

**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, MARCH 9, 2020 - 5:00 PM
ALCAZAR ROOM**

1. CALL TO ORDER

- ◆ Roll Call
- ◆ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- ◆ Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

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

- 6.A.** Appeal of an action by the Planning and Zoning Board denying approval of a dock at 5 Lighthouse Avenue. (*D. Birchim, Director Planning and Building*)

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

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

7.A. General Public Presentations

7.A.1. Kevin Gay, Operation New Hope CEO and Founder will advise the community about the Operation New Hope Reedy4Work program and the location recently opened in St. Augustine. Certificate of Recognition to be presented. *(N. Sikes-Kline, Commissioner)*

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 2020-10: Charter update to Article X.5, Section 10.05.08 removing the Mayor's control of the police department during an emergency. *(I. Lopez, City Attorney)*

8.A.2. Ordinance 2020-15: Amending Sections 28-126 and 28-127 of the Code of the City of St. Augustine to modify the number of members and to revise the minimum qualification criteria for members of the Corridor Review Committee. *(I. Lopez, City Attorney)*

8.A.3. Ordinance 2020-16: Renames San Juan Street extension in Anastasia State Park to Nona and Popa Road honoring all grandmothers and grandfathers who take their grandchildren to celebrate Florida's state parks. *(R. Franklin, Director Public Works)*

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 2020-02: Creates Article VII of Chapter 22, Sections 22-521 through 22-533 providing terms of use for city parks, venues and facilities. *(J. Cary, Assistant City Attorney)*

9.A.2. Ordinance 2020-17: Renames Bravo Street between Riberia and Sanford Streets to *Carrie Johnson Way* to honor Miss Carrie Johnson who was known as "The Voice of Lincolnville". *(R. Franklin, Director Public Works)*

9.B. Resolutions

9.B.1. Resolution 2020-09: Required by the Florida Department of Transportation, supports renaming the San Juan Street extension in Anastasia State Park to *Nona and Popa Road*. *(R. Franklin, Director Public Works)*

10. STAFF REPORTS AND PRESENTATIONS

11. ITEMS BY CITY ATTORNEY

11.A. Legislative bill tracking. No Presentation

12. ITEMS BY CITY CLERK

12.A. Advising that the deadline to submit applications for upcoming board appointments to the Historic Architecture Review Board (HARB) is March 11, 2020. *(D. Galambos, City Clerk)*

13. ITEMS BY CITY MANAGER

14. ITEMS BY MAYOR AND COMMISSIONERS

15. ADJOURN

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

CONSENT AGENDA - MARCH 9, 2020

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR 2ND READING ON DATE:

- Ordinance 2020-02
- Ordinance 2020-17

CA.3. Reminder of Upcoming Meetings :

- March 12, 2020, 2-5pm, Workshop regarding mobility
- March 17, 2020, Presidential Preference Primary Election (City Referenda)
- March 23, 2020, 5pm, Regular Commission Meeting

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

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

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

Proclamation recognizing April 10, 2020 as the 100th anniversary of the St. Augustine Rotary Club. *(T. Upchurch, Mayor)*

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

CA.8. Proof of notice for the City of St. Augustine Charter Amendments in Special Election to be held in conjunction with the Presidential Preference Primary Election. *(I. Lopez, City Attorney)*

End of Consent Agenda

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: March 9, 2020

RE: Appeal of a Planning and Zoning Board Action - Denial of Conservation Overlay
Zone One Development to Approve a Dock at 5 Lighthouse Avenue

Chronology

On March 5, 2019, the Planning and Zoning Board (PZB) approved a dock and boat lift at 5 Lighthouse Avenue. The approved dock design did not include a floating dock at the terminal end and the board approved the design “with condition dock does not infringe upon perimeter of mooring field”.

On July 24, 2019, a stop work order was issued for construction of a dock at 5 Lighthouse Avenue without a building permit. The dock that was constructed does not match the design nor the orientation of the dock that was approved by the Planning and Zoning Board (PZB). The dock that was constructed is oriented in a more southerly direction, it has a floating dock at the terminal end and it encroaches into the city’s Salt Run mooring field.

On December 3, 2019, the Planning and Zoning Board (PZB) denied an “after the fact” dock application at 5 Lighthouse Avenue, for the design and orientation of the dock that was built without a permit.

On January 2, 2020, an appeal was filed by the property owner. The appeal was scheduled for the March 9, 2020 City Commission meeting.

The appeal application describes the grounds for this appeal as a “judicially determined riparian easement”. A “judicially determined riparian easement” was not presented by the applicant during any of the PZB hearings.

As an attachment to the appeal, Carter Environmental Services, Inc. submitted a graphic dated Dec 19, 2019, showing three riparian boundaries, one is labeled “Riparian Boundary from Ratkovic Survey”. This graphic shows the design and orientation of the dock that was built, but it does not show the design and orientation of the dock that was approved by the PZB on March 5, 2019.

It is not clear if the Carter Environmental Services, Inc. graphic dated Dec 19, 2019, labeled “Riparian Boundary from Ratkovic Survey”, is intended to be the same as the “riparian lanes perpendicular to Salt Run channel” identified in the “Defendant’s Exhibit” special survey.

It is not clear if the “judicially determined riparian easements” which is the basis for this appeal is the same as the “riparian lanes perpendicular to Salt Run channel” identified on the “Defendant’s Exhibit” special survey and the “Riparian Boundary from Ratkovic Survey”.

