or assigns.)

WITNESSETH, That the grantor in consideration of One Dollar and other valuable considerations paid by the grantee, receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does hereby grant, bargain, sell, and convey unto the grantee forever all of that certain property in St. Johns County, Florida, described as follows:

A triangular shaped parcel of land along the East side of Lot 4, Block 13, City of St. Augustine, Florida, more fully described as follows:

Beginning at the Southeast corner of said Lot 4; thence North 13 degrees 51 minutes 20 seconds West 118.66 feet to the Northeast corner of said Lot 4; thence South 16 degrees 16 minutes 07 seconds East 118.30 feet; thence South 70 degrees 53 minutes West, on the Easterly extension of the South line of said Lot 4, a distance of 5.00 feet to the Point of Beginning.

FILED AND RECORDED IN  
PUBLIC RECORDS OF  
ST. JOHNS COUNTY, FLA.

1986 DEC 22 AM 9:59

Carl "Bud" Markel  
CLERK OF CIRCUIT COURT

FLORIDA DOCUMENTARY STAMP TAX PAID

Date 12-19-86 Amt. \$0

CARL "BUD" MARKEL

Clerk Circuit Court St. Johns County

By Connie E. McDonald Deputy Clerk

TO HAVE AND TO HOLD the same, together with the hereditaments and appurtenances, unto the grantee in fee simple. And the grantor fully warrants the title to said property and will warrant and defend the same against the lawful claims of all persons whomsoever.

This conveyance is subject to ad valorem taxes levied or which may become a lien subsequent to December 31 of the calendar year next preceding the date hereof.

IN WITNESS WHEREOF, this deed has been executed as of the date first above written.

Signed, sealed and delivered in the presence of:

Patricia C. Knight

ST. AUGUSTINE FOUNDATION, INC.

By: Lawrence Lewis, Jr.  
Lawrence Lewis, Jr., Chairman of the Board

STATE OF VIRGINIA

COUNTY OF Richmond

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of December, 1986 by Lawrence Lewis, Jr., as Chairman of the Board of St. Augustine Foundation, Inc., a Florida not-for-profit corporation, on behalf of the corporation.

PREPARED BY AND RETURN TO:  
FRANK E. MILLER of  
Carlton, Frank, W. L. Law, Inc.  
Smith, C. & Son, P.A.  
P. O. Box 100  
Jacksonville, FL 32202

Michael B. M. Law  
Notary Public in and for the County and State aforesaid  
My commission expires May 22, 1987

(Notarial Seal)

DISCLAIMER

C.R. 733 PG 0407

The City of St. Augustine, Florida, by and through its undersigned Mayor/Commissioner, for and in consideration of the sum of Ten and no/100 Dollars, receipt of which is hereby acknowledged, does hereby disclaim and renounce on behalf of itself, its successors and assigns, any and all right, title and interest which it may have in and to the following described real property situated in the City of St. Augustine, St. Johns County, Florida:

A triangular shaped parcel of land along the East side of Lot 4, Block 13, City of St. Augustine, Florida more fully described as follows:

Beginning at the Northeast corner of said Lot 4 thence North 38 degrees, 51 minutes 10 seconds West 118.65 feet to the Northeast corner of said Lot 4 thence South 16 degrees 16 minutes 07 seconds West 118.10 feet thence South 70 degrees 51 minutes West on the Easterly extension of the Southline of said Lot 4 a distance of 5.00 feet to the Point of Beginning.

Dated this 12th day of January, 1987.

CITY OF ST. AUGUSTINE, FLORIDA

BY [Signature]  
Its Mayor/Commissioner

ATTEST: [Signature]  
City Clerk

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared REYNOLD BRISON and DAVID GORMAN known to be the Mayor/Commissioner and City Clerk of the City of St. Augustine, Florida and they acknowledged before me that they executed the foregoing instrument for the uses and purposes therein expressed.

Witness my hand and official seal in the County and State last aforesaid this 12th day of January, 1987.

[Signature]  
Notary Public, State of Florida  
at Large.

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXPIRES FEB. 1, 1988

2  
⑦  
Insert - Fowler White et al  
To Box 1438 Tampa FL 33601

# State of Florida



## Department of State

I certify the attached is a true and correct copy of the Articles of Merger, filed on July 18, 2000, for COLUMBIA RESTAURANT OF ST. AUGUSTINE, INC., the surviving Florida entity, as shown by the records of this office.

The document number of this entity is F45155.

Public Records of  
St. Johns County, FL  
Clerk# 00-031862  
O.R. 1513 PG 1964  
01:47PM 07/26/2000  
REC \$45.00 SUR \$6.00

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Nineteenth day of July, 2000



CR2EO22 (1-99)

*Katherine Harris*

Katherine Harris  
Secretary of State

0R1513PG1965

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
00 JUL 18 PM 1:11

ARTICLES OF MERGER

OF

COLUMBIA RESTAURANT OF ST. AUGUSTINE, INC.,

AND

ST. AUGUSTINE GONZMART PARTNERSHIP

To the Secretary of State  
of the State of Florida

The following Articles of Merger are executed for the purpose of merging ST. AUGUSTINE GONZMART PARTNERSHIP, a Florida general partnership (the "Merged Partnership"), into COLUMBIA RESTAURANT OF ST. AUGUSTINE, INC, a Florida corporation (the "Surviving Corporation").

1. The Agreement and Plan of Merger is attached hereto as Exhibit "A" (the "Plan").

2. The Plan was approved by all of the partners of the Merged Partnership pursuant to Ch. 620 F.S. on July 17, 2000.

3. The Plan was approved by the sole shareholder and board of directors of the Surviving Corporation pursuant to Ch. 608 F.S. on July 17, 2000.

4. The Plan was approved by the shareholders and board of directors of Columbia Food Service Company, Inc., a Florida corporation, pursuant to Ch. 608 F.S. on July 17, 2000.

5. The effective date of the merger in the State of Florida herein provided shall be the date on which the Articles of Merger are filed with the Florida Secretary of State.

[Signatures on following pages]



0R1513PG1966

Executed on July 17, 2000.

COLUMBIA RESTAURANT OF ST. AUGUSTINE, INC.

By: [Signature]  
Richard Gonzmart, President

"Surviving Corporation"

ST. AUGUSTINE GONZMART PARTNERSHIP

General Partners:

ADELA GONZMART, AS TRUSTEE UNDER THAT  
CERTAIN IRREVOCABLE TRUST AGREEMENT  
DATED NOVEMBER 28, 1962 BETWEEN  
CARMEN HERNANDEZ AS GRANTOR AND ADELA  
GONZMART AS TRUSTEE.

By: [Signature]  
Adela Gonzmart, Trustee

ADELA GONZMART, AS TRUSTEE OF THE TRUST  
CREATED UNDER THE LAST WILL AND TESTAMENT  
OF CARMEN HERNANDEZ DATED NOVEMBER 28, 1962

By: [Signature]  
Adela Gonzmart, Trustee

CASEY GONZMART, AS TRUSTEE OF THE  
CASEY ~~RICHARD~~ GONZMART REVOCABLE TRUST  
DATED ~~APRIL 30, 1981~~, AS AMENDED  
MARCH 26, 1981.

By: [Signature]  
Casey Gonzmart

RICHARD GONZMART, AS TRUSTEE OF THE  
RICHARD ~~CASEY~~ GONZMART REVOCABLE TRUST  
DATED ~~MARCH 26, 1981~~, AS AMENDED  
APRIL 30, 1981.

By: [Signature]  
Richard Gonzmart

OR 1513 PG 1967

THE CESAR GONZMART FAMILY TRUST

By A

~~Adela González~~

By:

~~Casey Gonzmart~~

By:

~~Richard Gonzmart~~

As co-trustees

**"Merged Partnership"**

0R1513PG1968

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
00 JUL 18 PM 1:11

AGREEMENT AND PLAN OF MERGER

by and among

COLUMBIA FOOD SERVICES COMPANY, INC.,

COLUMBIA RESTAURANT OF ST. AUGUSTINE, INC. and

ST. AUGUSTINE GONZMART PARTNERSHIP

THIS AGREEMENT AND PLAN OF MERGER ("Plan") is entered into this 17<sup>th</sup> day of July, 2000, among COLUMBIA FOOD SERVICE COMPANY, INC., a Florida corporation (the "Parent"), COLUMBIA RESTAURANT OF ST. AUGUSTINE, INC., a Florida corporation and a wholly owned subsidiary of Parent ("Surviving Corporation"), and the ST. AUGUSTINE GONZMART PARTNERSHIP, a Florida general partnership ("Merged Partnership") (the Surviving Corporation and the Merged Partnership may hereinafter be collectively referred to as the "Merging Entities").

W I T N E S S E T H:

WHEREAS, the Merged Partnership was created in Florida on December 19, 1986;

WHEREAS, Parent, by its Articles of Incorporation, which was filed in the office of the Secretary of State of Florida on April 22, 1985, as amended, has an authorized capital stock of 100,000 shares of \$1.00 par value voting common capital stock of which 9,579 shares are issued and outstanding on the date of the execution hereof;

WHEREAS, the Articles of Incorporation of Surviving Corporation were filed with the Secretary of the State of Florida on September 17, 1981 has an authorized capital stock of 7,000 shares of \$1.00 par value voting common capital stock of which 792 shares are issued and outstanding as of the date of the execution hereof;

Exhibit A

WHEREAS, Surviving Corporation is 100% owned by Parent and is a Qualified Subchapter "S" Subsidiary for federal income tax purposes;

WHEREAS, the partners of Merged Partnership (the "Partners") shall own 80% or more of the issued and outstanding stock of Parent immediately after the merger;

WHEREAS, the board of directors of Parent and Surviving Corporation, Merged Partnership, and the Partners, have authorized and approved the merger of Merged Partnership into Surviving Corporation pursuant to the plan set forth herein, in the manner prescribed by applicable Florida law; and

WHEREAS, the Partners will receive capital stock of Parent in exchange for their partnership interests in the Merged Partnership and said exchange was approved by all of the stockholders of Parent by agreement dated July 17, 2000.

NOW, THEREFORE, the merger of Merged Partnership into Surviving Corporation shall be accomplished as follows:

# ARTICLE I THE MERGER

(a) Upon the terms and subject to the conditions of this Plan, on the Effective Date (as hereinafter defined) Merged Partnership shall be merged with and into Surviving Corporation in accordance with the provisions of the Florida Business Corporation Act § 607.1108 and the separate existence of Merged Partnership shall thereupon cease. Surviving Corporation shall be the surviving corporation in the Merger and shall continue to be governed under the laws of the State of Florida and the name of Surviving Corporation shall remain "Columbia Restaurant of St. Augustine, Inc." Without limiting the generality of the foregoing, and subject thereto, at the Effective Date of the Merger:

(1) the Surviving Corporation shall possess all assets and property of every description, and every interest therein, wherever located, and the rights, privileges, immunities, powers, franchises and authority, of a public as well as of a private nature, of Surviving Corporation and Merged Partnership;

(2) all obligations belonging to or due each of Surviving Corporation and Merged Partnership shall be vested in, and become the obligations of Surviving Corporation without further act or deed;

(3) title to any real estate or any interest therein vested in Surviving Corporation or Merged Partnership shall not revert or in any way be impaired by reason of the Merger;

(4) all rights of creditors and all liens upon any property of Surviving Corporation or Merged Partnership shall be preserved unimpaired; and

(5) Surviving Corporation shall be liable for all of the obligations of Surviving Corporation and Merged Partnership as may be prosecuted to judgment with right of appeal, as if the Merger had not taken place.

(b) The Merger shall become effective upon the filing of the Articles of Merger with the Secretary of the State of Florida (the "Effective Date").

## ARTICLE II THE SURVIVING CORPORATION

(a) The Articles of Incorporation of Surviving Corporation as in effect immediately prior to the Effective Date shall be the Articles of Incorporation of the Surviving Corporation after the Effective Date, until duly amended in accordance with the terms thereof and applicable law.

(b) The By-laws of Surviving Corporation in effect immediately prior to the Effective Date shall be the By-laws of Surviving Corporation after the Effective Date, and thereafter may be amended in accordance with their terms and as provided in the Articles of Incorporation of Surviving Corporation and applicable law.

(c) The directors of Surviving Corporation at the Effective Date shall, from and after the Effective Date, be the directors of Surviving Corporation until their successors have been duly elected or appointed and qualified or until their earlier death, resignation or removal in accordance with Surviving Corporation's Articles of Incorporation and By-laws.

(d) The officers of Surviving Corporation at the Effective Date shall, from and after the Effective Date, be the officers of Surviving Corporation until their successors have been duly elected or appointed and qualified or until their earlier death, resignation or removal in accordance with Surviving Corporation's Articles of Incorporation and By-laws.

(e) If at any time after the Effective Date, Parent shall consider that any further deeds, assignments, conveyances, agreements, documents, instruments or assurances in law or any

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other things are necessary or desirable to vest, perfect, confirm or record in Surviving Corporation the title to any property, rights, privileges, powers and franchises of Surviving Corporation to be acquired by Surviving Corporation by reason of, or as a result of, the Merger, or otherwise to carry out the provisions of this Plan, the Board of Directors and officers of Surviving Corporation last in office shall, to the extent then permitted so to do by applicable law, execute and deliver upon Parent's reasonable request, any and all deeds, assignments, conveyances, agreements, documents, instruments or assurances in law, and do all other things necessary or proper to vest, perfect, confirm or record title to such property, rights, privileges, powers and franchises in Surviving Corporation, and otherwise carry out provisions of this Plan.

### ARTICLE III CONVERSION OF SHARES AND PARTNERSHIP INTERESTS

On the Effective Date, by virtue of the Merger and without any action on the part of any party hereto:

(1) The currently outstanding certificate(s) representing a 100% interest in Surviving Corporation shall continue to represent a 100% interest in Surviving Corporation, Surviving Corporation shall remain a wholly owned subsidiary of Parent and Parent shall continue to own a 100% interest in Surviving Corporation.

(2) Each one percent (1%) partnership interest in Merged Partnership shall be exchanged for 21.21 shares of stock in Parent. The parties intend and have planned that the structure of this transaction for Federal tax purposes shall be an Internal Revenue Code Section 351 tax-free contribution by the partners of their Merged Partnership interest in Merged Partnership to the Parent's capital in exchange for Parent's stock.

(3) Each share of common stock of Parent issued and outstanding on the Effective Date shall remain issued and outstanding thereupon and shall not be converted or the terms thereof modified in the Merger.

### ARTICLE IV TERMS AND CONDITIONS

The terms and conditions of this merger and the mode of carrying it into effect are as follows:

(a) The first annual meeting of the stockholders of Surviving Corporation to be held after the Effective Date shall be

the annual meeting provided by the bylaws of Surviving Corporation.

(b) The first regular or annual meeting of the Board of Directors of Surviving Corporation to be held after the Effective Date may be called or may convened in the manner provided in the bylaws of Surviving Corporation.

(c) Parent shall pay all expenses incident to this merger.

(d) None of the parties hereto shall issue or sell or issue rights to subscribe to any shares of its capital stock, or shall declare any dividends on its capital stock, or shall approve any partnership distributions or sell any partnership interests on or after the date hereof through the Effective Date.

ARTICLE V  
APPROVAL OF MERGER

The parties do hereby acknowledge and confirm as follows:

(a) This Plan of Merger has been duly adopted and approved by written consent dated July 17, 2000, by the Board of Directors and the shareholders of Parent and the undersigned officers of Parent have been authorized and directed to execute same.

(b) This Plan of Merger has been duly adopted and approved by written consent dated July 17, 2000 by the Merged Partnership and the Partners.

(c) This Plan of Merger has been duly adopted and approved by written consent dated July 17, 2000, by the Board of Directors and sole stockholder of Surviving Corporation, and the undersigned officers of Surviving Corporation have been authorized and directed to execute same.

[Signatures on following page]

OR1513PG1973

IN WITNESS WHEREOF, the parties have caused this Plan to be executed on the day and year first above-written.

COLUMBIA FOOD SERVICES, INC.

By: [Signature]  
Richard Gonzmart, President

"Parent"

COLUMBIA RESTAURANT OF  
ST. AUGUSTINE, INC.

By: [Signature]  
Richard Gonzmart, President

"Surviving Corporation"

ST. AUGUSTINE GONZMART PARTNERSHIP  
General Partners:

ADELA GONZMART, AS TRUSTEE UNDER THAT  
CERTAIN IRREVOCABLE TRUST AGREEMENT  
DATED NOVEMBER 28, 1962 BETWEEN  
CARMEN HERNANDEZ AS GRANTOR AND ADELA  
GONZMART AS TRUSTEE,

By: [Signature]  
Adela Gonzmart, Trustee

ADELA GONZMART, AS TRUSTEE OF THE TRUST  
CREATED UNDER THE LAST WILL AND  
TESTAMENT OF CARMEN HERNANDEZ DATED  
NOVEMBER 28, 1962

By: [Signature]  
Adela Gonzmart, Trustee

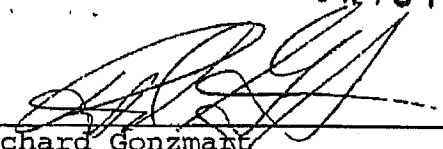
CASEY GONZMART, AS TRUSTEE OF THE  
CASEY ~~RICHARD~~ GONZMART REVOCABLE TRUST  
DATED ~~APRIL 30, 1981~~, AS AMENDED  
MARCH 26, 1981

By: [Signature]  
Casey Gonzmart

RICHARD GONZMART, AS TRUSTEE OF THE  
RICHARD ~~CASEY~~ GONZMART REVOCABLE TRUST  
DATED ~~MARCH 26, 1981~~, AS AMENDED  
APRIL 30, 1981

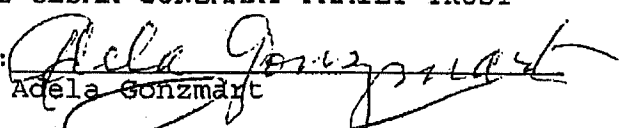


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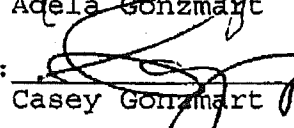
By: 

Richard Gonzmart

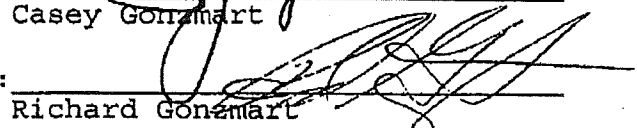
THE CESAR GONZMART FAMILY TRUST

By: 

Adela Gonzmart

By: 

Casey Gonzmart

By: 

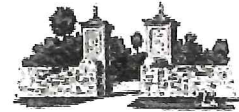
Richard Gonzmart  
As co-trustees

"Merged Partnership"

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# City of St. Augustine



St. Augustine, Florida

Planning/Building

December 3, 2019

Columbia Restaurant of St. Augustine  
James G. Whitehouse, Esq./St. Johns Law Group  
104 Sea Grove Main Street  
St. Augustine, FL 32080

Re: Rezoning – 98 St. George Street – 2019-0119

Dear Applicant:

On December 3, 2019, the Planning and Zoning Board (PZB) met and discussed your application to amend PUD 2011-03 to allow for additional 312 square feet of lot coverage, for property located at 98 St. George Street.