Sec. 28-29(g)(4) Review of board decisions by commission.
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“The substantive appeal hearing before the city commission shall be scheduled at the next reasonably available city commission meeting. <u>The hearing shall be based on the record below and no new evidence or testimony shall be considered unless the appellant requests a modification to the action under appeal. If a modification is requested, the only new evidence and testimony allowed shall be limited to the modification.</u> The city commission will allow for due process to the property owner, and any aggrieved party that has filed an appeal, as well as, public comment consistent with Florida law and the city's rules of decorum and meeting procedures.”

Mr. Dan Steger, a neighboring property owner, stated his concerns, in a written public response notice, about the dock orientation in relation to a previous lawsuit, but he did not submit any accompanying materials.

The March 5, 2019 and December 3, 2019 PZB hearings were properly noticed and advertised. These hearings included public testimony from the applicant, the applicant’s representatives and members of the public. All procedural aspects of these PZB hearings were correctly followed and the written orders accompanying these hearings were properly notated.

A verbatim transcript has been included in the appeal application.

Please place this appeal on the March 9, 2020 City Commission agenda. If you have any questions, please let me know.



David Birchim, AICP
Director, Planning and Building

**CITY COMMISSION – APPEAL OF PLANNING AND ZONING BOARD
DENIAL OF CONSERVATION OVERLAY ZONE 1 DEVELOPMENT, APPLICATION NO. 2019-0101
5 LIGHTHOUSE AVE., ERNEST LITTLE PROPERTY OWNER, DOCK APPLICATION**

1. EX PARTE DISCLOSURE

2. CITY ATTORNEY PROCEDURAL REMINDER:

- No new evidence is to be presented; this is an appeal on the record of the Planning and Zoning Board hearing based on the right to appeal the denial of a conservation overlay zone (dock) permit to the City Commission pursuant to section 28-29 (g).

- Public comment will be allowed but will be unsworn as it is limited to argument of facts already in the record of the Planning & Zoning Board hearing, unless the appellant (Mr. Little) requests a modification of the Planning & Zoning Board order. If so, the only new evidence and testimony allowed shall be limited to the modification. The application appears to request a modification or a remand to the Planning & Zoning Board to review the requested modification. The appellant or his attorney may wish to address this issue to the City Commission.

Required findings by the City Commission:

City Code Section 28-29(g)

(5) The city commission shall find whether in its opinion error was made and within the terms of this section affirm, reverse or modify the action appealed as it deems just and equitable. If the applicant presents modifications to the action under appeal, the city commission may accept the modification and so modify the order, may remand the appeal back to the board for further review, or may deny the modification and affirm the action appealed.

City Code Section 28-29(g)

(4) An appeal hearing before the city commission shall be scheduled at the next reasonably available city commission meeting. The hearing shall be based on the record below and no new evidence or testimony shall be considered unless the appellant requests a modification to the action under appeal. If a modification is requested, the only new evidence and testimony allowed shall be limited to the modification.

(6) The decision of the city commission shall be the final administrative action, and appeals from the decision of the city commission shall be appealed to the circuit court.

The standard of review for a quasi-judicial decision requires all of the following:

- a) procedural due process was afforded to the applicant,
- b) the Planning & Zoning Board applied the correct law, and
- c) the decision was supported by competent, substantial evidence in the record.

3. S-TAFF PRESENTATION

- overview presented by Planning and Building Director (*or other staff presentation*). 20 minutes

4. PUBLIC COMMENT* (*can be before or after Appellant*)

- limited to argument on the record below, no new testimony or evidence, unless a modification is sought. 3 minutes per speaker

5. APPELLANT PRESENTATION*

(if public comment is heard after Appellant, Appellant will be given an opportunity for rebuttal)

- limited to argument on the record below, no new testimony or evidence, unless a modification is sought. 20 minutes

(if Appellant is not the Property Owner, the Property Owner will be given an opportunity to present a rebuttal). 20 minutes

6. CITY COMMISSION QUESTIONS

7. COMMISSIONER DELIBERATIONS AND VOTE

- Motion to approve the appeal, finding that the Planning & Zoning Board committed an error and the City Commission reverses the Planning & Zoning Board order (City Commission grants the Conservation Zone 1 Development Permit 2019-0101).

or

- *If a modification is presented, City Commission may a) deny the modification, or b) approve the modification, or c) motion to remand back to Planning & Zoning Board to have the Board review and consider the modification.*

or

- Motion to deny the appeal and confirm the Planning & Zoning Board order (City Commission denies the Conservation Zone 1 Development Permit 2019-0101).

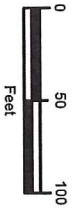
- *The City Commission through the Chair/Mayor may extend the courtesies of the floor and allow for more time for an issue specific presentation, as it deems necessary to ascertain the relevant facts in the record and law at issue consistent with due process.*





Legend

- Project Area +/- 0.35 ac.
- Channel
- Initial Riparian Boundary
- Permitted Dock Location
- Revised Riparian Boundary
- Actual Dock Location



Sources: 2016 FDOT Aerial Imagery
Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL
SERVICES, INC.

CES
7 Waldo Street
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Permitted vs. Existing Dock
Little Lighthouse

Project:

5.18397

St. Augustine, FL

Date: Dec 02 2019

Figure:

1



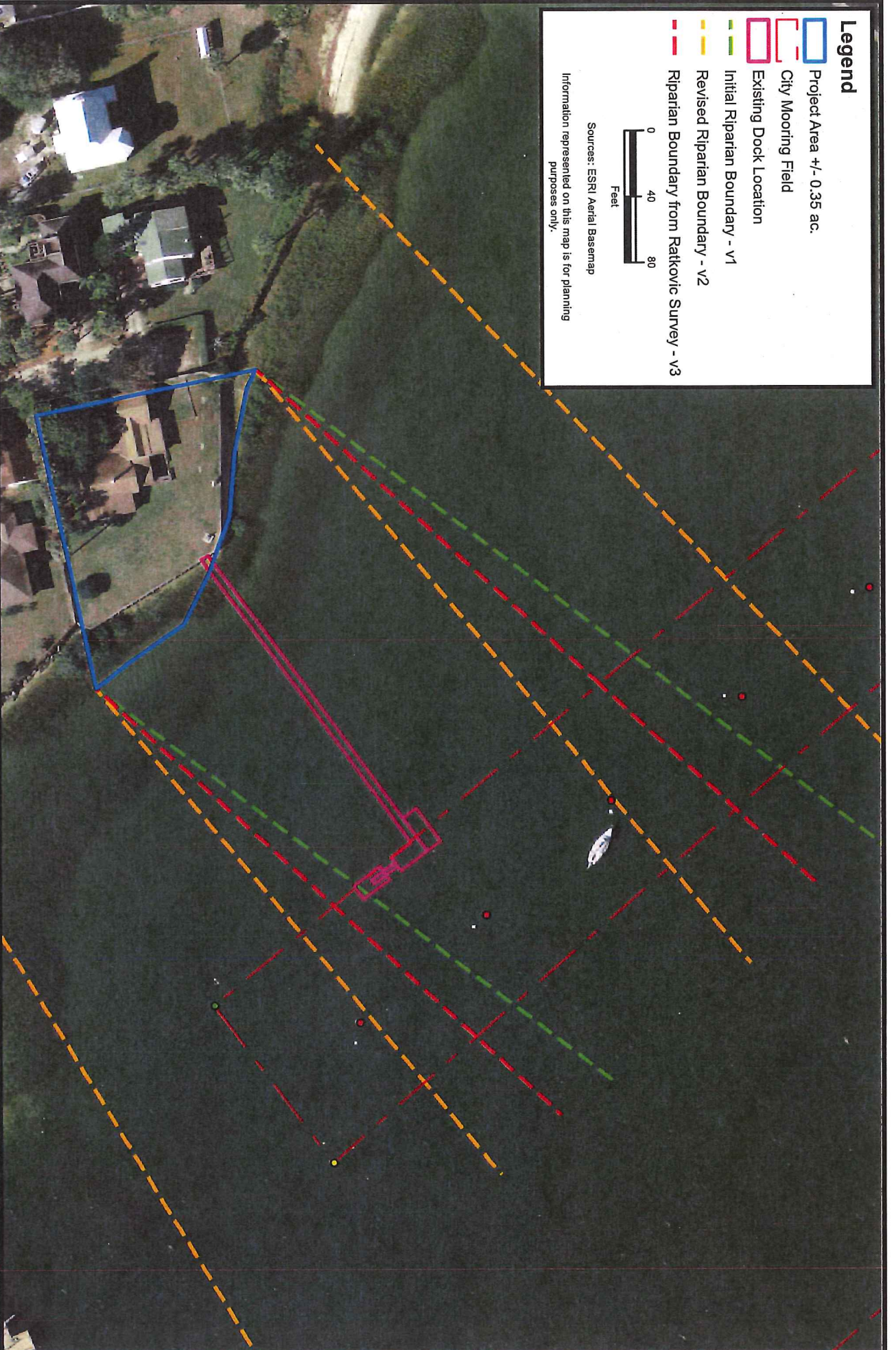
SUBMITTED TO PZB DEC 3, 2019

Legend

- ▬ Project Area +/- 0.35 ac.
- ▬ City Mooring Field
- ▬ Existing Dock Location
- ▬ Initial Riparian Boundary - v1
- ▬ Revised Riparian Boundary - v2
- ▬ Riparian Boundary from Ratkovic Survey - v3



Sources: ESRI Aerial Basemap
Information represented on this map is for planning purposes only.



CARTER ENVIRONMENTAL SERVICES, INC.

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Riparian Boundaries Exhibit

Little Lighthouse

Project: 5.18397

St. Augustine, FL

Date: Dec 19 2019

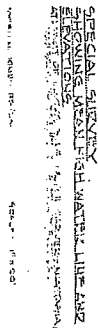
Figure:

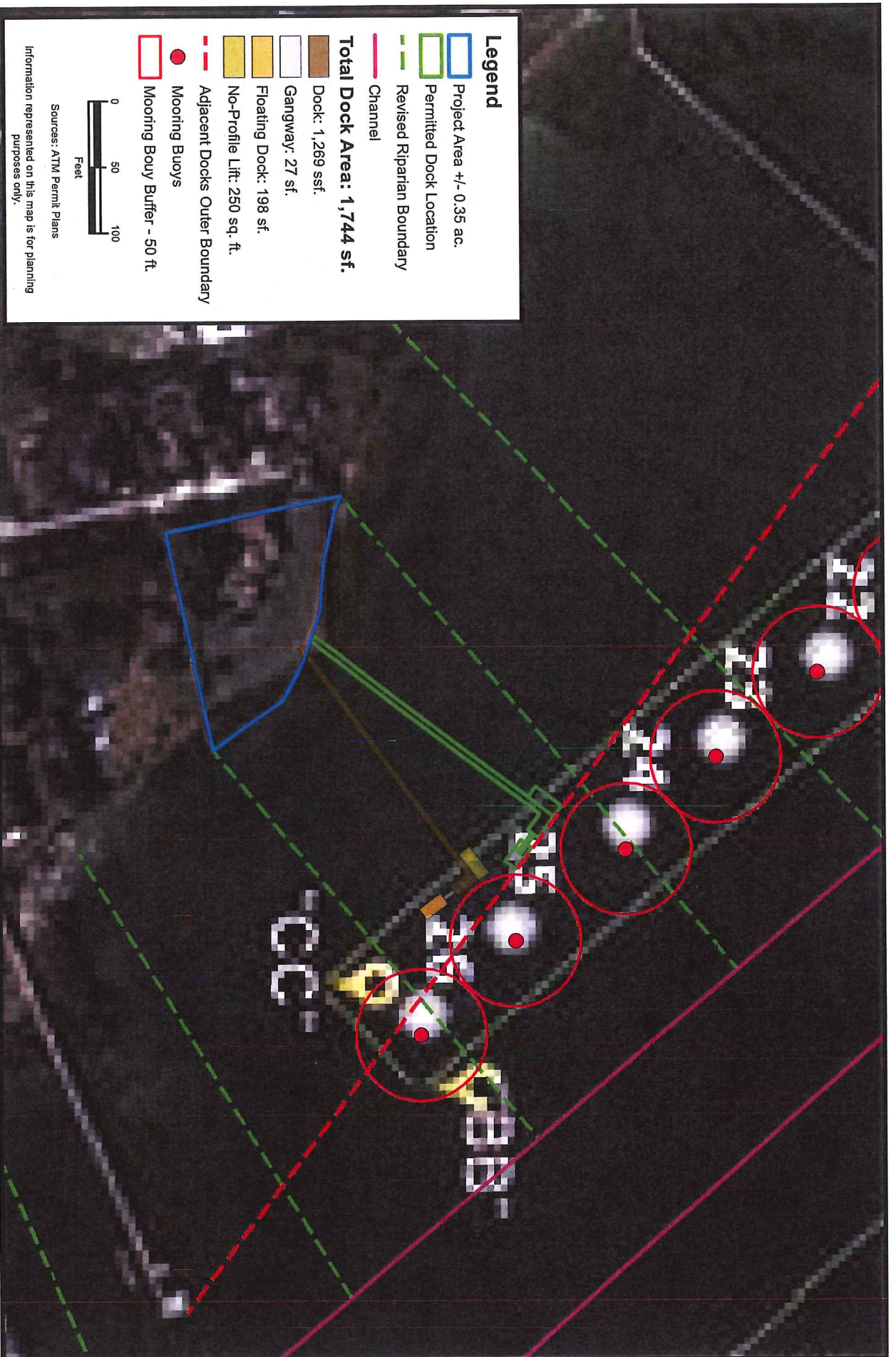
1



SUBMITTED WITH APPEAL

Dr. J. P. D.





**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
7 Waldo Street
St. Augustine, FL 32084
904-540-1796
www.carterenv.com

Mooring Field Location - Old vs. New

Little Lighthouse

Project:

5.18397

St. Augustine, FL

Date: Dec 03 2019

Figure:

3a



**CITY OF ST. AUGUSTINE
APPLICATION TO APPEAL OFFICIAL, BOARD
OR STAFF DECISION**

CHECKLIST FOR COMPLETION OF APPLICATION

Appellant Name - ERNEST L. LITTLE, III
Address of Property (Subject of the Appeal) - 5 LIGHTHOUSE AVENUE
Project Number - 2019-0101

YES NO

- ☒ ☐ Has the applicant fee been paid?
- ☒ ☐ Has line 4, application to appeal determination of the following been completed?
- ☒ ☐ Has line 5, applicant name and contact information been completed?
- ☒ ☐ Has line 6, legal description of property under appeal been completed?
- ☒ ☐ Has line 7, street address of property under appeal been completed?
- ☒ ☐ Has line 8, appellee contact information been completed?
- ☒ ☐ Has line 9, description of action being appealed been completed?

If no, what information is necessary to complete this section? _____

- ☒ ☐ Has line 10, date of action being appealed been completed?
- ☒ ☐ Has the appeal been filed within the required time according to City Code?
- ☒ ☐ Has line 11, description of impact of action on appellant been completed?

If no, what information is necessary to complete this section? _____

☒ ☐

Has line 12, specific grounds for the appeal been completed?

If no, what information is necessary to complete this section? _____

☒ ☐

Has line 13, specific action being requested been completed?

If no, what information is necessary to complete this section? _____

☒ ☐

Is line 14, agreement been completed?

☒ ☐

Has line 15, signature of appellant been completed?

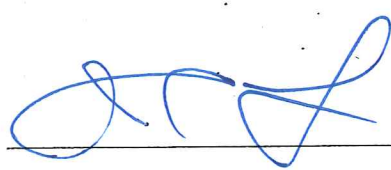
☒ ☐

Has a transcript been submitted to accompany this appeal application?

☒ ☐

Is the appellant an aggrieved party?

Comments:



City Attorney

01-06-2020
Date

hold
Ansbacher
sending
clearer copy
of survey

CITY COMMISSION – APPEAL OF PLANNING AND ZONING BOARD
CONSERVATION OVERLAY ZONE 1 DEVELOPMENT, APPLICATION NO. 2019-0101
WHOUSE AVE., ERNEST LITTLE PROPERTY OWNER, DOCK APPLICATION

1. EX PARTE DISCLOSURE

2. CITY ATTORNEY PROCEDURAL REMINDER:

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Required findings by the City Commission:

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City Code Section 28-29(g)

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3. S-TAFF PRESENTATION

- overview presented by Planning and Building Director (*or other staff presentation*). 20 minutes

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(if Appellant is not the Property Owner, the Property Owner will be given an opportunity to present a rebuttal). 20 minutes

6. CITY COMMISSION QUESTIONS

7. COMMISSIONER DELIBERATIONS AND VOTE

- Motion to approve the appeal, finding that the Planning & Zoning Board committed an error and the City Commission reverses the Planning & Zoning Board order (City Commission grants the Conservation Zone 1 Development Permit 2019-0101).

or

- *If a modification is presented, City Commission may a) deny the modification, or b) approve the modification, or c) motion to remand back to Planning & Zoning Board to have the Board review and consider the modification.*

or

- Motion to deny the appeal and confirm the Planning & Zoning Board order (City Commission denies the Conservation Zone 1 Development Permit 2019-0101).