Specifically, based upon evidence presented, the PZB **approved** your application as described in the attached copy of the executed Order.

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

Sincerely,

David Birchim, AICP  
Director, Planning & Building

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

BEFORE THE  
PLANNING AND ZONING BOARD FOR THE  
CITY OF ST. AUGUSTINE, FLORIDA

---

**TYPE OF REQUEST:**

- |                                                                |                                                                |
|----------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> Appeal                                | <input type="checkbox"/> Preliminary Subdivision Plat Approval |
| <input type="checkbox"/> Conservation Overlay Zone Development | <input type="checkbox"/> PUD Modification/Amendment            |
| One/Two/Three                                                  | <input checked="" type="checkbox"/> Rezoning                   |
| <input type="checkbox"/> Use by Exception                      | <input type="checkbox"/> Variance                              |
| <input type="checkbox"/> Final Development Plan                | <input type="checkbox"/> Other Click here to enter text.       |
| <input type="checkbox"/> Land Use Plan Amendment               |                                                                |

**IN THE MATTER OF:**

Case No.: 2019-0119

Applicant: James Whitehouse c/o St. Johns Law Group

Owner: Columbia Restaurant of St. Augustine, LLC

Address: 98 St. George Street

Parcel Number: 1975000000

RE: Rezoning, pursuant to Section 28-30, City of St. Augustine Code, a request to amend PUD 2011-03 to allow for additional 312 square feet of lot coverage.

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON DECEMBER 3, 2019, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the December 3, 2019 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☐ members of the public testified under oath, or ☒ no members of the public spoke on this issue.
3. The subject property has a land use designation of Historic Preservation and a zoning classification of Planned Unit Development (PUD).
4. The above-described Rezoning is subject to Section 28-30 of the Code of the City of St. Augustine.

**ORDER:**

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action MEETS **DOES NOT MEET** the requirements of Section 28-30, City of St. Augustine Code, and APPROVES / **DENIES** / **CONTINUES** the Applicant's request to amend PUD 2011-03 to allow for additional 312 square feet of lot coverage.

Subject to the following conditions:

- RECOMMENDATION TO INCREASE MAX
- LOT COVERAGE TO 27%
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

DONE AND ORDERED, at a public hearing on the 3 day of DECEMBER, A.D., 2019, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2019-0119

**REQUEST APPROVED / DENIED / CONTINUED**

Karen Zander  
Sign Name

KAREN ZANDER

Print Name

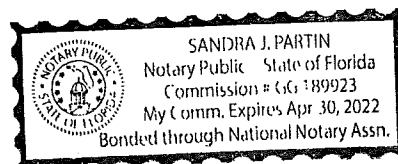
PLANNING AND ZONING BOARD  
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

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

Witness my hand and official seal, this 3rd day of December, A.D., 2019.

Sandra J. Partin  
Notary Public, State of Florida



# **2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING**

Information provided by  
City Attorney's Office  
1/16/2020 4:31 PM

| BILL NUMBER | TITLE                                      | SPONSOR   | SUBJECT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | STATUS UPDATES | STATUS UPDATES |
|-------------|--------------------------------------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| SB 1128     | Vacation Rentals                           | Diaz      | Vacation Rentals; Preempting the regulation of vacation rentals to the state; prohibiting a local law, ordinance, or regulation from allowing or requiring inspections or licensing of vacation rentals; requiring licenses issued by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to be displayed conspicuously to the public inside the licensed establishment, etc.                                                                                                                                                                                                              |                |                |
| HB 1011     | Vacation Rentals                           | Fischer   | Vacation Rentals; Preempting regulation of vacation rentals to the state; prohibits local law, ordinance, or regulation from allowing or requiring inspections or licensing of vacation rentals; requires licenses issued by the Division of Hotels and Restaurants of DBPR to be displayed conspicuously inside licensed establishment; preempts regulation of advertising platforms for vacation rentals to the state; provides requirements for advertising platforms.                                                                                                                                                               |                |                |
| HB 3        | Preemption of Local Occupational Licensing | Grant, M. | Preemption of Local Occupational Licensing; Preempting licensing of occupations to state; provides exceptions; prohibits local governments from imposing or modifying certain licensing requirements; specifies that certain local licensing may not be enforced; specifies that certain specialty contractors are not required to register with Construction Industry Licensing Board; prohibits local governments from requiring certain specialty contractors to obtain license; specifies job scopes for which local government may not require license; authorizes counties & municipalities to issue certain journeyman licenses. |                |                |
| SB 1336     | Preemption of Local Occupational Licensing | Perry     | Preemption of Local Occupational Licensing; Preempting licensing of occupations to the state; prohibiting local governments from imposing additional licensing requirements or modifying licensing unless specified conditions are met; specifying that certain specialty contractors are not required to register with the Construction Industry Licensing Board; authorizing counties and municipalities to issue certain journeyman licenses, etc.                                                                                                                                                                                   |                |                |
| HB 459      | Building Design                            | Overdorf  | Building Design; Provides regulations relating to building design elements may not be applied to certain structures; provides affected party may submit certain local government regulations to Florida Building Commission for review; provides for enforcement of such regulation.                                                                                                                                                                                                                                                                                                                                                    |                |                |
| SB 954      | Building Design                            | Perry     | Building Design; Providing that certain regulations relating to building design elements may not be applied to certain structures; defining the term "building design elements"; providing that an affected party may submit certain local government regulations to the Florida Building Commission for review; providing for enforcement of such regulations, etc.                                                                                                                                                                                                                                                                    |                |                |

# **2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING**

Information provided by  
City Attorney's Office  
1/16/2020 4:31 PM

| BILL NUMBER | TITLE                                              | SPONSOR | SUBJECT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | STATUS UPDATES | STATUS UPDATES |
|-------------|----------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| HB 519      | Private Property Rights Protection                 | Grant   | Private Property Rights Protection; Revises notice of claim requirements for property owners; revises procedures for determination of compensation; creates presumption that certain settlements of claims apply to all similarly situated residential properties within political subdivision under certain circumstances; authorizes property owners to bring claims against governmental entities in certain circumstances; provides that property owners are not required to submit formal development applications or proceed through formal application processes to bring claims in specified circumstances; authorizes property owners to bring actions to declare prohibited exactions invalid; requires DOT to afford right of first refusal to previous property owner before disposing of property in certain circumstances. |                |                |
| SB 1766     | Growth Management                                  | Lee     | Growth Management; Revising notice of claim requirements for property owners; creating a presumption that certain settlement offers protect the public interest; authorizing property owners to bring actions to declare prohibited exactions invalid; providing applicability; requiring the Department of Transportation to afford a right of first refusal to the previous property owner before disposing of property in certain circumstances, etc.                                                                                                                                                                                                                                                                                                                                                                                 |                |                |
| HB 101      | Public Construction                                | Andrade | Public Construction; Revises amounts of retainage that local governmental entities & contractors may withhold from progress payments for construction services contract; revises requirements for DMS rules governing certain contracts; revises amounts of retainage that public entities & contractors may withhold from progress payments for construction services contract.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                |                |
| SB 246      | Public Construction                                | Hooper  | Public Construction; Revising the amount of retainage that certain local governmental entities and contractors may withhold from progress payments for any construction services contract; revising the amounts of retainage that certain public entities and contractors may withhold from progress payments for any construction services contract, etc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                |                |
| SB 150      | Sanitary Sewer Laterals                            | Brandes | Sanitary Sewer Laterals; Encouraging counties and municipalities to, by a specified date, establish a sanitary sewer lateral inspection program; requiring a seller of real property to disclose any known defects in the property's sanitary sewer lateral, etc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                |
| SB 182      | Preemption of Recyclable and Polystyrene Materials | Stewart | Preemption of Recyclable and Polystyrene Materials; Deleting preemptions of local law relating to the regulation of auxiliary containers, wrappings, or disposable plastic bags; repealing the preemption of local laws regarding the use or sale of polystyrene products to the Department of Agriculture and Consumer Services, etc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                |                |



# **2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING**

Information provided by  
City Attorney's Office  
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| BILL NUMBER | TITLE                                                                          | SPONSOR          | SUBJECT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | STATUS UPDATES | STATUS UPDATES |
|-------------|--------------------------------------------------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| HB 6043     | Preemption of Recyclable and Polystyrene Materials                             | Grieco, Eskamani | Preemption of Recyclable and Polystyrene Materials; Removes prohibition of local laws relating to regulation of auxiliary containers, wrappings, & disposable plastic bags; repeals preemption of local laws relating to use or sale of polystyrene products to DACS.                                                                                                                                                                                                                                                                                                                                                |                |                |
| HB 203      | Growth Management                                                              | McClain          | Growth Management; Requires comprehensive plan to include property rights element by a specified date; provides statement of rights that local government may use; provides local government's property rights element may not conflict with statutorily provided statement of rights.                                                                                                                                                                                                                                                                                                                               |                |                |
| SB 410      | Growth Management                                                              | Perry            | Growth Management; Requiring a comprehensive plan to include a property rights element; providing a statement of rights that a local government may use; requiring a local government to adopt a property rights element by a specified date; providing that a local government's property rights element may not conflict with the statutorily provided statement of rights, etc.                                                                                                                                                                                                                                   |                |                |
| SB 250      | Development Orders                                                             | Berman           | Development Orders; Deleting an entitlement for a prevailing party to recover reasonable attorney fees and costs incurred in challenging or defending a certain development order, etc.                                                                                                                                                                                                                                                                                                                                                                                                                              |                |                |
| HB 6019     | Development Orders                                                             | Casello          | Development Orders; Removes provision allowing prevailing party in certain development order challenges to recover specified fees & costs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |                |
| HB 477      | Supermajority Vote Required to Impose, Authorize, or Raise Local Taxes or Fees | Rommel           | Building Design; Provides regulations relating to building design elements may not be applied to certain structures; provides affected party may submit certain local government regulations to Florida Building Commission for review; provides for enforcement of such regulation.                                                                                                                                                                                                                                                                                                                                 |                |                |
| HB 537      | Home-Based Businesses                                                          | Donalds          | Water Quality Improvements; Citing this act as the "Clean Waterways Act", requiring the Department of Environmental Protection, in coordination with the Department of Health, to develop a report to be submitted to the Legislature by a specified date on the impacts of transferring the onsite sewage program of the Department of Health to the Department of Environmental Protection by a type two transfer; revising the requirements for a basin management action plan for an Outstanding Florida Spring; establishing a wastewater grant program within the Department of Environmental Protection, etc. |                |                |

## 2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING

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| BILL NUMBER | TITLE                                                 | SPONSOR  | SUBJECT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | STATUS UPDATES | STATUS UPDATES |
|-------------|-------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| SB 778      | Home-based Businesses                                 | Perry    | Home-based Businesses; Specifying conditions under which a business is considered a home-based business; authorizing a home-based business to operate in a residential zone under certain circumstances; preempting to the state the ability to regulate or license home-based businesses; prohibiting a local government from certain actions relating to the licensure and regulation of home-based businesses, etc.                                                                                                                                     |                |                |
| HB 587      | Takings Claims Within Areas of Critical State Concern | Raschein | Takings Claims Within Areas of Critical State Concern; Provides for apportionment of awards or damages for takings claims within areas of critical state concern.                                                                                                                                                                                                                                                                                                                                                                                          |                |                |
| SB 748      | Takings Claims Within Areas of Critical State Concern | Flores   | Takings Claims Within Areas of Critical State Concern; Citing this act as the "Florida Keys Property Rights Protection Act"; providing for the apportionment of awards of damages for takings claims within areas of critical state concern; providing that certain governmental entities are liable only for certain postjudgment interest; requiring local governments to be reimbursed for specified amounts under certain circumstances, etc.                                                                                                          |                |                |
| HB 637      | Impact Fees                                           | DiCeglie | Impact Fees; Revises conditions that counties, municipalities, & special districts must satisfy before enacting an ordinance or passing resolution; provides that impact fee credits are assignable & transferrable under certain conditions; requires certain counties & municipalities to establish impact fee review committees; provides for membership; provides procedures for meetings & establishing quorums; provides committee duties.                                                                                                           |                |                |
| SB 1066     | Impact Fees                                           | Gruters  | Impact Fees; Revising the conditions that counties, municipalities, and special districts must satisfy before enacting an impact fee by ordinance or passing an impact fee by resolution; providing timeframes for the collection of impact fees by local governments; requiring certain counties and municipalities to establish impact fee review committees, etc.                                                                                                                                                                                       |                |                |
| SB 686      | Stormwater Management Systems                         | Gruters  | Stormwater Management Systems; Directing the water management districts, with Department of Environmental Protection oversight, to adopt rules for specified design and performance standards relating to new development and redevelopment projects; providing a rebuttable presumption that certain stormwater management systems do not cause or contribute to violations of applicable state water quality standards; requiring certain inspection training for department, water management district, and local pollution control program staff, etc. |                |                |



## 2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING

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| BILL NUMBER | TITLE                                          | SPONSOR  | SUBJECT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | STATUS UPDATES | STATUS UPDATES |
|-------------|------------------------------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| HB 405      | Stormwater Management Systems                  | Good     | Stormwater Management Systems; Directs water management districts, with DEP oversight, to adopt rules for standards relating to new development & redevelopment projects; directs DEP to incorporate such rules for district use; directs DEP & districts to amend such rules into applicant's handbook; provides rebuttable presumption relating to water quality standards for certain systems; revises requirements for construction of certain systems; requires specified staff training; directs DEP & districts to initiate rulemaking.                                                                                                                                                                |                |                |
| HB 707      | Legislative Review of Occupational Regulations | Renner   | Legislative Review of Occupational Regulations; Authorizes schedule for the systematic review of occupational regulatory programs; authorizes Legislature to take certain actions before scheduled repeal of occupational regulatory program; provides regulation of occupation to state if such occupation's regulatory program has been repealed through this act; provides schedule of repeal for occupational regulatory programs.                                                                                                                                                                                                                                                                        |                |                |
| SB 1124     | Legislative Review of Occupational Regulations | Diaz     | Legislative Review of Occupational Regulations; Citing this act as the "Occupational Regulation Sunset Act"; establishing a schedule for the systematic review of occupational regulatory programs; providing for the abolition of units or subunits of government and personnel positions responsible for repealed programs; providing for the revision of certain unexpended funds and the refund of certain unencumbered revenue of a repealed program; requiring the Department of Legal Affairs to prosecute or defend certain pending causes of actions, etc.                                                                                                                                           |                |                |
| SB 766      | Local Government Accountability                | Perry    | Local Government Accountability; Requiring the Commission on Ethics to create the Local Government Lobbyist Registration System; prohibiting a person from lobbying a governmental entity absent registration with the commission; requiring the commission to publish a lobbyist directory; requiring boards of county commissioners and governing bodies of municipalities, respectively, to provide notice of certain meetings in a specified manner, etc.                                                                                                                                                                                                                                                 |                |                |
| HB 611      | Local Government Accountability                | Sabatini | Local Government Accountability; Removes provisions relating to lobbying before water management districts; requires Commission on Ethics to create local government lobbyist registration system; preempts regulatory authority over certain lobbyist registration to commission; requires lobbyists to register with commission; provides for annual registration fee; requires commission to publish lobbyist directory; provides for investigations, reports, & advisory opinions by commission; provides for penalties; requires certain governmental entities to conform to lobbyist registration system; requires governing body of county or municipality to post certain information on its website. |                |                |
| SB 998      | Housing                                        | Hutson   | Housing; Authorizing a board of county commissioners to approve development of affordable housing on any parcel zoned for residential, commercial, or industrial use; requiring counties, municipalities, and special districts to include certain data relating to impact fees in their annual financial reports; providing the percentage of the sales price of certain mobile homes which is subject to sales tax; revising an exemption from regulation for certain water service resellers, etc.                                                                                                                                                                                                         |                |                |

## 2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING

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| BILL NUMBER | TITLE                          | SPONSOR    | SUBJECT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | STATUS UPDATES | STATUS UPDATES |
|-------------|--------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| HB 1339     | Housing                        | Yarborough | Housing; Revises provisions addressing affordable housing; specifies sales tax rate for certain mobile homes; exempts certain water & wastewater service resellers from regulation; revises provisions addressing state apartment incentive loans; renames Community Workforce Housing Innovation Pilot Program; revises provisions addressing workforce housing; revises distribution of funds from Local Government Housing Trust Fund; revises membership of local affordable housing advisory committees; revises provisions addressing mobile home owners & mobile home parks; revises legal procedures related to mobile home park owners.                                                                                                                            |                |                |
| HB 1001     | Brownfields                    | Stone      | Brownfields; Revises conditions under which an applicant that has rehabilitated contaminated site may receive certain tax credits; revises types of projects eligible for specified tax credit; revises date by which DEP must issue annual site rehabilitation tax credit certificate awards; specifies exceptions to grant of authority that persons may file legal actions resulting from certain discharges or pollution; conforms provisions to changes made by act; revises entities that may propose brownfield designations; removes requirement that certain persons be identified before negotiating brownfield site rehabilitation agreement; exempts certain job creation requirements for eligibility for specified brownfield site rehabilitation agreements. |                |                |
| SB 1350     | Brownfields                    | Baxley     | Brownfields; Revising the definition of the terms "housing project" and "mixed-use project" for purposes of specifying the projects eligible for certain tax exemptions; revising the conditions under which an applicant that has rehabilitated a contaminated site may submit and claim certain tax credits; revising the criteria for determining applicants who are redeveloping brownfield sites who may be eligible for certain tax credits; specifying defenses to specified causes of action concerning certain discharges or other types of pollution resulting from certain discharges or pollution, etc.                                                                                                                                                         |                |                |
| SB 1152     | Brownfield Site Rehabilitation | Broxson    | Brownfield Site Rehabilitation; Increasing the total amount of tax credits which may be granted for certain contaminated site rehabilitations each year; providing that potential brownfield sites owned by the state or a local government which are impacted by PFAS are eligible to participate in a brownfield site rehabilitation agreement regardless of contribution, etc.                                                                                                                                                                                                                                                                                                                                                                                           |                |                |
| SB 1148     | Electric Bicycles              | Brandes    | Electric Bicycles; Revising definitions relating to the Florida Uniform Traffic Control Law; requiring the driver of a vehicle overtaking an electric bicycle to pass the electric bicycle at a certain distance; expanding exceptions to a prohibition on persons driving certain vehicles on sidewalks and bicycle paths; providing electric bicycle regulations; requiring electric bicycles to comply with specified provisions of law; authorizing operators to ride electric bicycles where bicycles are allowed, etc.                                                                                                                                                                                                                                                |                |                |