- *The City Commission through the Chair/Mayor may extend the courtesies of the floor and allow for more time for an issue specific presentation, as it deems necessary to ascertain the relevant facts in the record and law at issue consistent with due process.*

UPCHURCH, BAILEY AND UPCHURCH, P.A.

ATTORNEYS AT LAW
Established 1925

780 North Ponce de Leon Boulevard
St. Augustine, Florida 32084
www.ubulaw.com

Telephone (904) 829-9066
Facsimile (904) 825-4862

Please reply to:
Post Office Drawer 3007
St. Augustine, Florida 32085-3007

January 2, 2020

RECEIVED

JAN 02 2020

PD

Planning / Building Dept.

VIA HAND DELIVERY

City of St. Augustine
Planning and Zoning
City Hall
75 King Street
Elevator "B", 4th Floor
St. Augustine, Florida 32084

Re: Application for Appeal of a Planning and Zoning Board Decision
Ernest L. Little, III – 5 Lighthouse Avenue, St. Augustine, Florida

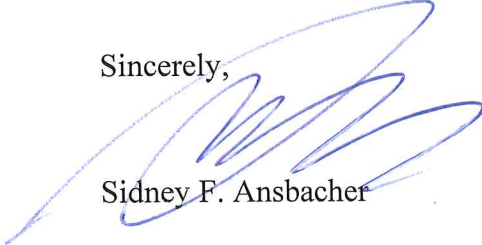
Dear Madam/Sir:

Enclosed is our Application for Appeal of a Planning and Zoning Board Decision related to the December 3, 2019 denial of a request for Conservation Overlay Zone approval of a proposed dock modification. Our package includes the required verbatim transcript.

Also enclosed is our check in the amount of \$200.00 representing the filing fee. Please date stamp this cover letter to confirm receipt of the application being filed.

Thank you for your assistance in this matter. Please feel free to contact us if you have any questions.

Sincerely,


Sidney F. Ansbacher

SFA/cs
Enclosures

Received by: Dan Birch

Date/Time: 1/2/2020 3:45pm

RECEIVED

**CITY OF ST. AUGUSTINE
APPLICATION TO APPEAL OFFICIAL, BOARD
OR STAFF DECISION**

JAN 02 2020

Planning / Building Dept.

1. APPLICANT FEE:	<u>\$200</u>
2. PROJECT NUMBER:	<u>2019-0101</u>
3. RECEIPT NUMBER:	<u>1762438</u>

PLEASE PRINT OR TYPE

4. APPLICATION TO APPEAL DETERMINATION(S) OF THE FOLLOWING:

☒ Planning and Zoning Board	☐ City Manager
☐ Historic Architectural Review Board	☐ Planning and Building Director
☐ Building Official	☐ Other (please specify): _____
☐ Fire Marshal	_____

5. NAME OF APPELLANT: Ernest L. Little, III

Phone: () _____ | Business (if applicable): _____

Address: 5 Lighthouse Avenue | City: St. Augustine

State: Florida | Zip: 32080

6. LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THIS APPEAL:

N 1/2 of Lot 3,
Lot: & all of 4 & 5 | Block: 3 | Subdivision: Carver Subdivision Anastasia

Parcel No.: 157040-0000

Other (attach copy, if necessary): _____

7. PROPERTY STREET ADDRESS: 5 Lighthouse Avenue, St. Augustine, FL 32080

8. PROPERTY OWNER: Ernest L. Little, III

Phone: () _____ | Business (if applicable): _____

Address: 5 Lighthouse Avenue | City: St. Augustine

State: Florida | Zip: 32080

9. DESCRIPTION OF ACTION BEING APPEALED: Denial of Conservation Zone permit

for dock.

(e.g.: "Approval of a variance by the Planning and Zoning Board regarding lot coverage to construct a shed" or "Denial of a Certificate of Appropriateness by the Historic Architectural Review Board for metal roof for an addition.")

RECEIVED

JAN 02 2020

Planning / Building Dept.

10. DATE OF ACTION BEING APPEALED: December 3, 2019.

11. DESCRIBE IMPACT OF ACTION ON APPELLANT: See attached.

In many instances, an appeal may only be filed by an aggrieved person, and the reviewing authority must find whether in its opinion error was made in order to reverse or modify the action appealed.

12. SPECIFIC GROUNDS FOR THE APPEAL: See attached.

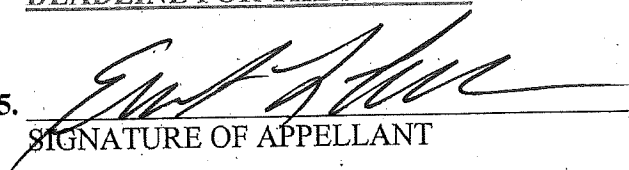
Section 28-29 of the Code of the City of St. Augustine, in part, states: "State with particularity, specific grounds for the appeal, including the factual and legal basis, which must be based on established law as it relates to the action taken by the official, board or commission upon which the appeal is filed. The official, board or commission which will hear the appeal as the reviewing authority may review the application for appeal prior to hearing and may request that additional information be filed, in writing in the form of a brief or other formal statement. Based upon the application for appeal and such other information that is filed, such reviewing authority may summarily affirm the order to be reviewed if the authority finds that no preliminary basis for reversal has been demonstrated, or may summarily reverse the order to be reviewed if the reviewing authority finds that no meritorious basis exists for affirmance and the order otherwise is subject to reversal." Attach additional information, if necessary.

13. SPECIFIC ACTION BEING REQUESTED: See attached.

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

In accordance with s. 286.0105, Florida Statutes: "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."

A VERBATIM TRANSCRIPT IS REQUIRED AND INCLUDED WITH THIS APPEAL. THE DEADLINE FOR THE TRANSCRIPT IS THE SAME AS THE DEADLINE FOR THE APPEAL.

15. 
SIGNATURE OF APPELLANT

Attachment to:

City of St. Augustine

Application to Appeal Official, Board or Staff Decision

**Re: Ernest L. Little, III
5 Lighthouse Avenue
St. Augustine, Florida 32080**

11. DESCRIBE IMPACT OF ACTION ON APPELLANT:

The good faith efforts to determine and allocate riparian easements, and dock location, varied from judicially ordered easement orientation. See attached.

12. SPECIFIC GROUNDS FOR THE APPEAL:

Request to either modify or to remand for modification by Planning and Zoning Board consistent with attached judgment and s. 28-29(g)(5).

13. SPECIFIC ACTION BEING REQUESTED:

Accept the judicially determined riparian easement attached, thus either modifying or remanding the application consistent with s. 28-29(g)(5).

NOTE: All of the above is discussed at further length in the attached Exhibit A.

EXHIBIT A

APPLICABLE LAW

Section 28-29. – Zoning exceptions, variances and appeals, establishes the procedure for appeals of Conservation Zone Development decisions from the Planning and Zoning Board to the City Commission. *Id.* at (g).

STANDARD OF REVIEW

Section 28-29(g)(5) states the standard of review:

- (5) The city commission shall find whether in its opinion error was made and within the terms of this section affirm, reverse or modify the action appealed as it deems just and equitable. If the applicant presents modifications to the action under appeal, the city commission may accept the modification and so modify the order, may remand the appeal back to the [PZB] for further review, or may deny the modification and affirm the action appealed.

(emphasis added)

ANALYSIS

Either this Commission or the Planning and Zoning Board on remand should be given the opportunity, authorized by s. 28-29(g)(5), to reevaluate the riparian rights of the application. Binding caselaw established the riparian easement appurtenant to the applicant's and the City's waterfront parcels, and the direction of those easements, in apportioning riparian rights on the "Little Beach" on Salt Run. The Planning and Zoning Board below considered the direction of the riparian easement based on a good faith equitable allocation of riparian rights by an agent for the applicant.¹

Nonetheless, Judge Peggy Ready entered Final Judgment in *Steger, et al, v. Ratkovic*, Case No. CA90-1077 (December 31, 1993),² judicially establishing the riparian easements for properties on the "Little Beach" on Salt Run. The judgment and underlying Loren Jones survey are attached. Those riparian parcels bound by the judgment in *Steger* include the City's right-of-way and Ernest Little III's property at issue in this matter. *Freed v. Miami Beach Pier Corporation*, 93 Fla. 888, 112 So.2d 841 (1927), confirmed that factual circumstances can dictate

¹ *Hayes v. Bowman*, 91 So.2d 795 (Fla. 1957), confirmed Florida caselaw general allocating riparian access "as near as practicable in the direction of the channel so as to distribute equitably the submerged lands between the upland and the channel." This is a well-established common law standard. See, e.g., *Walker v. Boston & Maine R.R.*, 57 Mass. 1 (1849) (equitably allocating per 1641 Massachusetts colony ordinance); *Hannon v. Del., L. & W.R. Co.*, 37 N.J.L. 276 (N.J. 1875) (applying *Walker's* principles in New Jersey).

² The undersigned was counsel for the Plaintiffs in *Steger*, who originally also included James Gamble Rogers before his untimely death.

allocation of riparian rights reflecting local “facts on the ground.” The *Steger* declaratory judgment established and allocated the applicable riparian rights.

The purpose of allocating riparian easements is to equitably determine and split access from an “evened out” section of waterfront parcels to deep, navigable water. *Hayes*, 91 So.2d 795. The *Steger* judgment did so after a full trial. Absent the *Steger* judgment, the only other practicable choice, reflecting existing structures, would be to allocate the riparian boundary appurtenant to Little’s eastern boundary parallel to the City dock and other structures to its south. See, *Freed, supra* (establishing a riparian easement based on the orientation of existing riparian structures). That would allow Little far more riparian area than he seeks. See the several aerial photographs in the exhibits that are attached to the application package below, showing the general orientation of docks south of the Little parcel is far more easterly, while the orientation Judge Ready imposed goes far more north/northeasterly.

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA 8pgs # 17

CASE NO. CA90-1077
DIVISION: 65

DANNY W. STEGER AND SUSAN C.
STEGER, HIS WIFE, VIRGINIA Q.
MYERS, MARY S. MYERS, JUDSON
B. WEST, ANELL M. WEST, AND
ERNEST LITTLE, III,

Plaintiffs,

vs.