# **2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING**

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| BILL NUMBER | TITLE                                | SPONSOR   | SUBJECT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | STATUS UPDATES | STATUS UPDATES |
|-------------|--------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| HB 971      | Electric Bicycles                    | Grant, M. | Electric Bicycles; Provides for rights & privileges of electric bicycles & operators; provides that electric bicycles are vehicles to same extent as bicycles; exempts electric bicycles & operators from modified provisions; requires certain labeling of electric bicycles; prohibits tampering with or modifying electric bicycles for certain purposes; requires electric bicycles to comply with specified provisions & operate in certain manner; authorizes operators to ride electric bicycles where bicycles are allowed; authorizes municipalities, counties, & agencies to regulate operation of electric bicycles under certain conditions. |                |                |
| HB 1149     | Local Government Fiscal Transparency | DiCeglie  | Local Government Fiscal Transparency; Revises Legislative Auditing Committee duties; specifies purpose of local government fiscal transparency requirements; requires local governments to post voting record information on websites; requires property appraisers & local governments to post property tax information & history on websites; requires public notices for public hearings & meetings before new tax increases; requires local governments to conduct debt affordability analyses; provides method for local governments to post certain required information.                                                                          |                |                |
| SB 1702     | Local Government Fiscal Transparency | Diaz      | Local Government Fiscal Transparency; Expanding the scope of the Legislative Auditing Committee review to include compliance with local government fiscal transparency requirements; providing procedures for the Auditor General and local governments to comply with the local government fiscal transparency requirements; revising reporting requirements for certain local government economic development incentives, etc.                                                                                                                                                                                                                         |                |                |
| HB 1219     | Electric Vehicles                    | Toledo    | Electric Vehicles; Requires DOT to establish Electric Vehicle Infrastructure Grant Program; provides for distribution of grants to certain entities to install electric vehicle charging infrastructure; provides grant requirements; provides requirements for equipment installed; requires DOT to review emerging research, policies, & standards; authorizes DOT to develop model plan for local governments; requires DOT to develop master plan for charging stations; provides appropriation. APPROPRIATION: \$5,000,000                                                                                                                          |                |                |
| SB 1230     | Electric Vehicles                    | Brandes   | Electric Vehicles; Authorizing the Department of Transportation to adopt rules; requiring that certain funds be used for specified purposes relating to the Electric Vehicle Infrastructure Grant Program, beginning in specified years; requiring the department to establish the Electric Vehicle Infrastructure Grant Program; providing for the distribution of grants to certain entities to install electric vehicle charging infrastructure; providing grant requirements, etc. APPROPRIATION: \$5,000,000                                                                                                                                        |                |                |
| SB 1340     | Legal Notices                        | Gruters   | Legal Notices; Providing for the publication of legal notices on certain publicly accessible websites; allowing a governmental agency to publish legal notices on a publicly accessible website under certain circumstances; removing provisions relating to the publication of legal notices in newspapers; providing that an advertisement of a sale or disposition of property may be published on certain websites for a specified time period, etc.                                                                                                                                                                                                 |                |                |



**2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING**

| BILL NUMBER | TITLE                                                              | SPONSOR | SUBJECT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | STATUS UPDATES | STATUS UPDATES |
|-------------|--------------------------------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| HB 7        | Legal Notices                                                      | Fine    | Legal Notices; Provides for website publication of legal notices; provides criteria for such publication; authorizes fiscally constrained county to use publicly accessible website to publish legally required advertisements & public notices; requires governmental agency to provide specified notice to residents concerning alternative methods of receiving legal notices.                                                                                                                                                                                                                                                                                                                                 |                |                |
| SB 1330     | Municipal Service Taxing Units and Municipal Service Benefit Units | Gruters | Municipal Service Taxing Units and Municipal Service Benefit Units; Requiring that the establishment, merger, or abolishment of a municipal service taxing or benefit unit be approved by majority vote of certain qualified electors in an election that is called for such purpose by the governing body of the county on its own motion; providing procedures for the dissolution of a municipal service taxing or benefit unit, etc.                                                                                                                                                                                                                                                                          |                |                |
| SB 1512     | Local Government Reporting                                         | Diaz    | Local Government Reporting; Deleting an annual requirement for county budget officers and municipal budget officers, respectively, to report specified budget information to the Office of Economic and Demographic Research; requiring each county and municipality to annually report specified fiscal and economic information to the Department of Financial Services; requiring the department to annually generate and distribute to residents a specified local government report, etc.                                                                                                                                                                                                                    |                |                |
| SB 1538     | Government Integrity                                               | Gruters | Government Integrity; Creating the Florida Integrity Office under the Auditor General; providing for the appointment of the Florida Integrity Officer; providing procedures for the submission and investigation of certain complaints; authorizing the Florida Integrity Officer to take certain action in response to complaints received; revising provisions relating to contractual services and commodities that are not subject to competitive-solicitation requirements; requiring the Office of Inspector General of the Department of Education to conduct investigations relating to waste, fraud, abuse, or mismanagement against a district school board or Florida College System institution, etc. |                |                |
| HB 1111     | Government Integrity                                               | Tomkow  | Government Integrity; Creates Florida Integrity Office under Auditor General; revises provisions related to legislative procedure definitions, Auditor General, Chief Inspector General, CFO investigations, government efficiency hotline, agency inspectors general, saving sharing program, and contracting.                                                                                                                                                                                                                                                                                                                                                                                                   |                |                |

# **2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING**

Information provided by  
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| BILL NUMBER | TITLE                                 | SPONSOR  | SUBJECT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | STATUS UPDATES | STATUS UPDATES |
|-------------|---------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| SB 1612     | Opportunity Zones                     | Powell   | Opportunity Zones; Renaming the Florida Enterprise Zone Act as the Florida Opportunity Zone Act; providing an approval procedure allowing certain opportunity zones to receive certain state incentives; requiring a county or municipality to create an opportunity zone development agency; providing that certain enterprise zones may still receive certain state incentives for a specified amount of time; authorizing local governments to review their ordinances to encourage the economic viability and profitability of business and commerce in opportunity zones, etc. |                |                |
| HB 1429     | Opportunity Zones                     | Omphroy  | Opportunity Zones; Revives & renames Florida Enterprise Act as Florida Opportunity Act; revives & amends substantive procedures formerly related to enterprise zones; defines "opportunity zone"; provides mechanisms for opportunity zones to receive specified state incentives.                                                                                                                                                                                                                                                                                                  |                |                |
| SB 1654     | Biosolids Management                  | Mayfield | Biosolids Management; Prohibiting the Department of Environmental Protection from issuing or renewing certain permits after a specified date; prohibiting the land application of biosolids on certain sites after a specified date; authorizing municipalities and counties to enforce or extend certain ordinances, regulations, resolutions, rules, moratoriums, or policies regarding the land application of biosolids, etc.                                                                                                                                                   |                |                |
| HB 1267     | Biosolids Management                  | Grall    | Biosolids Management; Prohibits land application of biosolids on certain sites; prohibits DEP from issuing or renewing certain permits; directs DEP to initiate rulemaking by specified date, adopt specified rules, & implement specified water quality monitoring program.                                                                                                                                                                                                                                                                                                        |                |                |
| HB 6063     | Real Property                         | Jenne    | Real Property; Removes provisions relating to a governmental entity's establishment of recreational customary use on a portion of a beach above the mean high-water line on private property.                                                                                                                                                                                                                                                                                                                                                                                       |                |                |
| SB 1680     | Real Property                         | Berman   | Real Property; Repealing a provision relating to a governmental entity's establishment of recreational customary use on a portion of a beach above the mean high-water line on private property, etc.                                                                                                                                                                                                                                                                                                                                                                               |                |                |
| SB 824      | Private Property Rights of Homeowners | Diza     | Private Property Rights of Homeowners; Preempting the regulation of vacation rentals to the state; requiring each person applying for a vacation rental license to provide the Division of Hotels and Restaurants of the Department of Business and Professional Regulation with specified information, etc.                                                                                                                                                                                                                                                                        |                |                |

## CITY OF ST. AUGUSTINE

### Regular City Commission Meeting Monday, December 9, 2019

The City Commission met in formal session Monday, December 9, 2019 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

**1. Roll Call:** Tracy W. Upchurch, Mayor/City Commissioner  
Leanna S. A. Freeman, Vice Mayor/City Commissioner  
Roxanne Horvath, City Commissioner  
John Valdes, City Commissioner

**Absent:** Nancy Sikes-Kline, City Commissioner (Excused)

Also Present: John Regan, City Manager  
Isabelle Lopez, City Attorney  
Darlene Galambos, City Clerk  
Meredith Breidenstein, Assistant City Manager  
David Birchim, Director, Planning and Building  
Reuben Franklin, Director, Public Works  
Melissa Wissel, Communications Manager  
Kim Mayo, Event and Venue Coordinator  
Barry Fox, Police Chief  
Carlos Aviles, Fire Chief  
Laura Morse, Recording Secretary

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#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Pastor Earl Glisson, Anchor Faith Church, delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

#### **2. ADMINISTRATIVE ITEMS**

##### **2.A. Modification and Approval of Regular Agenda**

Mayor Upchurch suggested, in an effort to expedite the meeting, that the Commission hear comments related to the short-term rental ordinances under General Public Comment.

#### **MOTION**

**Commissioner Horvath MOVED to approve the Regular Agenda as amended. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.**

#### **3. Special Presentations, Recognitions and Proclamations**

**3.A. Presentations to Commissioners Horvath and Sikes-Kline of their 20-years of service awards by Mark Raymond Sittig, Membership Services Manager, Florida League of Cities, Inc.**

- Mr. Sittig presented the 20-year service award to Commissioner

Horvath for her dedication and leadership as an outstanding public servant.

- Mayor Upchurch accepted the 20-year service award for Commissioner Sikes-Kline in her absence.

#### **4. General Public Comments (3 minutes per individual)**

The Commission heard from the following members of the public:

Michael Jagielski  
Tom Reynolds  
Michael Gallagher  
Dennis Hanks  
Thomas Day  
Ronnie May  
Jay Neumark  
Pam Linder  
Michael Southerland  
Parrish Jones  
Elliot Rubnich  
Blake Souder  
Earl Stratton  
Keith Oatman  
Christina Candler  
David Goldstein  
Ed Slavin  
Pat Dobosz  
Gene Griffin

#### **5. Consent Agenda**

Mr. Regan read the Consent Agenda:  
CONSENT AGENDA - DECEMBER 9, 2019

CA.1. Preview of upcoming Commission meetings:

- a) The following Ordinances are tentatively scheduled for second reading on January 13, 2020:
- Ordinance 2019-50
  - Ordinance 2019-51
  - Ordinance 2019-52

b) Reminder of upcoming meetings:

- January 6, 2020, 7 p.m., Lincolnville CRA Steering Committee, Galimore Center
- January 13, 2020, 5 p.m., Regular Meeting
- January 27, 2020, 5 p.m., Regular Meeting

CA.2. Approval of Minutes from prior Commission meetings:

- October 28, 2019, Regular Commission Meeting
- November 12, 2019, Regular Commission Meeting

CA.3. Releases of Lien for Unit Connection Fee Mortgage(s):

(None)

CA.4. Proposed Proclamations, Certificates of Appreciation/Recognition. (Commission approval required and to be read at a subsequent meeting).

(None)

CA.5. Notification of Proclamations/Certificates of Recognition issued:

(None)

CA.6. Approval of the license agreement between the City and Green Our Planet, LLC regarding a farmer's market in Lincolnville at Eddie Vickers Park. (J. Piggott, Director, General Services).

CA.7. Acceptance of Petition for Voluntary Annexation and Pre-Annexation Agreement for the retail store located at 1830 A1A South. (D. Birchim, Director, Planning and Building)

CA.8. Authorization of a letter to the County supporting proposed projects by the St. Johns County Transportation

Advisory Group (TAG). (R. Franklin, Director, Public Works)

CA.9. Authorizing the City Manager to execute the agreement between the City and the Lightner Museum updating the 1967 agreement consistent with the terms of the 1947 Trust setting out the mutual responsibilities for management and maintenance of the property. (I. Lopez, City Attorney)

CA.10. Authorizes the Intergovernmental Agreement implementing Section 365.179, Florida Statutes, mandating direct radio communication between 9-1-1 first responders. (I. Lopez, City Attorney)

CA.11. Invoice in the amount of **\$4,760.00** dated November 1 from Cavendish Partners, P.A. for legal services regarding the Seavin v. City of St. Augustine matter. (I Lopez, City Attorney).

Invoice in the amount of **\$1,008.00** dated November 1 from Cavendish Partners, P.A. for legal services regarding the Parker L. Doan Revocable Trust litigation matter. (I. Lopez, City Attorney).

*End of Consent Agenda*

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

(None)

**5.B. Approval of Consent Agenda**

**MOTION**

**Commissioner Horvath MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Valdes.**

Mayor Upchurch noted, as per the City attorney, that a conflict of interest did not exist for his vote on Item CA.9. He stated that according to the 1947 Trust document, the mayor was an ex officio voting member of the Board of Trustees.

**VOTE ON MOTION**

**AYES: Horvath, Valdes, Upchurch, Freeman**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

**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**

**8.A.1. Ordinance 2019-41: Amends Sec. 2.03 of the City Charter to provide for a residency requirement for City Commissioners of a period of one (1) year prior to the date of qualification for election and for continuous physical residency and voter registration within the City for the term of their office.**

Ms. Lopez reviewed the ordinance and read the ballot question as follows:

- *“Shall the City of St. Augustine Charter be amended to require continuous physical residency and voter registration in the City of St. Augustine for candidates for election or appointment to the City Commission for one year prior to*



*qualification for election or appointment and maintain continuous physical residency and voter registration in the City of St. Augustine during officeholding?"*

Public comment was opened; however, there was no response.

## **MOTION**

**Commissioner Freeman MOVED to pass Ordinance 2019-41 on second reading and read by title only. The motion was SECONDED by Commissioner Horvath.**

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-41

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE II, SECTION 2.03 OF THE CHARTER OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR A RESIDENCY REQUIREMENT FOR CITY COMMISSIONERS OF A PERIOD OF ONE YEAR PRIOR TO THE DATE OF QUALIFICATION FOR ELECTION; PROVIDING FOR CONTINUOUS PHYSICAL RESIDENCY AND VOTER REGISTRATION WITHIN THE CITY FOR THE TERM OF OFFICE; PROVIDING FOR A REFERENDUM PROPOSITION FOR THE NEXT SPECIAL ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

## **VOTE ON MOTION**

**AYES:** Freeman, Horvath, Valdes, Upchurch

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

**8.A.2. Ordinance 2019-19: Amendment to Sec. 10.54 of the City Charter to extend the terms for police and fire department representatives on the Civil Service Board from one (1) year to three**

**(3) years to provide greater continuity and the ability to discuss and review issues that may require multi-year context.**

Ms. Lopez reviewed the ordinance and read the ballot question as follows:

- *"Shall the City of St. Augustine Charter be amended to extend the terms for police and fire department representatives on the Civil Service Board from one year to three years, to provide greater continuity and the ability to discuss and review issues that may require multi-year context?"*

Public comment was opened; however, there was no response.

## **MOTION**

**Commissioner Freeman MOVED to pass Ordinance 2019-19 on second reading and read by title only. The motion was SECONDED by Commissioner Valdes.**

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-19

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO EXTEND THE TERMS FOR POLICE AND FIRE DEPARTMENT REPRESENTATIVES ON THE CIVIL SERVICE BOARD; PROVIDING FOR A REFERENDUM PROPOSITION FOR THE NEXT SPECIAL ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

## **VOTE ON MOTION**

**AYES:** Freeman, Valdes, Upchurch, Horvath

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

**8.A.3. Ordinance 2019-46: Vacates the street rights-of-way in the Antigua Phase One residential subdivision.**

Reuben Franklin, Director, Public Works, reviewed the ordinance.

Public comment was opened; however, there was no response.

**MOTION**

**Commissioner Freeman MOVED to pass Ordinance 2019-46 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.**

Ms. Lopez read the title as follows:

**ORDINANCE NO. 2019-46**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, VACATING, DISCONTINUING AND ABANDONING THAT CERTAIN PORTION OF LEEWARD ISLAND DRIVE, ANCIENT ISLAND DRIVE, SAINT BARTS AVENUE, AND BIRD ISLAND DRIVE LOCATED WITHIN THE CITY LIMITS OF ST. AUGUSTINE AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES:** Freeman, Upchurch, Valdes, Horvath

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

**8.A.4. Ordinance 2019-47: Creates Chapter 2, Division 3, Sections 2-340 through 2-343 creating the office of the special magistrate for code enforcement violations.**

Ms. Lopez reviewed the ordinance.

Public comment was opened, and the Commission heard from the following:

- Ed Slavin

Public comment was closed.

**MOTION**

**Commissioner Freeman MOVED to pass Ordinance 2019-47 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.**

Ms. Lopez read the title as follows:

**ORDINANCE NO. 2019-47**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING DIVISION 3 OF CHAPTER 2, ARTICLE VI SECTIONS 2-340 THROUGH 2-343 OF THE CODE OF THE CITY OF ST. AUGUSTINE; CREATING THE OFFICE OF SPECIAL MAGISTRATE; PROVIDING QUALIFICATIONS AND COMPENSATION; PROVIDING AUTHORITY, DUTIES, AND POWERS; PROVIDING THAT PROVISIONS OF THIS ORDINANCE ARE SUPPLEMENTAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES:** Freeman, Upchurch, Valdes, Horvath

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

**8.A.5. Ordinance 2019-24: Charter update to Article IV, Sections 4.01, 4.07, 4.09, 4.10, 4.12, 4.13, 4.14, 4.16, 4.19, 4.21 and 4.44 updating the powers and authority of executive and administrative officers, removing reference to municipal judges and the department of public safety and welfare**

**and conforming language to current usage and policies of the City.**

Ms. Lopez reviewed the ordinance.

Public comment was opened; however, there was no response.

**MOTION**

**Commissioner Freeman MOVED to pass Ordinance 2019-24 on second reading and read by title only. The motion was SECONDED by Commissioner Horvath.**

Ms. Lopez read the title as follows:

**ORDINANCE NO. 2019-24**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE IV OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 4.01 TO PROVIDE THE CITY MANAGER AUTHORITY TO ESTABLISH DEPARTMENTS WITH EXECUTIVE AND ADMINISTRATIVE POWERS AND TO REMOVE REFERENCE TO MUNICIPAL JUDGES; AMENDING SECTION 4.07 TO CLARIFY SALARIES SET BY THE CITY COMMISSION AND SALARIES SET ADMINISTRATIVELY IN THE ANNUAL BUDGET; AMENDING SECTION 4.09 TO REMOVE LANGUAGE REGARDING POWERS OF THE MAYOR DURING EMERGENCIES PREVIOUSLY CONFERRED TO THE CITY MANAGER; AMENDING SECTION 4.10 TRANSFERRING EMERGENCY POWERS TO THE CITY MANAGER; REMOVING SECTION 4.12 AS REDUNDANT TO SECTION 4.10; AMENDING SECTION 4.13 PROVIDING FOR COMPLIANCE WITH THE PURCHASING MANUAL; AMENDING SECTION 4.14 PROVIDING FOR UPDATED GENERAL ADMINISTRATIVE AUTHORITY TO THE CITY MANAGER; AMENDING SECTION 4.16 PROVIDING FOR UPDATED DUTIES FOR THE CITY MANAGER; AMENDING SECTION 4.19 PROVIDING FOR UPDATED GENERAL

DUTIES OF THE CITY ATTORNEY; AMENDING SECTION 4.21 PROVIDING FOR APPROVAL OF THE MINUTES BY THE CITY COMMISSION; AMENDING SECTION 4.44 TO REMOVE OUTDATED LANGUAGE AND REFERENCE; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES: Freeman, Horvath, Upchurch, Valdes**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

**8.A.6. Ordinance 2019-25: Charter update to Article V, Sections 5.21 and 5.28 providing intent regarding the provisions for ordinances submitted by petition of voters, clarifying the city attorney's responsibility to approve resident petition driven ordinances as to form only prior to consideration before the City Commission and repealing resident petition emergency measures as impracticable due to federal and state emergency procedure requirements.**

Ms. Lopez reviewed the ordinance.

Public comment was opened, and the Commission heard from the following:

- Ed Slavin

Public comment was closed.

**MOTION**

**Commissioner Valdes MOVED to pass Ordinance 2019-25 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.**

Ms. Lopez read the title as follows:

**ORDINANCE NO. 2019-25**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE V OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 5.21 TO PROVIDE THAT THE CITY ATTORNEY IS RESPONSIBLE TO APPROVE RESIDENT PETITION-INITIATED ORDINANCES AS TO FORM ONLY PRIOR TO CONSIDERATION BEFORE THE COMMISSION; AMENDING SECTION 5.28 TO PROVIDE THAT ORDINANCES PASSED AS EMERGENCY MEASURES SHALL BE SUBJECT TO FEDERAL AND STATE REQUIREMENTS AND REMOVING REFERENDUM TYPE PROCEDURES; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES: Valdes, Upchurch, Horvath, Freeman**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

**8.A.7. Ordinance 2019-26: Charter update to Article VI, Sections 6.14, 6.18, 6.19, 6.201 and 6.26 updating the charter to conform with the Florida Election Code that superseded local rules and regulations regarding electoral procedures and incorporates the procedures found in Chapter 166.21(4) regarding charter amendments by ordinance.**

Ms. Lopez reviewed the ordinance.

Public comment was opened; however, there was no response.

**MOTION**

**Commissioner Valdes MOVED to pass Ordinance 2019-26 on second reading**

**and read by title only. The motion was SECONDED by Mayor Upchurch.**

Ms. Lopez read the title as follows:

**ORDINANCE NO. 2019-26**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE VI OF THE CHARTER OF THE CITY OF ST. AUGUSTINE AMENDING SECTION 6.14 PROVIDING FOR ELECTIONS FOR CITY COMMISSIONERS TO COINCIDE WITH PRIMARY AND GENERAL ELECTIONS DESIGNATED BY THE FLORIDA ELECTION CODE; AMENDING SECTION 6.18 PROVIDING FOR PROCEDURES FOR CITY ELECTIONS TO CONFORM TO STATE OF FLORIDA LAW; REPEALING SECTIONS 6.19, 6.20, 6.20.1, AND 6.26 REGARDING CANVASSING OF RETURNS, DECLARATION OF ELECTIONS, PAPER BALLOTS, VOTING MACHINE BALLOTS, AND VOTING MACHINES; AMENDING SECTION 6.25 PROVIDING THAT CHARTER AMENDMENTS MAY BE CONFIRMED BY REFERENDUM IF REQUIRED AND ORDINANCES BY PETITION OF VOTERS MUST CONFORM TO ARTICLE V, DIVISION 2 OF THE CITY CHARTER; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES: Valdes, Upchurch, Horvath, Freeman**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

**8.A.8. Ordinance 2019-44: Creates Chapter 28, Article II, Division 1, Section 28-29 of the Code to the City of St. Augustine to provide consistency of appeals for all development permits and utilizes the statutory language, provides for uniform lower board procedures for**

**appeals and conforms and clarifies the appeals procedure.**

Ms. Lopez reviewed the ordinance.

Public comment was opened; however, there was no response.

#### **MOTION**

**Commissioner Horvath MOVED to pass Ordinance 2019-44 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.**

Ms. Lopez read the title as follows:

#### **ORDINANCE NO. 2019-44**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, DIVISION 1, SECTION 28-29 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING FOR LAND DEVELOPMENT PERMIT AND LOWER BOARD APPEALS TO THE CITY COMMISSION; PROVIDING FOR SPECIFIC DOCUMENTATION TO BE INCLUDED WITH APPEALS; PROVIDING FOR COMPLETENESS, COMPLIANCE WITH CODE REQUIREMENTS, AND LEGAL STANDING; PROVIDING FOR SUFFICIENCY HEARINGS FOR INCOMPLETE FILINGS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

#### **VOTE ON MOTION**

**AYES:** Horvath, Upchurch, Valdes, Freeman

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

**8.A.9. Ordinance 2019-45: Creates Chapter 28, Article II, Division 5, Sections 28-126 through 28-134 of the**

**Code of the City of St. Augustine to establish the Corridor Review Committee to interpret the new Design Standards for Entry Corridors.**

Ms. Lopez reviewed the ordinance.

Public comment was opened; however, there was no response.

#### **MOTION**

**Mayor Upchurch MOVED to pass Ordinance 2019-45 on second reading and read by title only. The motion was SECONDED by Commissioner Freeman.**

Ms. Lopez read the title as follows:

#### **ORDINANCE NO. 2019-45**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING CHAPTER 28, ARTICLE II, DIVISION 5, SECTIONS 28-126 THROUGH 28-134 OF THE CODE OF THE CITY OF ST. AUGUSTINE ESTABLISHING THE CORRIDOR REVIEW COMMITTEE; PROVIDING FOR MEMBERSHIP AND MINIMUM QUALIFICATIONS CRITERIA; PROVIDING FOR ATTENDANCE, MEETING RULES, RESPONSIBILITIES, AND PROCEDURES; PROVIDING FOR APPEALS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

#### **VOTE ON MOTION**

**AYES:** Upchurch, Freeman, Horvath

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY<sup>1</sup>**

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<sup>1</sup> Commissioner Valdes took a brief recess and was absent for the vote

**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**

Ms. Lopez referred the Commission to her memorandum dated November 13, 2019 which summated the three ordinances in this section.<sup>2</sup>

Ms. Lopez and Mr. Birchim fielded Commissioner questions and facilitated discussion regarding the following:

- Differences between the State and City definitions of “hotel”
- Determination of registration fees to recuperate costs associated with enforcing the ordinances
- Host Compliance services to enforce regulations through monitoring online listings
- Information required for registration may not be required within the online listing; however, the information online must be consistent with what was submitted during the registration process
- Thirty-minute response-time obligation after Host Compliance received a complaint and concern that the requirement may not be feasible for listing owners
- Occupancy limitations may be too strict for families traveling with children
- Fire safety regulations should be the same as hotel guidelines
- Inability to modify existing rental regulations per State Statute at the

risk of having to remove them entirely

Ms. Lopez and Mr. stated they would bring back clarification of Commissioners’ questions at second reading.

**9.A.1. Ordinance 2019-50: Provides regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts and violations and penalties.**

**MOTION**

**Mayor Upchurch MOVED to place Ordinance 2019-50 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Valdes.**

Ms. Lopez read the title as follows:

**ORDINANCE NO. 2019-50**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-145 THOUGH SECTION 28-154 REGULATING VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR ANNUAL INSPECTIONS; PROVIDING FOR MAXIMUM INTENSITY OF USE; PROVIDING FOR LIMITATIONS ON ANCILLARY USE; PROVIDING FOR LIFE-SAFETY REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR SOLID WASTE REMOVAL; PROVIDING FOR VALIDITY OF CONTRACTS PREDATING THIS ORDINANCE; PROVIDING FOR PRELIMINARY COMPLIANCE COMPLAINT SYSTEM; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

<sup>2</sup> Attached to Commission Packet

## VOTE ON MOTION

**AYES:** Upchurch, Valdes, Freeman,  
Horvath

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

Ms. Lopez advised ordinances would require Planning and Zoning Board review and recommendation, prior to coming back to the Commission for second reading.

**9.A.2. Ordinance 2019-51: Codifies the findings, intent, purpose and interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories.**

The Commission discussed the ordinance as an attempt to balance resident and rental owner interests with concern for the preservation of neighborhoods while still allowing property-owners to gain additional income.

## MOTION

**Mayor Upchurch MOVED to place Ordinance 2019-51 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.**

Ms. Lopez read the title as follows:

### ORDINANCE NO. 2019-51

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-155 WHICH CODIFIES THE FINDINGS, INTENT, PURPOSE, AND INTERPRETATION FOUND IN ORDINANCE 2010-24 THAT ESTABLISHED REGULATIONS FOR REGISTRATION AND PERMISSIBLE ACTIVITIES FOR SHORT-TERM RENTALS IN RS-1 AND RS-2 CATEGORIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR

SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

## VOTE ON MOTION

**AYES:** Upchurch, Horvath, Valdes,  
Freeman

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

**9.A.3. Ordinance 2019-52: Confirms regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51.**

Commissioner Valdes recused himself from the item.<sup>3</sup>

## MOTION

**Commissioner Freeman MOVED to place Ordinance 2019-52 on first reading, read by title only and passed. The motion was SECONDED by Mayor Upchurch.**

Ms. Lopez read the title as follows:

### ORDINANCE NO. 2019-52

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-156 CONFIRMING REGULATIONS THAT AFFECT SHORT-TERM RENTALS AS PREVIOUSLY ENACTED IN ORDINANCE 1995-35, REQUIRING SUBMERGED LAND LEASES FOR COMMERCIAL DOCKS, AND ORDINANCE 1989-51 LIMITING RENTAL PERIODS TO MONTHLY OR LONGER RENTALS IN HP-1 ZONING; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS;

<sup>3</sup> Form attached to original minutes

AND PROVIDING FOR AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES:** Freeman, Upchurch, Horvath

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY<sup>4</sup>**

**9.B. Resolutions**

(None)

**10. Staff Reports and Presentations**

**10.A. Mobility Update**

**10.A.1. Bridge of Lions update<sup>5</sup>**

Mr. Franklin presented the update, asked the Commissioners for input, and, along with Mr. Regan, facilitated discussion regarding the following:

- A college intern to input data on an annual basis
- One complete year of data needed for analysis, and three years of data in total desired
- Quarterly bridge update not necessary, unless deemed otherwise
- Annual update would be provided to the Commission, with any interim data updates emailed to them
- Desire for data to be shared with the public

**10.A.2. San Marco sidewalk<sup>6</sup>**

Mr. Franklin presented the update, asked the Commissioners for input, and, along with Mr. Regan, facilitated discussion regarding the following:

- Palm tree mitigation plan by the City to replace 31 palm trees being

removed by FDOT for sidewalk widening

- Space on Pine Street was not specifically looked at and a potential sidewalk was reviewed which would prohibit palms
- Relocating palm trees onto Mission Ground

Mayor Upchurch was uneasy about removing thirty-one palms from San Marco Avenue, but stated that the City needed a safer, landscaped and preserved sidewalk; however, the conversation must be continued. He requested to table this Item for future discussion.

**11. ITEMS BY CITY ATTORNEY**

**11.A. Sunshine, Public Records and Ethics Minute.**

No presentation made, provided by the City Attorney's Office for information purposes.

**12. ITEMS BY CITY CLERK**

**12.A. Review of applications and appointment of one board member to the Planning and Zoning Board.**

Darlene Galambos, City Clerk, provided ballots to the Commission for their vote, with the following names:

- William Masson
- Charles Pappas
- Matthew Shaffer
- Janet Cragg
- Carl Blow

The Commission elected Carl Blow, who received three of the four votes cast.

<sup>4</sup> Recess taken from 7:13 PM until 7:24 PM.

<sup>5</sup> Attached to Commission Packet

<sup>6</sup> Attached to Commission Packet



**12.B. Notification of extension of time for accepting applications to the Code Enforcement Adjustment and Appeals Board for two board members to fill vacancies to expire on December 27, 2019.**

Ms. Galambos requested the Commission's permission to advertise for the vacancies and the Commission approved.

**12.C. Request for appointments to fill two term seat expirations on the St. Augustine Firefighters' Pension Fund Board of Trustees.**

Ms. Galambos requested the Commission's permission to accept the two applications received from current board members who were eligible to serve.

#### **MOTION**

**Mayor Upchurch MOVED to re-appoint Richard Hernandez and Jim Springfield to the Board. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.**

#### **13. ITEMS BY CITY MANAGER**

Mr. Regan stated that the \$1.2 million for Maria Sanchez Lake project, and an estimated \$400,000 appropriation request for West Augustine septic to sewer conversion passed the House Agriculture Natural Resources Appropriations Subcommittee with the assistance of Florida House Representative Cyndi Stevenson.

#### **14. Items by Mayor and Commissioners**

**14.A. Review of City Manager's annual evaluation synopsis.**

The Commission noted their deep satisfaction with the synopsis, and Mr. Regan stated that he was privileged to be the City Manager.

**14.B. Discussion regarding the creation of a citizen advisory committee regarding building code and land development code amendments.**

Commissioner Valdes suggested the formation of a committee resembling the one for vacation rentals to address the following:

- Building codes and how they were applied to drainage issues and resiliency
- City areas with in-fill construction, vacant lots, demolished homes and new construction
- Slab construction
- Ground hindrance from water absorption
- Standing water and rain issues
- Water drainage issues
- Formulating suggestions to the Commission regarding modifying building and zoning codes
- 100% impervious paving allowed in residential zones
- Construction of homes over a crawl-space to allow for easier removal or lifting in the future

Commissioner Horvath fully supported committee formation. She said she had recently returned from the Southeast Florida Regional Climate Summit in Key West, with Mike Cullum, Chief Resiliency Officer. She gave a brief overview of information she and Mr. Cullum had gained at the summit.

Mayor Upchurch thanked Commissioner Horvath for her time and for attending the summit. He supported the appointment of a committee and with consensus of the Board requested that Ms. Galambos advertise for the committee.

Ms. Galambos clarified committee member qualifications per the provided memo.

Mr. Regan said that a recommended schedule for the committee would be provided at a future meeting.

### **15. Adjournment**

There being no further business, the meeting was adjourned at 7:59 P.M.<sup>7</sup>

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Tracy W. Upchurch, MAYOR

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Darlene Galambos, CITY CLERK

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<sup>7</sup> Transcribed by Laura Morse

**CITY OF ST. AUGUSTINE**

**MEMORANDUM**

TO: John P. Regan, City Manager

DATE: January 9, 2020

RE: **ORDER RELEASING CODE ENFORCEMENT LIEN: 34 MIRUELA AVENUE**

---

Please find enclosed an Order Releasing Lien for 34 Miruela Avenue, owned by Stephen Goretskie and Krystyna Borysewicz. This release reflects the previously outstanding Code Enforcement lien levied against this property. The outstanding balance of \$800.00 has been paid in full.

Please place the Order Releasing Lien on the consent agenda for consideration and execution at the January 27, 2020, City Commission meeting.

Should you have any questions or comments, please do not hesitate to contact me.  
Thank you.