JACK RATKOVIC, a/k/a JOHN
RATKOVIC, ALISON RATKOVIC,
HIS WIFE, MRS. JOHN HAWLEY,
a/k/a DORIS HAWLEY, AND THE
CITY OF ST. AUGUSTINE,

Defendants.

CLERK OF CIRCUIT COURT
St. Johns County

53 DEC 28 PM 2:41

FILED

Recorded in Public Records St. Johns County, FL
Clerk # 93041510 O.R. 1030 PG 511 11:53AM 12-31-93
Recording 0.00 Surcharge 0.00

FINAL DECLARATORY JUDGMENT

This Action came on for Declaratory and Injunctive Relief before the Court.
On the evidence presented the Court finds:

1. The parties own all lands of record bordering a "shallow cove" on the west side of the Salt Run. Defendant Jack Ratkovic built a dock that the Plaintiffs challenged vehemently. Ratkovic continued to build the dock at his own risk.
2. The Plaintiffs and Ratkovic commissioned surveys that proposed riparian lanes for the subject area. Both surveys showed the Ratkovic dock built far out of alignment to the proper riparian lanes. The un rebutted evidence that Loren Jones' survey was the more technically correct of the two (he used the baseline of the center of Salt Run, as proper for cases where no marked channel exists) leads to reliance on his work. Ratkovic himself testified that he is not sure he would rely on his own surveyor, Frank Jones, to do a hydrographic survey. Ratkovic's dock is 306.13 feet long; at 161 feet it crosses the Lot 3 riparian lane.
3. The evidence shows that Ratkovic built his dock pursuant to a Florida Department of Natural Resources consent of use that required the dock to be no

1.

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closer than twenty-five feet from any other parties' riparian lanes. No evidence was adduced to demonstrate Ratkovic's entitlement to construct closer than twenty-five (25) feet from Doris Hawley's lands and lane to the south of his property, nor from Ocean Way to the north.

4. The unrebutted testimony of Plaintiffs Danny and Sue Steger showed that the dock hinders their navigation of the Salt Run appurtenant to their ownership of Lot 3, Block 11, Carver's Anastasia Subdivision, which the evidence showed to be a riparian lot. Danny Steger further testified that the dock hindered the right of wharfage from their lot and any other riparian lot between the Steger property and that owned by Ernest Little, III. The expert testimony of surveyor Loren Jones buttressed Mr. Steger's testimony by showing that one cannot build a 300-foot-long dock within the appropriate riparian lane from Lot 3 without running into Ratkovic's dock. It was further unrebutted that the dock hindered the Steger's view of the Salt Run.

5. The City of St. Augustine took no position with regard to the general direction of the line of riparian area for Ratkovic, nor did it take a position with regard to the extent of Ratkovics' upland ownership.

6. Entered into evidence at the trial were certified copy of the City Commission minutes of the meeting of June 11, 1990 along with exhibits considered by the City Commission at such meeting. As indicated by those minutes, beginning at page 16 and continuing on page 17, a question arose as to lot line restrictions with regard to the building of the dock at a zero lot line. On page 17, the City Attorney noted:

"[F]or purposes of DER the riparian area did not necessarily follow property lines straight out, and it was determined by the general lay of the shore and was ultimately a judicial question. With regard to the steps to the dock starting at the unopened unnamed alley, he stated that he did not think that caused a particular problem so far as having to have a setback in accordance with the zoning. He stated that assuming that the riparian area went out straight with the boundary lines, and the lot was 55 feet wide, the dock would then have to be located in the center of the lot in order to meet the 25 foot set back and could not be offset to one side or the other, and it would go out from that point into the general direction of the channel. He stated that it would appear to not be in conformity with the general conditions of the permit, but that was ultimately a question of enforceability, with the exception that there had to be a DER permit before the building permit

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could be issued."

7. It is further noted on page 17 that one of the City Commissioners noted "general criteria" that the dock would not be located within 25 feet of the riparian property line. This "general criteria" appears as a part of the general permit issued by the Department of Environmental Regulation dated February 21, 1989 and appears immediately following letters from the Department of the Army and Department of Natural Resources under a label "Division of State Lands." Paragraph I(A)(1)(i) of that general consent criteria provides:

"The dock and associated structures shall not be located within 25 feet of riparian property line * * *."

8. The 25 foot setback requirement finds its origin in Section 18-21.004(3) of the Florida Administrative Code:

"(3) Riparian Rights

"(a) None of the provisions of this rule shall be implemented in a manner that would unreasonably infringe upon the traditional, common law riparian rights of upland property owners adjacent to sovereignty lands.

"(b) Applications for activities on sovereignty lands riparian to uplands can only be made by and approved for the upland riparian owner, their legally authorized agent, or persons with sufficient title interest in uplands for the intended purpose.

"(c) All structures and other activities must be within the riparian rights area of the applicant and must be designed in a manner that will not restrict or otherwise infringe upon the riparian rights of adjacent upland riparian owners.

"(d) All structures and other activities must be set back a minimum of 25 feet from the applicant's riparian rights line. Marginal docks may be set back only 10 feet. There shall be no exceptions to the setbacks unless the applicant's shoreline frontage is less than 65 feet or a sworn affidavit of no objection is obtained from the affected adjacent upland riparian owner, or the proposed structure is a subaqueous utility line." (emphasis supplied.)

9. Section 11-28(d) of the Code of the City of St. Augustine provides:

"(d) An application for a building permit shall be accompanied by a notarized copy of any permits required to be issued for the construction of the structure for which the building permit is applied issued by the United States Army Corps of Engineers, the U.S. Environmental Protection Agency, the St. Johns River

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Water Management District, the Florida Department of Natural Resources, and the Florida Department of Environmental Regulation where such permits are required under the provisions of any general or special Act of Congress or of the state."