/s/ John M. Cary

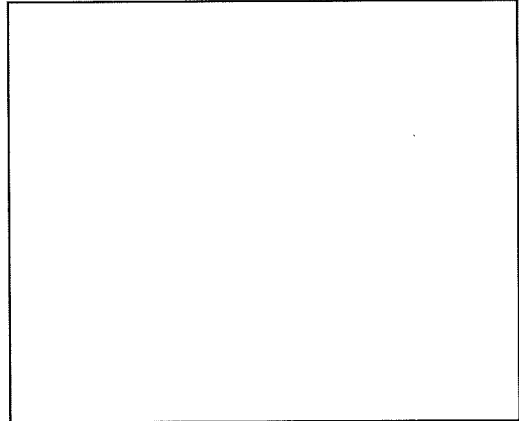
John M. Cary  
Assistant City Attorney

/s/  
Attachment

xc: Meredith Breidenstein, Assistant City Manager  
David Birchim, Planning & Building Director  
Darlene Galambos, City Clerk (*with original*)

BEFORE THE  
CODE ENFORCEMENT,  
ADJUSTMENTS & APPEALS BOARD  
OF THE CITY OF ST. AUGUSTINE, FLORIDA

**ORDER RELEASING LIEN**  
**CEAAB CASE NO. 2019-0333**



IN THE MATTER OF:            **STEPHEN GORETSKIE, ETAL**  
                                         **KRISTYNA BORYSEWICZ**  
                                         **34 MIRUELA AVENUE**  
                                         **ST. AUGUSTINE, FLORIDA 32080**

VIOLATION OF SECTION(S): Code of Law and Ordinances of St. Augustine, Florida:  
                                         **CITY CODE, CHAPTER 25, SECTION 25-56**

LIEN FILED AGAINST:        **STEPHEN GORETSKIE, ETAL**  
                                         **KRISTYNA BORYSEWICZ**

VIOLATION SITE:            **34 MIRUELA AVENUE, ST. AUGUSTINE, FLORIDA 32080**

LEGAL DESCRIPTION:        **3-97 DAVIS SHORES LOT 42 BLK 2 OR4403/917**

PARCEL NUMBER:            **214350 0000**

.....  
**ORDER**

THIS MATTER having come to be heard before the Code Enforcement, Adjustments and Appeals Board of the City of St. Augustine on September 10, 2019, and this Board having entered the following Order:

- **ORDER FINDING VIOLATION AND IMPOSING A FINE**
- Dated September 10, 2019
  - Recorded in O.R. Book 4813, Page 1107 on October 15, 2019

And the Board, being fully advised in the premises, hereby finds:

- **THE ABOVE REFERENCED LIEN HAS BEEN PAID IN FULL.**

THEREFORE, it is hereby ordered that the lien against the property, as established in the Orders referenced herein, is hereby released.

\* \* \* *SIGNATURES APPEAR ON THE FOLLOWING PAGE* \* \* \*

**IN WITNESS WHEREOF**, this Order Releasing Lien has been duly signed and executed by the Lienor, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

ATTEST:

By: \_\_\_\_\_  
Tracy W. Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk

( S E A L )

.....

**I HEREBY CERTIFY** that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **TRACY W. UPCHURCH**, by means of ☐ physical presence or ☐ online notarization, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

**WITNESS** my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public, State of Florida

( S E A L )

## **CITY OF ST. AUGUSTINE**

### **MEMORANDUM**

TO: Mayor and City Commissioners

DATE: January 16, 2020

RE: **QUARTERLY REPORT: 1<sup>ST</sup> QUARTER FY 2019-2020**

---

Please find enclosed the following documents reflecting the fiscal year 2019-2020 **1<sup>st</sup> quarter** in review for the City Attorney's office:

- ❖ **WORK LOG DRAFTING & REVIEW CHART (121 ITEMS)**
  - ❖ **PUBLIC MEETINGS ATTENDANCE CHART (42.50 HOURS)**
  - ❖ **CITY ORDINANCE VIOLATION DISPOSITION CHART (50 CASES)**
  - ❖ **STAFF & NEW BOARD MEMBER TRAINING CHART (3 HOURS)**
  - ❖ **ORDINANCE & RESOLUTION CHART (11 ITEMS)**
- 

This quarterly report mirrors the same categories as our annual report. As always, should you wish to meet with me individually to discuss any of this information, or the specifics of a particular matter, please do not hesitate to let me know.

Matters of ongoing civil litigation with retained outside counsel appropriated from General Fund Reserves, invoiced monthly and approved on consent agenda are:

- 1) Seavin, Inc. v. City (*Real estate transactional dispute involving City*)
- 2) Doan Trust v. City (*Unitrust income beneficiaries dispute involving City*)

Matters of ongoing litigation being handled in house are:

- 1) Marlowe v. City (*Docks and the City's submerged lands and riparian ownership*)

Pending charter and code review updates our office is continuing to work on are:

- 1) Zoning and Land Development Regulations: The Evaluation and Appraisal Report (EAR) comprehensive plan amendments were presented at the November 12, 2019 Commission meeting. Ordinance 2020-03 related to zoning for both artistic expression tattoo studios, and esthetic procedures such as micropigmentation will go before the Commission for second reading on February 10<sup>th</sup>. (*Ch. 28: Zoning*).
- 2) Tree Code: On December 10, 2018, the City adopted Resolution 2018-46, creating a Tree Mitigation Fund. This lead to some code implementation and

stand-alone issue specific amendments. Ordinance 2020-05, codifying and providing guidance for the Tree Mitigation Fund will go before the Commission for second reading on February 10<sup>th</sup>. (*Ch. 25: Trees & Landscaping*).

- 3) Implementation of Event Policy in Public Spaces: This is a continuation of the adopted event policy, including a review of terms of use for special events, and legal updates to clarify and conform to existing law, including terms of use for public spaces. Ordinance 2020-02 will go before the Commission for first reading on February 10<sup>th</sup>. (*Multiple Chapters*).
- 4) Vehicles for Hire: Related to mobility initiatives. Ordinance 2020-06 regarding Transportation Network Companies will go before the Commission for second reading on February 10<sup>th</sup>. (*Ch. 27: Vehicles for Hire*).
- 5) Dockage: Related to regulations for dockage at Lighthouse Park. Ordinance 2020-04 will go before the Commission for second reading on February 10<sup>th</sup>. (*Ch. 7: Boats, Beaches and Waterways*)
- 6) Charter Amendments – On April 3, 2019, the kick-off workshop was held to provide a broad overview of possible changes. Ordinances 2019-13, 2019-14, 2019-15, 2019-16, 2019-17, 2019-18, and 2019-22, 2019-23, 2019-24, and 2019-25 have already been passed by the Commission. Additional ordinances are forthcoming for further amendments requested by the Commission. (*Multiple Sections*).

Consistent with City Commission consensus at its August 12, 2019 meeting, this quarterly report is placed on the consent agenda for the January 27, 2020 City Commission meeting. The attached charts are included for the Commission's information and I am available for a presentation if the Commission pulls the item from the consent agenda.

Sincerely,



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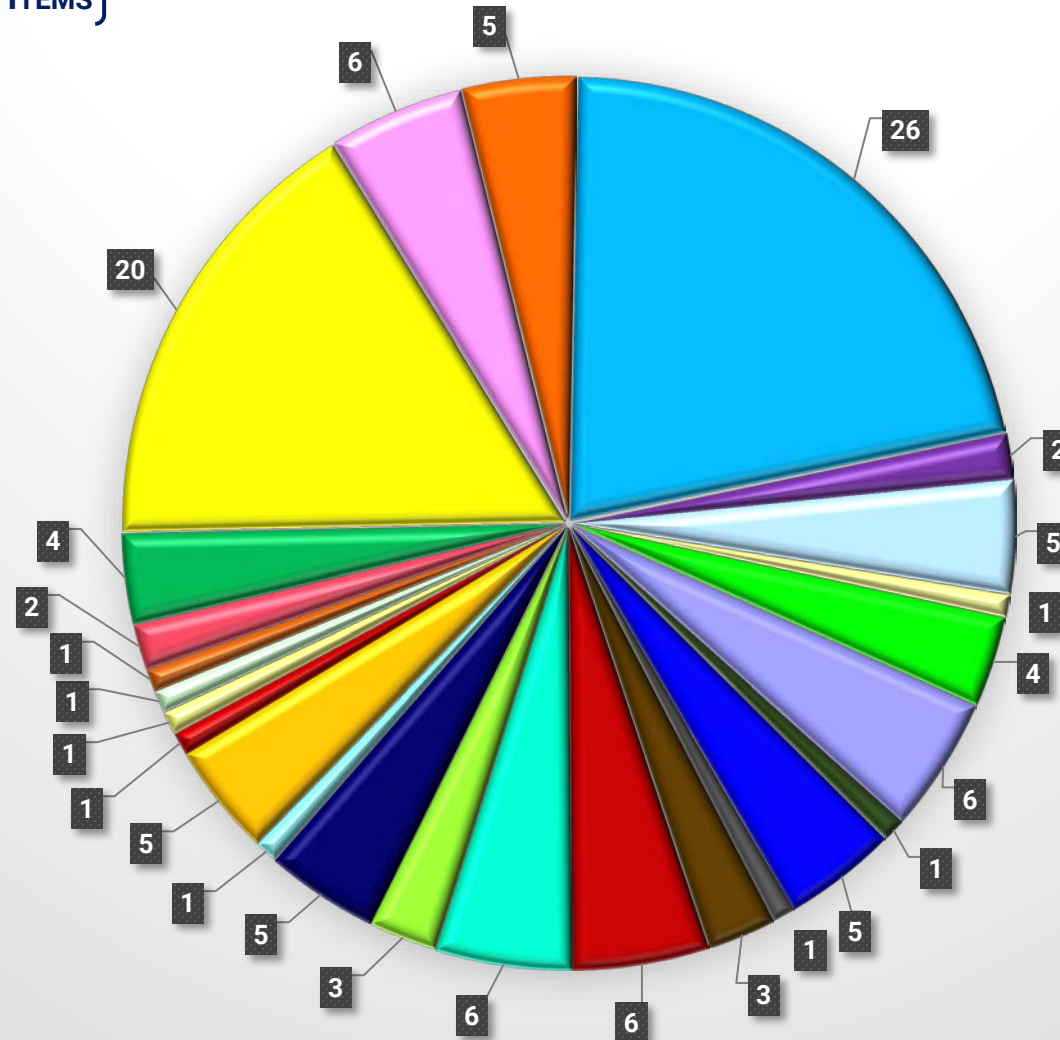
Isabelle C. Lopez  
City Attorney

Attachments

# WORK LOG DRAFTING & REVIEW: 1<sup>ST</sup> QUARTER FY 2019-2020

(BY NUMBER OF ITEMS)

(TOTAL: 121 ITEMS)

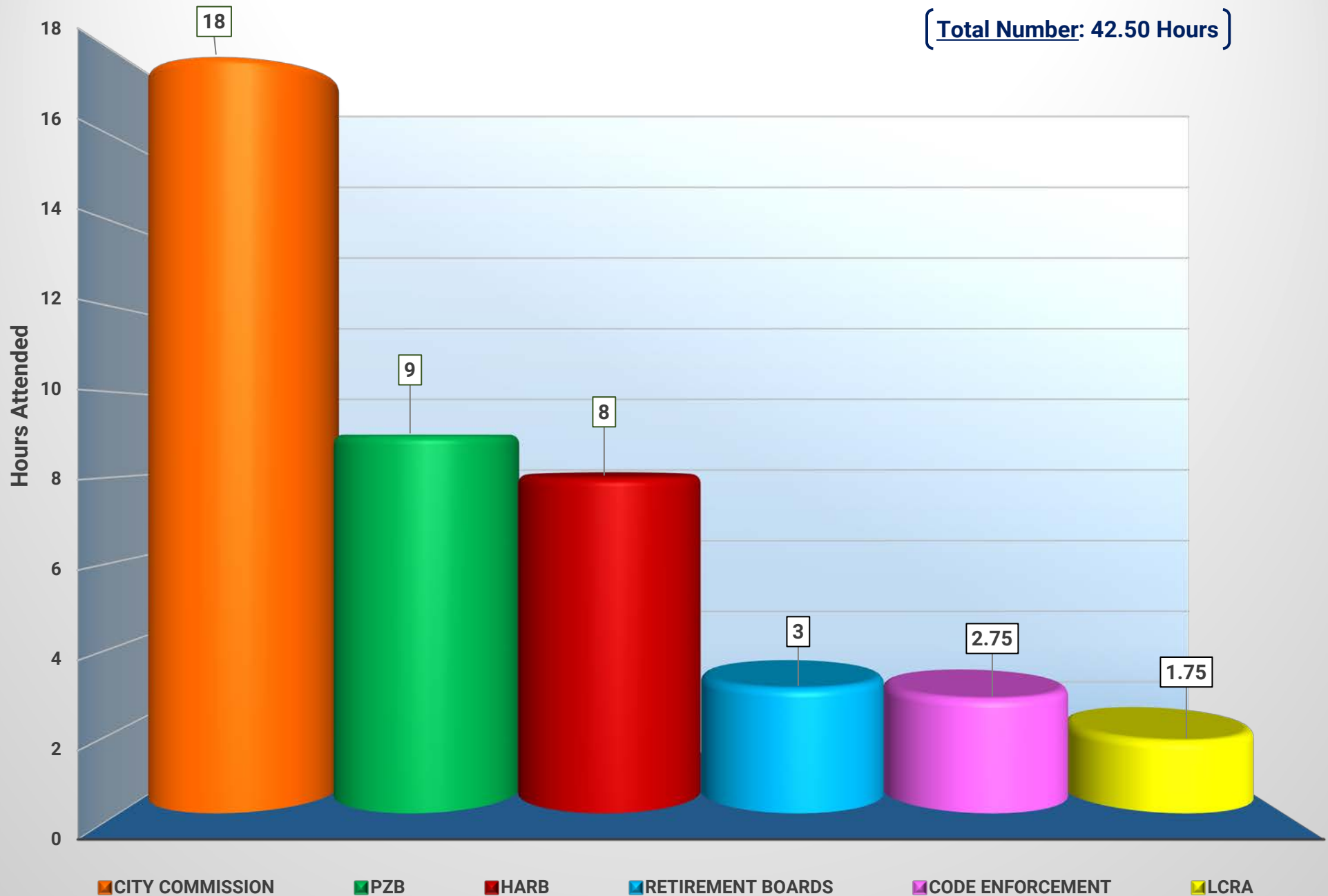


|                           |                       |                     |                |
|---------------------------|-----------------------|---------------------|----------------|
| Agreement - 26            | Application - 2       | Bill of Sale - 5    | Brochure - 1   |
| Contract - 4              | Correspondence - 6    | Deed - 1            | Easement - 5   |
| Estoppel - 1              | Form - 3              | Lease Agreement - 6 | License - 6    |
| Lien Release - 3          | Maintenance Bond - 5  | Order - 1           | Ordinance - 5  |
| Performance Bond - 1      | Personal Guaranty - 1 | Petition - 1        | Plat - 1       |
| Pleading - 2              | Release & Waiver - 4  | Research - 20       | Resolution - 6 |
| Submerged Lands Lease - 5 |                       |                     |                |

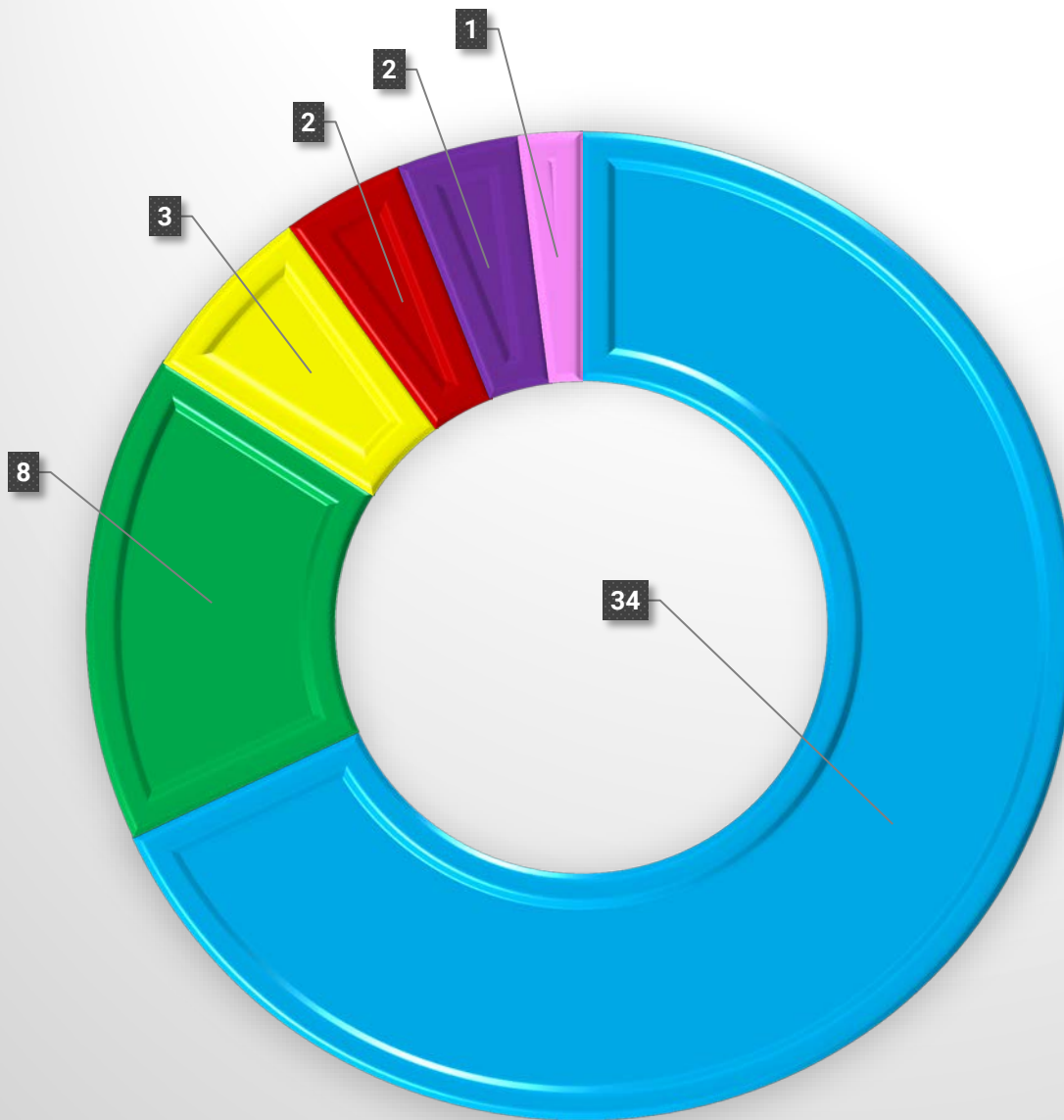


# PUBLIC MEETING ATTENDANCE: 1<sup>ST</sup> QUARTER FY 2019-2020

( Total Number: 42.50 Hours )



# CITY ORDINANCE VIOLATIONS: 1<sup>ST</sup> QUARTER FY 2019-2020



( BY NUMBER OF CASES )

( TOTAL: 50 CASES )

- Adjudicated Guilty - 34
- Administratively Dismissed - 8
- Adjudication Withheld - 3
- Nolle Prossed - 2
- Dismissed - 2
- Paid Fine - 1

# STAFF & NEW BOARD MEMBER TRAINING: 1<sup>ST</sup> QUARTER FY 2019-2020

{ BY NUMBER OF HOURS }

{ TOTAL: 4 HOURS }



# **ORDINANCES & RESOLUTIONS – 1<sup>ST</sup> QUARTER FY 2019-2020**

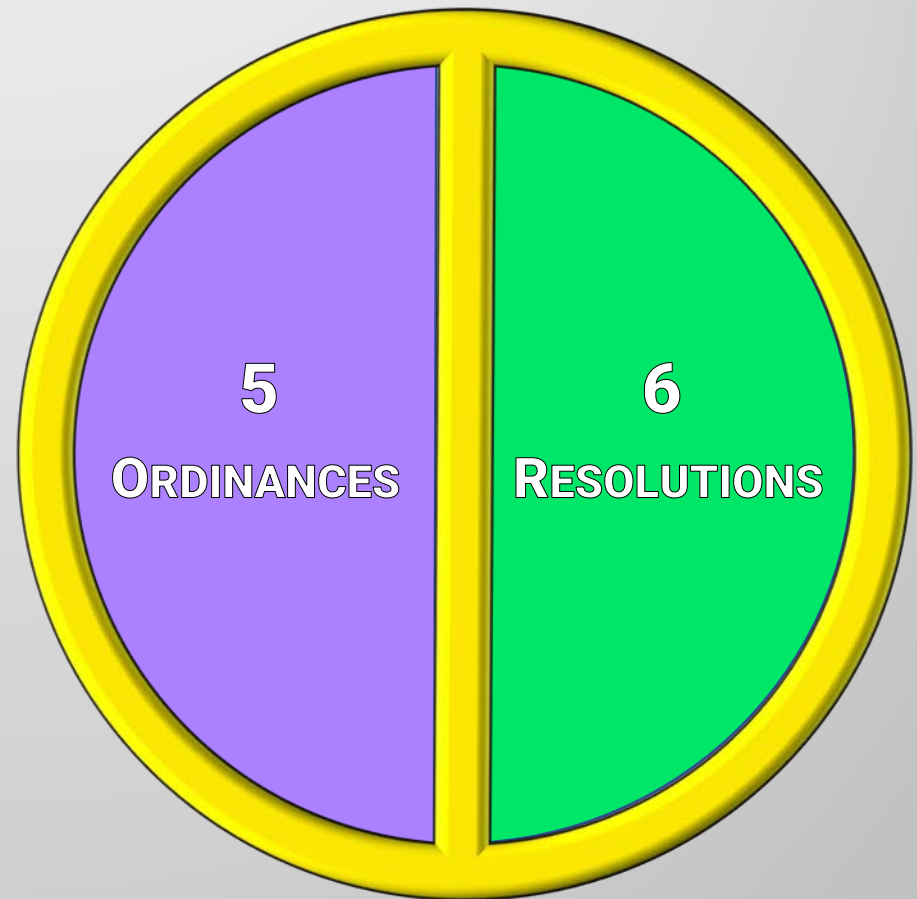
**[ TOTAL: 11 ITEMS ]**

## **ORDINANCES**

- 2019-46:** Antigua Road Vacation
- 2019-47:** Creating the Office of Special Magistrate
- 2019-50:** Short-Term Rentals
- 2019-51:** Codifying the Finding in Ordinance 2010-24
- 2019-52:** Confirming Short-Term Rental Regulations for Submerged Lands & HP-1 Zoning as Enacted by Previous Ordinances

## **RESOLUTIONS**

- 2019-41:** City Manager Authorization for Event Street Closure
- 2019-42:** Nights of Lights Date Extension
- 2019-43:** Ad Valorem Tax Exemption for 9 Milton Street
- 2019-44:** Ad Valorem Tax Exemption for 34 Granada Street
- 2019-45:** Adopting the St. Johns River to Sea Loop Trail
- 2019-46:** Future Maintenance Agreement with FDOT



**CITY OF ST. AUGUSTINE**

**MEMORANDUM**

TO: John Regan  
City Manager

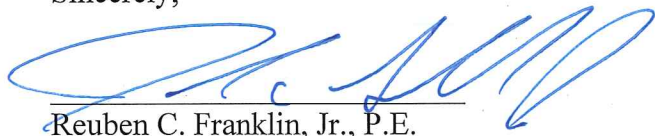
DATE: January 16, 2020

RE: Consent Agenda Item for January 27, 2020 City Commission Meeting;  
Public Works and Utilities Update

I would like to provide the Public Works and Utilities Update to the City Commission; and request that the presentation be placed on the Consent Agenda for the January 27, 2020 meeting.

Attached, is a copy of the Public Works and Utilities Update Presentation; and if you should have any questions, please contact me. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Reuben C. Franklin, Jr.', is written over a horizontal line.

Reuben C. Franklin, Jr., P.E.  
Public Works Director

Attachment: PW PowerPoint Presentation

cc: COSA Directors





CITY OF  
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EST. 1565

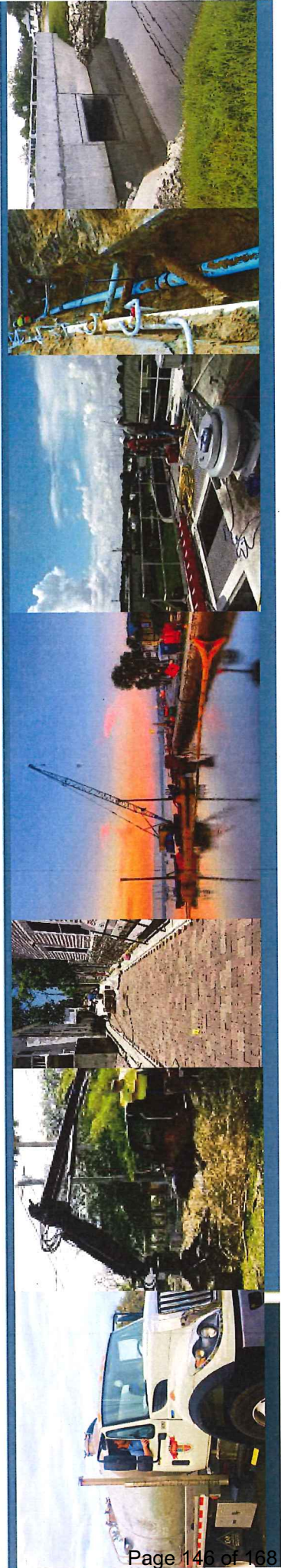
# COSA City Commission

## “Public Works & Utilities Update”

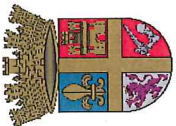
January 27, 2020

Reuben C. Franklin, Jr., P.E.    Director, Public Works

Todd J. Grant, P.G.    Director, Utilities







CITY OF  
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# Public Works & Utilities Update Agenda

## Key Updates

- Paving Program
- North City Water Main Improvements
- S. Davis Shores / Coquina Park Update
- Major Projects in Design Phase
- Mobility Program

## Overview

- CIP Overall Status Summary



## Overview FY 2020

| Road Name                                                                              | From          | To         | Length<br>(linear feet) | Cost                |
|----------------------------------------------------------------------------------------|---------------|------------|-------------------------|---------------------|
| <b>Completed in 1st Quarter FY 20:</b>                                                 |               |            |                         |                     |
| St Francis                                                                             | Weeden St.    | Park       | 1,228                   | \$27,478.59         |
|                                                                                        |               |            | <b>0.23 miles</b>       | <b>\$27,478.59</b>  |
| <b>Planned in 2nd Quarter FY 20:</b>                                                   |               |            |                         |                     |
| Anderson                                                                               | South Dixie   | US1        | 694                     | \$16,432.08         |
| Aviles Dr                                                                              | South Dixie   | West Kings | 620                     | \$21,624.08         |
| Davis St                                                                               | South Dixie   | West Kings | 968                     | \$23,984.78         |
| Mackey Ln                                                                              | Pellicer Ln   | West Kings | 755                     | \$18,957.76         |
| Marion St                                                                              | South Dixie   | US1        | 480                     | \$24,725.56         |
| Minorco Ave                                                                            | Arendondo Ave | Miruelo    | 890                     | \$21,627.13         |
| Montrano Ave                                                                           | Arendondo Ave | Miruelo    | 845                     | \$23,178.08         |
| D'allyon Ave                                                                           | Montrano Ave  | Minorco    | 697                     | \$13,352.55         |
|                                                                                        |               |            | <b>1.13 miles</b>       | <b>\$163,882.02</b> |
| <b>Paving completed with North City Water Main project (not part of Paving budget)</b> |               |            | <b>1.2 miles</b>        |                     |
| <b>Total:</b>                                                                          |               |            | <b>2.56 miles</b>       |                     |

Paving work for 3rd Quarter FY 20 is currently being prioritized, and will encumber remaining paving budget for this fiscal year.

## Paving Program

### Plus Paving Planned, Following Lincolnville Drainage Project

| Road Name                                                | From        | To              | Length<br>(linear feet) | Cost                |
|----------------------------------------------------------|-------------|-----------------|-------------------------|---------------------|
| * Blanco St                                              | Cerro St.   | South St.       | 1,072                   | \$33,875.20         |
| * Cerro St.                                              | Riberia St. | Oneida St.      | 996                     | \$28,319.92         |
| DeSoto Pl.                                               | Granada St  | ML King Ave     | 721                     | \$22,783.60         |
| * Duero St.                                              | MLK Ave.    | Riberia St.     | 447                     | \$12,712.68         |
| * Duero St.                                              | Oneida St.  | MLK Ave         | 503                     | \$14,305.32         |
| * MLKingAve                                              | DeHaven St. | Cerro St.       | 2,513                   | \$91,322.42         |
| * Moore St.                                              | Riberia St. | ML King Ave     | 703                     | \$19,979.10         |
| * SanfordSt                                              | Bridge St.  | Cedar St.       | 511                     | \$15,347.73         |
| School St.                                               | Pomar St.   | Kings Ferry Way | 162                     | \$5,120.78          |
| * SouthSt                                                | Riberia St. | ML King Ave.    | 452                     | \$16,425.68         |
| * Twine St.                                              | Lovett St.  | Cerro St.       | 1,559                   | \$49,270.72         |
| <b>Miles Planned, Following Utility Work: 1.83 miles</b> |             |                 |                         | <b>\$309,463.15</b> |

\* Portions of streets transferred to Lincolnville CDBG project in FY19-20

## SUMMARY

Previously Paved 2014 – 2017:

12.8 miles (actual)

Paved FY 2018:

6.4 miles (actual)

Paved FY 2019:

5.02 miles (actual)

**Total Miles Paved in Prior Years:**

**24.22 miles** (actual)

**Completed / Planned in 1<sup>st</sup> & 2<sup>nd</sup> Quarter FY 2020:**

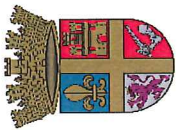
**2.56 miles**  
(actual + estimate)

**Planned, Following Lincolnville Drainage Utility Work:**

**1.83 miles** (estimate)

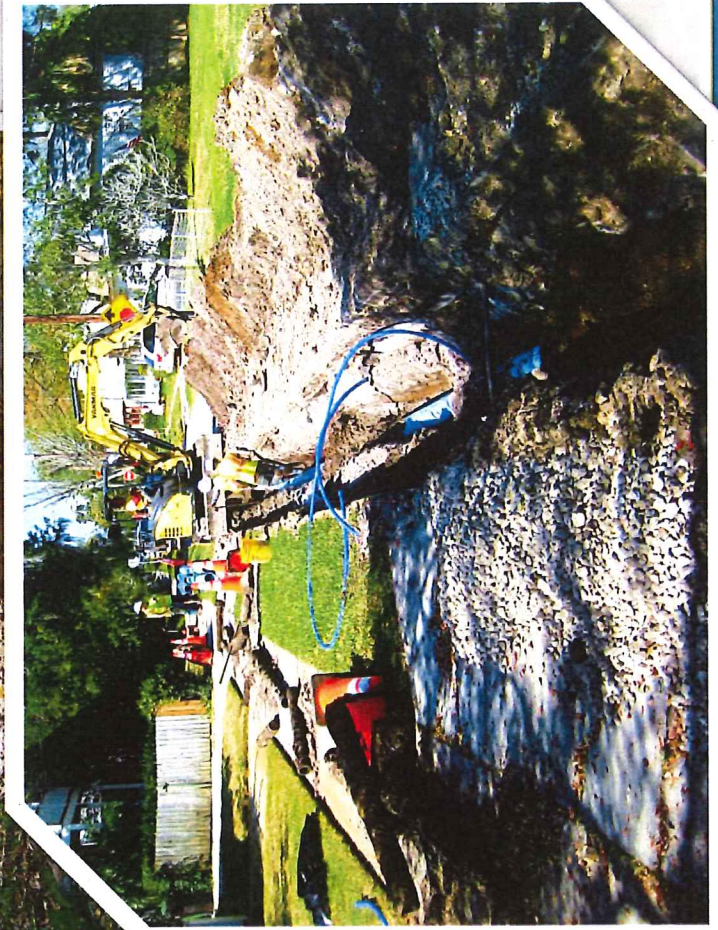
**Planning in progress for remaining FY 2020 paving work, total budget \$750,000**





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## North City Water Main Improvements



❖ SRF Funded; Replace aging, small diameter, cast iron water mains with new, larger mains

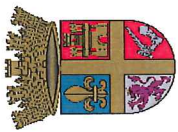
❖ Construction is complete

❖ 8,300 LF new water main installed

❖ New asphalt roadway (1.2 miles):

- ✓ Hope Street
- ✓ Cincinnati Avenue
- ✓ Loring Street
- ✓ Rohde Avenue
- ✓ Grove Avenue

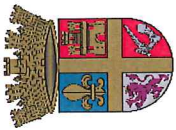




## S. Davis Shores / Coquina Park Update

- ❖ Coquina Creek upstream maintenance:
  - 90% Complete
- ❖ Coquina Creek downstream maintenance:
  - Will commence after upstream work completion
- ❖ Storm inlet maintenance:
  - Complete
- ❖ Menendez Road / Coquina Avenue intersection storm culvert lining and right-of-way improvements:
  - Work is on schedule for February
- ❖ Coquina Park culvert headwall:
  - Improvements are in design for permitting
- ❖ One-way tidal valve installation:
  - Valves are ordered





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## S. Davis Shores / Coquina Park Update (continued)

### ❖ Ferdinand Avenue maintenance:

- Storm inlet and pipe cleaning complete
- Storm pipe lining is scheduled

### ❖ Coquina Park construction:

- First phase of nuisance flooding construction complete
- Obtained construction easements for improvements at #95 Coquina Avenue property

### ❖ City installation of one-way tidal valve in FDOT outfall near Arredondo Avenue and Arricola Avenue:

- Complete



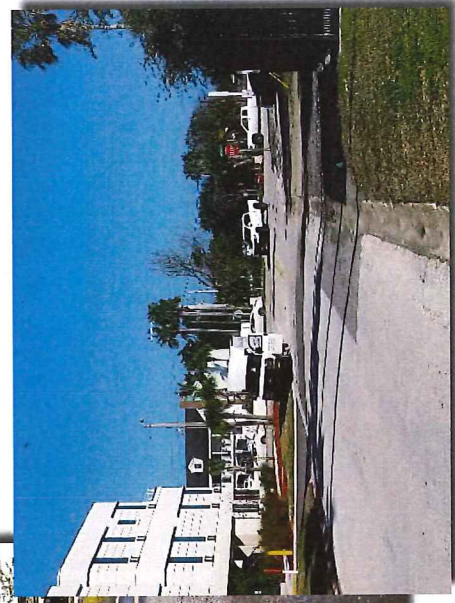
Coquina Park grading work



City installation of one-way tidal valve in FDOT outfall

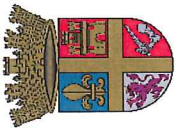


Nuisance flooding prior to one-way tidal valve installation



Dry roadway after one-way tidal valve installation





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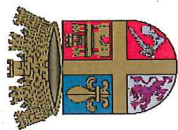
# Major Projects in Design Phase

## Design Milestones Achieved

- ❖ **Lake Maria Sanchez Stormwater Project**
  - Detailed Design phase
- ❖ **South Whitney Street Box Culvert and West King Street Flood Mitigation**
  - Progressed to Final Design last quarter
- ❖ **Hurricane Matthew FEMA Lift Station Rehabilitation (13 stations) CMAR Project**
  - Final Design phase

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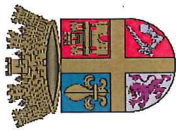
# Mobility Program: Activity Management

| Progress to Date                     |  | Deliverable/Activity                                                 | % Complete | Est. Finish | Notes                                                          |
|--------------------------------------|--|----------------------------------------------------------------------|------------|-------------|----------------------------------------------------------------|
| <b>Neighborhood</b>                  |  |                                                                      |            |             |                                                                |
| Plantation Island Sidewalk           |  | Bid & Construct 8-ft Sidewalk along Plantation Island Dr             | 100%       | -           |                                                                |
| Arredondo Sidewalk                   |  | Construct sidewalk and bike racks                                    | 100%       | -           |                                                                |
| Ravenswood Framework                 |  | Develop conceptual plan for walking, biking and signage              | 100%       | -           |                                                                |
| <b>City</b>                          |  |                                                                      |            |             |                                                                |
| King St Complete St MP               |  | Complete Street Master Plan for King St Corridor                     | 90%        | 3/31/2020   | 4th workshop completed; Need to schedule 5th workshop          |
| Mobility Plan                        |  | Develop statutorily compliant mobility plan for Comp Plan            | 100%       | -           |                                                                |
| Parking Code Update                  |  | Review and update parking code requirements                          | 20%        | 9/31/2020   |                                                                |
| Smart Parking System                 |  | Phase 2 Integrate Parking Garage with On/Off Street Parking          | 50%        | 2/28/2020   | Purchased new Point of Sale system                             |
| Commercial Delivery (CD)             |  | Implement parking & truck delivery management system                 | 40%        | TBD         | Approved by HARB; SJRWMD Permitting                            |
| Bike Share Program                   |  | Develop a sponsored bike share program for the City                  | 70%        | Spring 2020 | Delayed due to technical issues with app and product inventory |
| Bol Tallship Policy Analysis         |  | Analyze bridge openings based on adopted schedule for tenants        | 100%       | -           |                                                                |
| City Marina Crosswalk                |  | Design and bid crosswalk at City Marina                              | 70%        | 3/31/2020   |                                                                |
| NoL Shuttle                          |  | Provide park and ride shuttle during Nights of Lights                | 100%       | -           |                                                                |
| <b>Local (SJC, CoSAB, TPO, etc.)</b> |  |                                                                      |            |             |                                                                |
| SJR2C Loop Planning Study            |  | Plan route for shared-use non-motorized trail                        | 100%       | -           |                                                                |
| EV Charging Stations                 |  | Install EV charging stations at the garage, city hall parking, etc.. | 50%        | TBD         | Parking Garage and Davenport Park to be installed              |
| NFTPO LRTP 2045                      |  | Develop and adopt long range transportation plan for region          | 100%       | -           |                                                                |

## Legend

|           |         |                            |
|-----------|---------|----------------------------|
| on target | at risk | corrective action required |
|-----------|---------|----------------------------|





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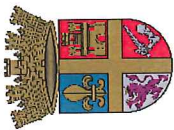
# Mobility Program: Activity Management (continued)

| Progress to Date                                                    |                                                                  |  |            |                |                                                                   |
|---------------------------------------------------------------------|------------------------------------------------------------------|--|------------|----------------|-------------------------------------------------------------------|
| Level/Initiative                                                    | Deliverable/Activity                                             |  | % Complete | Est. Finish    | Notes                                                             |
| State (FDOT, SJRWMD, DEP)                                           |                                                                  |  |            |                |                                                                   |
| San Marco Ave & May Street                                          | Intersection and drainage improvements                           |  | 80%        | Late Fall 2019 | Began October 30, 2017, Intersection pushed to Fall 2019          |
| US 1 SW (Fairbanks-Big Oak)                                         | Design/construct sidewalk along US 1                             |  | 60%        | 12/4/2019      | Design Phase, Construction expected to begin 6/10/2020            |
| US 1 Rehab Design                                                   | Traffic and pavement improvements from SR207 to North City Gates |  | 60%        | 5/18/2020      | Public Meeting on November 18, 2019                               |
| Red Cox Rd/Anastasia Blvd                                           | Intersection improvements                                        |  | 30%        | -              | Data Collection Complete, FDOT working on concept                 |
| Zorayda/A1A Ped Crossing                                            | Design                                                           |  | 90%        | TBD            | Easement required; delayed; waiting on FDOT response              |
| San Marco Ave Shared Path                                           | Design and construct shared path between Pine and Ocean Ave      |  | 60%        | TBD            | Need decision on palm tree removal                                |
| Federal                                                             |                                                                  |  |            |                |                                                                   |
| Upcoming Activities                                                 |                                                                  |  |            |                |                                                                   |
| Major Accomplishments (since October 28, 2019)                      |                                                                  |  |            |                |                                                                   |
| → NoL Shuttle                                                       |                                                                  |  |            |                | → Historic Downtown Parking Facility Access Management Evaluation |
| → SJR2C Loop                                                        |                                                                  |  |            |                | → Spring Shuttle                                                  |
| → Mobility Plan Approval                                            |                                                                  |  |            |                | → King Street Complete Street Master Plan Workshop No. 5          |
| → Plantation Island Drive Sidewalk                                  |                                                                  |  |            |                |                                                                   |
| → Arredondo Sidewalk / Bike Racks                                   |                                                                  |  |            |                |                                                                   |
| Challenges, Risks & Issues                                          |                                                                  |  |            |                |                                                                   |
| <input type="checkbox"/> Land Acquisition for Park and Ride Program |                                                                  |  |            |                |                                                                   |
| Key Decisions                                                       |                                                                  |  |            |                |                                                                   |
| Decisions Required:                                                 |                                                                  |  |            |                |                                                                   |
| ●                                                                   |                                                                  |  |            |                |                                                                   |

## Legend

|           |         |                            |
|-----------|---------|----------------------------|
| on target | at risk | corrective action required |
|-----------|---------|----------------------------|





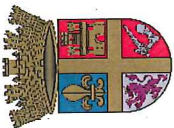
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# Mobility Program: Plantation Island Drive Sidewalk

## Construction Complete!







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# Mobility Program: Nights of Lights Wrap-Up

## 2019 Nights of Lights – Park & Ride Shuttle

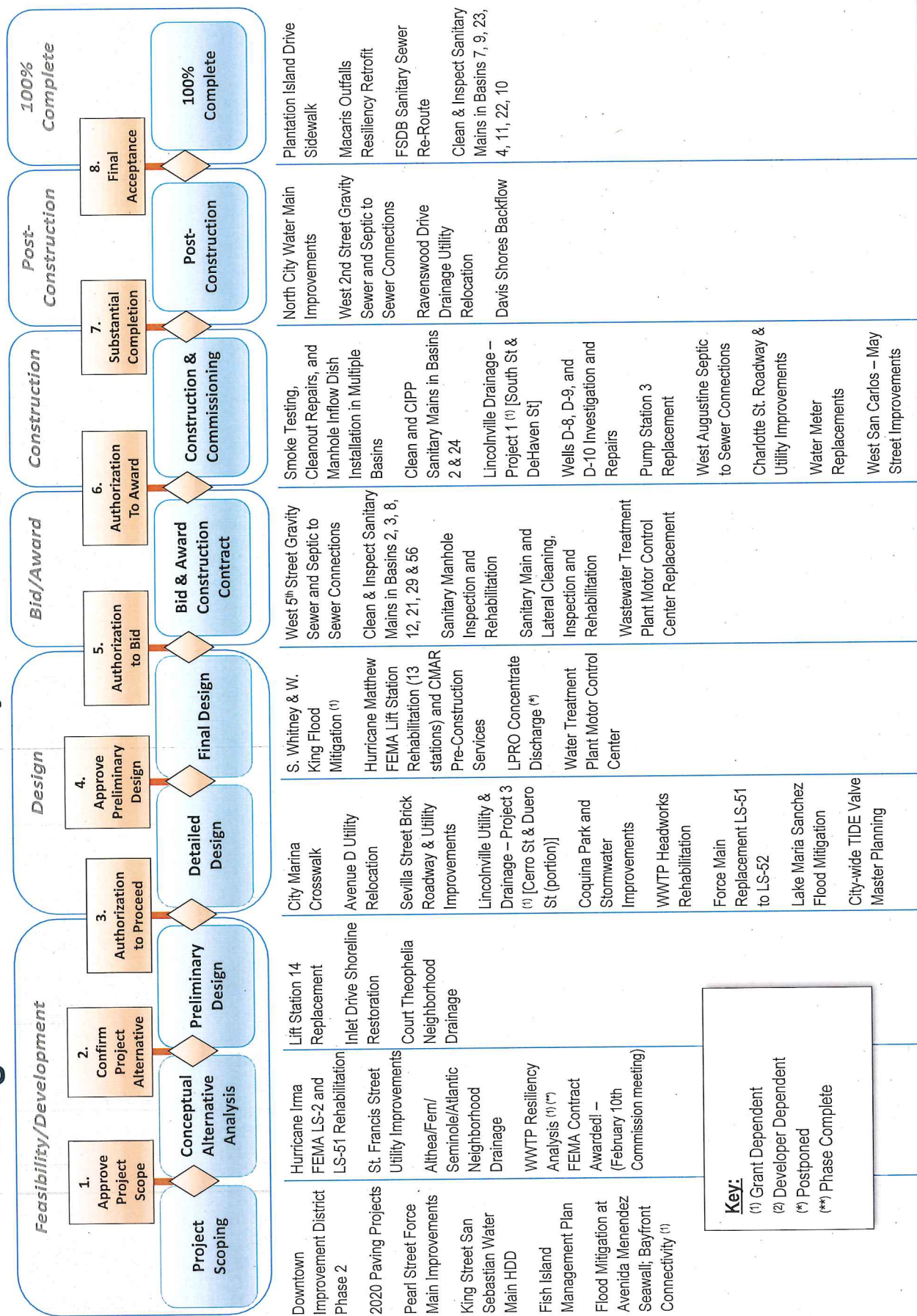
### Passenger Count (Round Trip)

|                                                                                         | Saturday<br>23-Nov | Friday<br>29-Nov | Saturday<br>30-Nov | Saturday<br>7-Dec | Saturday<br>14-Dec | Saturday<br>21-Dec         | Thursday<br>26-Dec       | Friday<br>27-Dec         | Saturday<br>28-Dec | Sunday<br>29-Dec         | TOTALS        |
|-----------------------------------------------------------------------------------------|--------------------|------------------|--------------------|-------------------|--------------------|----------------------------|--------------------------|--------------------------|--------------------|--------------------------|---------------|
| 301 San Marco Ave. Lot                                                                  | 1042               | 1178             | 1008               | 1104              | 730                | 763                        | 885                      | 894                      | 1123               | 774                      | 7,604         |
| County Health Dept.                                                                     | 1638               | 1121             | 1144               | 597               | 1201               | 708                        | 320                      | 628                      | 1175               | 129                      | 7,357         |
| <b>2019 Total<br/>Passengers</b>                                                        | 2680               | 2299             | 2152               | 1701              | 1931               | 1471                       | 1205                     | 1522                     | 2298               | 903                      | <b>14,961</b> |
| <b>Percentage Increase<br/>Over 2018</b>                                                | 46%                | 129%             | 22%                | 4%                | 34%                | (-21%)                     | N/A                      | N/A                      | 88%                | N/A                      | <b>64%</b>    |
|                                                                                         | Increase           | Increase         | Increase           | Increase          | Increase           | Decrease<br>Due to<br>Rain | No Shuttle<br>Prior Year | No Shuttle<br>Prior Year | Increase           | No Shuttle<br>Prior Year | Increase      |
| <b>2019 Total Vehicles</b>                                                              | 893                | 766              | 717                | 567               | 644                | 490                        | 402                      | 507                      | 766                | 301                      | <b>4,987</b>  |
| Note: Total Vehicles is based on average industry standard of 3 passengers per vehicle. |                    |                  |                    |                   |                    |                            |                          |                          |                    |                          |               |



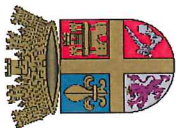
# CIP Overall Status Summary

## Design-Bid-Build Active Projects – through January 27, 2020



### Key:

- <sup>(1)</sup> Grant Dependent
- <sup>(2)</sup> Developer Dependent
- <sup>(\*)</sup> Postponed
- <sup>(\*\*)</sup> Phase Complete



CITY OF  
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— EST. 1565 —

# Additional Questions and Commission Discussion

-13-

**CITY OF ST. AUGUSTINE**

**M E M O R A N D U M**

TO: John Regan  
City Manager

DATE: January 24, 2020

RE: Financial Update

Attached are the unaudited financial statements for Commission review. These financial statements reflect activity through December 31, 2020. This is 25% through the fiscal year.

If you have any questions prior to the meeting, please do not hesitate to contact me.



Mark Litzinger  
Director, Financial Services

Attachments

cc: D. Galambos, City Clerk



## **CITY OF ST. AUGUSTINE**

### **MEMORANDUM**

TO: John Regan  
City Manager

DATE: January 17, 2020

RE: Financial Update through December 31<sup>st</sup>, 2019

This financial overview reflects the City's overall unaudited financial condition through December 31<sup>st</sup>, 2019. Except as noted below, revenues and expenditures are generally on target for the 3rd completed month (25%) of the fiscal year. The City's fiscal year begins on October 1st.

#### **General Fund**

As of December 31<sup>st</sup>, 2019 the General Fund revenues remain on budget and are slightly ahead of prior year collections. The \$11,859,534 collected in the General Fund is 38% of the total projected annual revenue budget. During the same period, the General Fund expended \$7,667,407 or 23% of total budgeted annual expenditures.

The General Fund operating expenditures are generally incurred in equal amounts over the fiscal year except for debt service, capital improvements, and insurance premiums related expenditures. The General Fund has expended \$1,185,673 or 38% of the \$3,147,699 capital budget of as of December 31, 2019. The infrastructure improvement budgets in all funds initially incur more planning related expenditures until construction can begin. This can be misleading when evaluating the status of a project. Therefore, the budget and schedule of these projects are monitored closely to identify any potential issues.

#### **Utility Fund**

The Utility Fund revenues are slightly above the current budget and the prior year revenues. The Utility Fund has collected \$18,756,842 or 28% of the budget in revenues through December 31<sup>st</sup>, 2019. Utility Fund operating expenses are on budget through this the same period of this fiscal year. The Utility Fund has spent \$835,042 or 36% of the \$2,347,082 in capital budgets through date on this report.

#### **Stormwater Fund**

The Stormwater Fund revenues are slightly less than the previous fiscal year but are still anticipated to remain on budget this year. A prior period adjusting entry is the reason revenue is less than expected as of the date of this report.

## **Remaining Funds**

The Solid Waste, Municipal Marina, and Visitor Information Funds all remain on course to meet the 2020 budget with no additional items to report. The information provided in this report is best when used together with supplementary budget and project details provided by staff. This includes the project reports from public works, mobility, and the development agency presented quarterly to the Commission. Lastly, the City is in the process of closing the previous fiscal year and until this is final, the information in this report could change in either the current or previous fiscal year.

# General Fund

## Current Year and Prior Year to Date for Period Ending December 31, 2019

|                                                 | CY<br>Actual        | CY<br>Budget      | CY<br>% Used | PY<br>Actual        | PY<br>Budget      | PY<br>% Used |
|-------------------------------------------------|---------------------|-------------------|--------------|---------------------|-------------------|--------------|
| <b><u>Operating Revenue</u></b>                 |                     |                   |              |                     |                   |              |
| Ad Valorem Taxes                                | 6,891,772           | 12,552,832        | 55%          | 5,936,063           | 11,425,932        | 52%          |
| Local Option Gas Tax                            | 85,836              | 513,628           | 17%          | 79,116              | 520,067           | 15%          |
| Insurance Premiums                              | -                   | 423,187           | 0%           | -                   | 336,239           | 0%           |
| Utility Taxes                                   | 434,155             | 2,410,001         | 18%          | 474,017             | 2,467,933         | 19%          |
| Grants                                          | 49,250              | 135,500           | 36%          | -                   | 310,000           | 0%           |
| Intergovernmental                               | 503,649             | 2,417,211         | 21%          | 362,883             | 2,342,929         | 15%          |
| Franchise Fees                                  | 443,081             | 1,784,728         | 25%          | 346,273             | 1,690,774         | 20%          |
| Licenses, Permits & Other Fees                  | 1,930,673           | 5,440,118         | 35%          | 1,850,692           | 4,833,475         | 38%          |
| Fines and Forfeitures                           | 71,138              | 343,000           | 21%          | 73,641              | 354,395           | 21%          |
| Administrative Overhead                         | 979,022             | 3,916,089         | 25%          | 933,322             | 3,733,288         | 25%          |
| Investment Income                               | 58,127              | 313,000           | 19%          | 62,850              | 220,450           | 29%          |
| Miscellaneous                                   | 412,829             | 1,291,441         | 32%          | 448,322             | 1,306,810         | 34%          |
| <b>Total Operating Revenue</b>                  | <b>11,859,532</b>   | <b>31,540,735</b> | <b>38%</b>   | <b>10,567,179</b>   | <b>29,542,292</b> | <b>36%</b>   |
| <b><u>Operating Expenses</u></b>                |                     |                   |              |                     |                   |              |
| General Government                              | 2,031,690           | 8,023,048         | 25%          | 1,798,508           | 7,376,204         | 24%          |
| Public Safety                                   | 2,591,838           | 11,939,180        | 22%          | 2,629,727           | 10,990,401        | 24%          |
| Physical Environment                            | 749,208             | 3,791,058         | 20%          | 640,126             | 3,590,613         | 18%          |
| Transportation                                  | 745,962             | 4,423,552         | 17%          | 730,896             | 4,244,955         | 17%          |
| Culture and Recreation                          | 363,035             | 1,723,018         | 21%          | 291,098             | 1,638,252         | 18%          |
| Capital Outlays                                 |                     |                   |              |                     |                   |              |
| Buildings                                       | -                   | 350,000           | 0%           | 2,713               | 93,970            | 3%           |
| Infrastructure Improvements                     | 75,127              | 1,553,002         | 5%           | 26,070              | 1,913,405         | 1%           |
| Machinery & Equipment                           | 1,110,546           | 1,244,697         | 89%          | 50,388              | 890,169           | 6%           |
| <b>Total Operating Expenses</b>                 | <b>7,667,406</b>    | <b>33,047,555</b> | <b>23%</b>   | <b>6,169,526</b>    | <b>30,737,969</b> | <b>20%</b>   |
| <b><u>Non-Operating Revenue/ (Expenses)</u></b> |                     |                   |              |                     |                   |              |
| Proceeds from sales                             | 11,376              | 45,500            | 25%          | 27,216              | 37,092            | 73%          |
| <b>Non-Operating Revenue/(Expenses)</b>         | <b>11,376</b>       | <b>45,500</b>     | <b>25%</b>   | <b>27,216</b>       | <b>37,092</b>     | <b>73%</b>   |
| <b><u>Transfers In/ (Out)</u></b>               |                     |                   |              |                     |                   |              |
| Transfers In                                    | 779,639             | 5,289,154         | 15%          | 890,427             | 4,805,740         | 19%          |
| Transfers Out                                   | (442,760)           | (3,827,835)       | 12%          | (433,379)           | (3,647,155)       | 12%          |
| <b>Total Transfers In/ (Out)</b>                | <b>336,879</b>      | <b>1,461,319</b>  | <b>23%</b>   | <b>457,048</b>      | <b>1,158,585</b>  | <b>39%</b>   |
|                                                 | <b>\$ 4,540,381</b> | <b>\$ -</b>       |              | <b>\$ 4,881,917</b> | <b>\$ -</b>       |              |

# CRA(s) Fund

## Current Year and Prior Year to Date for Period Ending December 31, 2019

|                                  | CY<br>Actual      | CY<br>Budget       | CY<br>% Used | PY<br>Actual      | PY<br>Budget     | PY<br>% Used |
|----------------------------------|-------------------|--------------------|--------------|-------------------|------------------|--------------|
| <b><u>Operating Revenue</u></b>  |                   |                    |              |                   |                  |              |
| City Ad Valorem                  | 308,419           | 1,233,675          | 25%          | 238,230           | 955,672          | 25%          |
| County Ad Valorem                | 747,329           | 846,713            | 88%          | 590,922           | 653,220          | 90%          |
| <b>Total Operating Revenue</b>   | <b>1,055,747</b>  | <b>2,080,388</b>   | <b>51%</b>   | <b>829,152</b>    | <b>1,608,892</b> | <b>52%</b>   |
| <b><u>Operating Expenses</u></b> |                   |                    |              |                   |                  |              |
| Operating Expenses               | 32,179            | 881,541            | 4%           | 5,158             | 1,262,855        | 0%           |
| <b>Total Operating Expenses</b>  | <b>32,179</b>     | <b>881,541</b>     | <b>4%</b>    | <b>5,158</b>      | <b>1,262,855</b> | <b>0%</b>    |
| <b>Transfers In</b>              | <b>9,071</b>      | <b>36,284</b>      | <b>25%</b>   | <b>152,315</b>    | <b>609,259</b>   | <b>25%</b>   |
| <b>Transfers Out</b>             | <b>(308,783)</b>  | <b>(1,235,132)</b> | <b>25%</b>   | <b>(238,824)</b>  | <b>(955,296)</b> | <b>25%</b>   |
| <b>Total Transfers In/ (Out)</b> | <b>(299,712)</b>  | <b>(1,198,848)</b> | <b>25%</b>   | <b>(86,509)</b>   | <b>(346,037)</b> | <b>25%</b>   |
|                                  | <b>\$ 723,857</b> | <b>\$ -</b>        |              | <b>\$ 737,484</b> | <b>\$ -</b>      |              |



# Utility Fund

## Current Year and Prior Year to Date for Period Ending December 31, 2019

|                                                 | CY<br>Actual          | CY<br>Budget       | CY<br>% Used | PY<br>Actual        | PY<br>Budget       | PY<br>% Used |
|-------------------------------------------------|-----------------------|--------------------|--------------|---------------------|--------------------|--------------|
| <b><u>Operating Revenue</u></b>                 |                       |                    |              |                     |                    |              |
| Water User Fees                                 | 2,407,187             | 8,477,742          | 28%          | 2,099,996           | 8,269,650          | 25%          |
| Sewer User Fees                                 | 2,208,120             | 8,113,000          | 27%          | 1,981,920           | 8,029,052          | 25%          |
| Construction & Connection Fees                  | 536,518               | 1,674,000          | 32%          | 337,849             | 1,712,400          | 20%          |
| Other                                           | 118,644               | 492,100            | 24%          | 85,575              | 580,000            | 15%          |
| <b>Total Operating Revenue</b>                  | <b>5,270,469</b>      | <b>18,756,842</b>  | <b>28%</b>   | <b>4,505,340</b>    | <b>18,591,102</b>  | <b>24%</b>   |
| <b><u>Operating Expenses</u></b>                |                       |                    |              |                     |                    |              |
| Personal Services                               | 1,117,488             | 4,779,154          | 23%          | 1,174,516           | 4,631,785          | 25%          |
| Operating Expenses                              | 702,352               | 3,619,602          | 18%          | 460,387             | 3,933,320          | 12%          |
| Administrative Overhead                         | 613,781               | 2,455,123          | 25%          | 607,705             | 2,430,819          | 25%          |
| Capital Outlays                                 |                       |                    |              |                     |                    |              |
| Infrastructure Improvements                     | 650,120               | 2,005,582          | 8%           | 979,636             | 7,683,699          | 13%          |
| Machinery & Equipment                           | 184,922               | 341,500            | 41%          | 66,860.00           | 355,553            | 19%          |
| <b>Total Operating Expenses</b>                 | <b>3,268,663</b>      | <b>13,200,961</b>  | <b>17%</b>   | <b>3,289,104</b>    | <b>19,035,176</b>  | <b>17%</b>   |
| <b><u>Non-Operating Revenue/ (Expenses)</u></b> |                       |                    |              |                     |                    |              |
| Interest Income                                 | 70,377                | 275,000            | 26%          | 64,475              | 234,400            | 28%          |
| Fiscal Charges                                  | (275,252)             | (3,341,145)        | 8%           | -                   | (3,322,156)        | -            |
| Grants                                          | -                     | 412,000            | -            | (41,171)            | 1,251,349          | -3%          |
| Disposition of Assets                           | -                     | -                  | NA           | 5,550               | -                  | 100%         |
| <b>Non-Operating Revenue/(Expenses)</b>         | <b>(204,875)</b>      | <b>(2,654,145)</b> | <b>8%</b>    | <b>28,854</b>       | <b>(1,836,407)</b> | <b>-2%</b>   |
| <b><u>Transfers In/ (Out)</u></b>               |                       |                    |              |                     |                    |              |
| Transfers In                                    | 130,119               | 1,908,738          | 38%          | 3,969,020           | 4,914,516          | 81%          |
| Transfers Out                                   | (2,930,390)           | (4,810,474)        | 61%          | (4,208,769)         | (2,634,035)        | 160%         |
| <b>Total Transfers In/ (Out)</b>                | <b>(2,800,271)</b>    | <b>(2,901,736)</b> | <b>-9%</b>   | <b>(239,749)</b>    | <b>2,280,481</b>   | <b>-11%</b>  |
|                                                 | <b>\$ (1,003,340)</b> |                    |              | <b>\$ 1,005,341</b> | <b>\$ -</b>        |              |

# Stormwater Fund

## Current Year and Prior Year to Date for Period Ending

December 31, 2019

|                                                 | CY<br>Actual        | CY<br>Budget     | CY<br>% Used | PY<br>Actual        | PY<br>Budget     | PY<br>% Used |
|-------------------------------------------------|---------------------|------------------|--------------|---------------------|------------------|--------------|
| <b><u>Operating Revenue</u></b>                 |                     |                  |              |                     |                  |              |
| User Fees                                       | 219,410             | 1,004,200        | 22%          | 242,910             | 953,103          | 25%          |
| <b>Total Operating Revenue</b>                  | <b>219,410</b>      | <b>1,004,200</b> | <b>22%</b>   | <b>242,910</b>      | <b>953,103</b>   | <b>25%</b>   |
| <b><u>Operating Expenses</u></b>                |                     |                  |              |                     |                  |              |
| Personal Services                               | 90,686              | 345,649          | 26%          | 79,100              | 337,005          | 23%          |
| Operating Expenses                              | 16,480              | 168,053          | 10%          | 12,671              | 137,568          | 9%           |
| Administrative Overhead                         | 90,145              | 360,581          | 25%          | 83,627              | 334,508          | 25%          |
| Capital Outlays                                 |                     |                  |              |                     |                  |              |
| Machinery & Equipment                           | -                   | -                | NA           | -                   | 34,894           | 0%           |
| Infrastructure Improvements                     | 426,657             | 3,377,187        | 13%          | 211,666             | 3,831,621        | 6%           |
| <b>Total Operating Expenses</b>                 | <b>623,968</b>      | <b>4,251,470</b> | <b>15%</b>   | <b>387,064</b>      | <b>4,675,596</b> | <b>8%</b>    |
| <b><u>Non-Operating Revenue/ (Expenses)</u></b> |                     |                  |              |                     |                  |              |
| Interest Income                                 | 4,758               | 36,529           | 13%          | 10,526              | 25,000           | 42%          |
| Grants                                          | 32,491              | 1,279,194        | 3%           | -                   | 1,231,389        | 0%           |
| <b>Non-Operating Revenue/(Expenses)</b>         | <b>37,249</b>       | <b>1,315,723</b> | <b>3%</b>    | <b>10,526</b>       | <b>1,256,389</b> | <b>1%</b>    |
| <b><u>Transfers In/ (Out)</u></b>               |                     |                  |              |                     |                  |              |
| Transfers In                                    | 32,955              | 2,270,787        | 1%           | 53,330              | 2,734,620        | 2%           |
| Transfers Out                                   | (58,634)            | (339,240)        | 17%          | (65,792)            | (268,516)        | 25%          |
| <b>Total Transfers In/ (Out)</b>                | <b>(25,679)</b>     | <b>1,931,547</b> | <b>-1%</b>   | <b>(12,462)</b>     | <b>2,466,104</b> | <b>-1%</b>   |
|                                                 | <b>\$ (392,988)</b> | <b>\$ -</b>      |              | <b>\$ (146,090)</b> | <b>\$ -</b>      |              |

# Solid Waste Fund

## Current Year and Prior Year to Date for Period Ending December 31, 2019

|                                                 | CY<br>Actual        | CY<br>Budget     | CY<br>% Used | PY<br>Actual     | PY<br>Budget     | PY<br>% Used |
|-------------------------------------------------|---------------------|------------------|--------------|------------------|------------------|--------------|
| <b><u>Operating Revenue</u></b>                 |                     |                  |              |                  |                  |              |
| User Fees                                       | 979,397             | 3,846,000        | 25%          | 957,915          | 3,829,106        | 25%          |
| Franchise Fees                                  | 7,751               | 48,000           | 16%          | 8,948            | 28,992           | 31%          |
| Other                                           | 4,925               | 10,000           | 49%          | 3,060            | 9,000            | 34%          |
| <b>Total Operating Revenue</b>                  | <b>992,073</b>      | <b>3,904,000</b> | <b>25%</b>   | <b>969,923</b>   | <b>3,867,098</b> | <b>25%</b>   |
| <b><u>Operating Expenses</u></b>                |                     |                  |              |                  |                  |              |
| Personal Services                               | 333,787             | 1,422,125        | 23%          | 328,701          | 1,263,849        | 26%          |
| Operating Expenses                              | 430,696             | 1,763,561        | 24%          | 389,875          | 2,070,285        | 19%          |
| Administrative Overhead                         | 135,916             | 543,664          | 25%          | 124,274          | 497,098          | 25%          |
| Capital Outlays                                 |                     |                  |              |                  |                  |              |
| Machinery & Equipment                           | 529,398             | 538,000          | 98%          | -                | -                | NA           |
| <b>Total Operating Expenses</b>                 | <b>1,429,797</b>    | <b>4,267,350</b> | <b>34%</b>   | <b>842,850</b>   | <b>3,831,232</b> | <b>22%</b>   |
| <b><u>Non-Operating Revenue/ (Expenses)</u></b> |                     |                  |              |                  |                  |              |
| Interest Income                                 | 3,639               | 7,500            | 49%          | 1,702            | 7,500            | 23%          |
| Disposition of Assets                           | 548                 | -                | NA           | 1,555            | 2,140            | 73%          |
| <b>Non-Operating Revenue/(Expenses)</b>         | <b>4,187</b>        | <b>7,500</b>     | <b>56%</b>   | <b>3,257</b>     | <b>9,640</b>     | <b>34%</b>   |
| <b><u>Transfers In/ (Out)</u></b>               |                     |                  |              |                  |                  |              |
| Transfers In                                    | 3,750               | 860,285          | 0.4%         | 3,750            | 246,049          | 2%           |
| Transfers Out                                   | (65,089)            | (504,435)        | 13%          | (71,552)         | (291,555)        | 25%          |
| <b>Total Transfers In/ (Out)</b>                | <b>(61,339)</b>     | <b>355,850</b>   | <b>-17%</b>  | <b>(67,802)</b>  | <b>(45,506)</b>  | <b>149%</b>  |
|                                                 | <b>\$ (494,876)</b> | <b>\$ -</b>      |              | <b>\$ 62,528</b> | <b>\$ -</b>      |              |

# Municipal Marina Fund

## Current Year and Prior Year to Date for Period Ending December 31, 2019

|                                                 | CY<br>Actual      | CY<br>Budget     | CY<br>% Used | PY<br>Actual        | PY<br>Budget     | PY<br>% Used |
|-------------------------------------------------|-------------------|------------------|--------------|---------------------|------------------|--------------|
| <b><u>Operating Revenue</u></b>                 |                   |                  |              |                     |                  |              |
| User Fees                                       | 1,030,684         | 3,314,200        | 31%          | 989,098             | 3,165,588        | 31%          |
| Rental Income                                   | 4,043             | 15,900           | 25%          | 3,110               | 15,911           | 20%          |
| Other                                           | 12,491            | 58,880           | 21%          | 12,079              | 56,223           | 21%          |
| <b>Total Operating Revenue</b>                  | <b>1,047,218</b>  | <b>3,388,980</b> | <b>31%</b>   | <b>1,004,287</b>    | <b>3,237,722</b> | <b>31%</b>   |
| <b><u>Operating Expenses</u></b>                |                   |                  |              |                     |                  |              |
| Personal Services                               | 182,512           | 754,861          | 24%          | 179,159             | 727,744          | 25%          |
| Operating Expenses                              | 504,491           | 1,833,757        | 28%          | 438,151             | 1,764,238        | 25%          |
| Administrative Overhead                         | 72,336            | 289,344          | 25%          | 60,020              | 240,079          | 25%          |
| Capital Outlays                                 |                   |                  |              |                     |                  |              |
| Infrastructure Improvements                     | -                 | -                | NA           | 903,555             | 1,332,555        | 68%          |
| Machinery & Equipment                           | 6,334             | 50,976           | 100%         | -                   | 83,000           | 0%           |
| <b>Total Operating Expenses</b>                 | <b>765,673</b>    | <b>2,928,938</b> | <b>26%</b>   | <b>1,580,885</b>    | <b>4,147,616</b> | <b>38%</b>   |
| <b><u>Non-Operating Revenue/ (Expenses)</u></b> |                   |                  |              |                     |                  |              |
| Fiscal Charges                                  | -                 | (242,614)        | 0%           | -                   | (100,000)        | 0%           |
| Grant Income                                    | -                 | 7,000            | 0%           | -                   | 7,000            | 0%           |
| <b>Non-Operating Revenue/(Expenses)</b>         | <b>-</b>          | <b>(235,614)</b> | <b>0%</b>    | <b>-</b>            | <b>(93,000)</b>  | <b>0%</b>    |
| <b><u>Transfers In/ (Out)</u></b>               |                   |                  |              |                     |                  |              |
| Transfers In                                    | 6,758             | 97,718           | 7%           | 6,758               | 24,330           | 28%          |
| Transfers Out                                   | (37,246)          | (322,146)        | 12%          | (42,090)            | (354,886)        | 12%          |
| <b>Total Transfers In/ (Out)</b>                | <b>(30,488)</b>   | <b>(224,428)</b> | <b>14%</b>   | <b>(35,332)</b>     | <b>(330,556)</b> | <b>11%</b>   |
|                                                 | <b>\$ 251,057</b> | <b>\$ -</b>      |              | <b>\$ (611,930)</b> | <b>\$ -</b>      |              |

# Visitor Information Center Fund

## Current Year and Prior Year to Date for Period Ending December 31, 2019

|                                                 | CY<br>Actual      | CY<br>Budget       | CY<br>% Used | PY<br>Actual      | PY<br>Budget       | PY<br>% Used |
|-------------------------------------------------|-------------------|--------------------|--------------|-------------------|--------------------|--------------|
| <b><u>Operating Revenue</u></b>                 |                   |                    |              |                   |                    |              |
| Parking Revenue                                 | 1,031,637         | 3,429,000          | 30%          | 1,020,630         | 3,670,000          | 28%          |
| Gift Shop Revenue                               | 190,775           | 640,000            | 30%          | 197,469           | 720,000            | 27%          |
| Other                                           | -                 | 73,000             | 0%           | 2,407             | 76,000             | 3%           |
| <b>Total Operating Revenue</b>                  | <b>1,222,412</b>  | <b>4,142,000</b>   | <b>30%</b>   | <b>1,220,506</b>  | <b>4,466,000</b>   | <b>27%</b>   |
| <b><u>Operating Expenses</u></b>                |                   |                    |              |                   |                    |              |
| Personal Services                               | 307,077           | 1,057,545          | 29%          | 245,962           | 1,049,596          | 23%          |
| Operating Expenses                              | 124,499           | 1,247,655          | 10%          | 346,639           | 1,032,862          | 34%          |
| Administrative Overhead                         | 66,845            | 267,378            | 25%          | 57,696            | 230,784            | 25%          |
| <b>Total Operating Expenses</b>                 | <b>498,421</b>    | <b>2,572,578</b>   | <b>19%</b>   | <b>650,297</b>    | <b>2,313,242</b>   | <b>28%</b>   |
| <b><u>Non-Operating Revenue/ (Expenses)</u></b> |                   |                    |              |                   |                    |              |
| Interest Income                                 | 9,066             | 70,000             | 13%          | 16,521            | 49,277             | 34%          |
| Other Income                                    | 1,878             | 190,000            | 1%           | 940               | 184,502            | 1%           |
| Fiscal Charges                                  | -                 | (1,726,626)        | 0%           | -                 | (1,776,630)        | 0%           |
| <b>Non-Operating Revenue/(Expenses)</b>         | <b>10,944</b>     | <b>(1,466,626)</b> | <b>-1%</b>   | <b>17,461</b>     | <b>(1,542,851)</b> | <b>-1%</b>   |
| <b><u>Transfers In/ (Out)</u></b>               |                   |                    |              |                   |                    |              |
| Transfers In                                    | 308,783           | 1,290,181          | 24%          | 238,824           | 1,186,796          | 20%          |
| Transfers Out                                   | (319,120)         | (1,392,977)        | 23%          | (386,676)         | (1,796,703)        | 22%          |
| <b>Total Transfers In/ (Out)</b>                | <b>(10,337)</b>   | <b>(102,796)</b>   | <b>10%</b>   | <b>(147,852)</b>  | <b>(609,907)</b>   | <b>24%</b>   |
|                                                 | <b>\$ 724,598</b> | <b>\$ -</b>        |              | <b>\$ 439,818</b> | <b>\$ -</b>        |              |