10. Further, Section 11-29(a) of the City Code provides:

Building and Use Permits within Conservation Zone 1 "shall be issued only for such construction and activities which have received permits under provisions of applicable federal and state regulations * * *."

11. The validity of the issuance of the permit for the dock may not be challenged at this time because dismissal of an earlier attack was sustained by the Fifth District Court of Appeal. Accordingly, the dock as constructed by Ratkovic under both the City permit and the general criteria of the Department of Environmental Regulation, now the Department of Environmental Protection, will permit the dock only on the applicant's, Ratkovic's, riparian area and subject to a 25 foot setback from the sides of Ratkovic's riparian area; that is, the dock must be located 25 feet from the edge of Ratkovic's riparian area for its entire length and within his riparian area. It may not be located elsewhere.

12. It should be noted that the City of St. Augustine, by virtue of Section 9 of Chapter 11148, Laws of Florida, 1925, the owner "in fee simple absolute" of all "lands and river bottoms owned or held by the State of Florida" lying within the corporate limits of the City of St. Augustine as it existed at the time of the adoption of Chapter 11148, Laws of Florida, 1925. Under Chapter 11148, Laws of Florida, 1925, the City was the owner of all bottom lands bounded on the East by the low water mark of the Atlantic Ocean along what is now Vilano Beach and proceeding in a Southeasterly direction across the Inlet to Bird Island and thence Southerly along the Eastern shore of Bird Island and Anastasia Island to a point that is approximately opposite what is now known as Lewis Point on the Mainland. Thus, the City is the owner in fee simple absolute of all bottom lands within Salt Run, absent a prior conveyance from the Spanish Crown. See in this regard Board of Trustees of the Internal Improvement Trust Fund v. Webb, 618 So.2d 1381 (Fla. 1st DCA 1993).

13. The mean high water line separates submerged lands below tidally influenced navigable waters from private uplands. Article X, Section 11, Florida Constitution. See, Brickell v. Trammell, 82 So. 221 (Fla. 1919). Submerged

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sovereignty lands are owned by the State absent express conveyance. Coastal Petroleum Co. v. American Cyanamid, 492 So.2d 339 (Fla. 1986). It is un rebutted that the State has conveyed all submerged sovereignty lands within the municipal boundaries of St. Augustine to the City.

14. Riparian rights inure to owners of lands bordering navigable water courses. Johnson v. McCowen, 348 So.2d 357 (Fla. 1st DCA 1977). The right of access to navigable water from the riparian land is generally exclusive in the owners of such lands. A riparian owner enjoys the right of ingress and egress between those uplands and the navigable waters on which they border. The riparian owner's rights of access, wharfage and an unobstructed view is not confined to access to the water's edge, but must include a right to a direct unobstructed means of ingress and egress over the foreshore to the channel. This right is well settled by judicial decision, and the owner of riparian property suffers special injury if access to navigable water channels is cut off by an obstruction. Thiesen v. Gulf & F. & A. R. Co., 78 So. 491 (Fla. 1917); Board of Trustees v. Maderia Beach Nominee, Inc., 272 So.2d 209 (Fla. 2nd DCA 1973); Hayes v. Bowman, 91 So.2d 795 (Fla. 1957).

15. Riparian rights depend on ownership of the bank of the water course, and not on ownership of its bed. See, F. Maloney, J. Plager and F. Baldwin, Water Law and Administration: The Florida Experience §21.6 (1968); See, e.g., Bouris v. Largent, 94 Ill. App. 2d 251, 236 N.E.2d 15 (1968). The Florida Supreme Court in Hayes v. Bowman stated that any person claiming rights to submerged lands under tidal waters "must use the lands so as not to interfere with the recognized common law riparian rights of upland owners." 91 So.2d 795, 800.

16. Ordinarily, a riparian owns riparian land, but a riparian right may arise from a possessory interest. Local governments may be riparians of public streets that extend to the water's edge. A local government holding title to a street or right-of-way holds riparian rights for the benefit of the public. See, e.g., Heise v. Village of Pewaukee, 92 Wis.2d 333, 285 N.W.2d 859 (1979), cert. denied 449 U.S. 992 (1980).

17. If the navigable channel runs parallel with the shoreline, a conveyance of bordering uplands conveys riparian rights over the water and foreshore between lines drawn at right angles from the edge of the channel to the shoreline where no contrary intent appears. Panama Ice & Fish Co. v. Atlantic & S.A.B.R. Co., 71 So.

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608 (Fla. 1916). The riparian right of access to navigable channels "must be recognized over an area as near as practicable in the direction of the channel so as to distribute equitably the submerged lands between the upland and the channel". Hayes v. Bowman, 91 So.2d 795 (Fla. 1957). Riparian rights may not necessarily extend into the water according to upland boundaries, nor do they under all conditions extend at right angles to the shoreline. Freed v. Miami Beach Pier, Corp., 112 So. 841 (Fla. 1927).

18. Riparian rights are legal rights entitled to protection by appropriate judicial remedies. Hayes v. Bowman, *supra*. Landowners whose common law riparian rights are violated by the acts of others are not limited to seeking relief through public authorities, and may bring actions on their own behalf. Deltona v. Adamceyk, 492 So.2d 463 (Fla. 5th DCA 1986). Wrongful interference with riparian rights may be prevented by injunction or damages. Florio v. State, 119 So.2d 305 (Fla. 2d DCA 1960). It is not necessary that wrongful use of the waters or submerged lands be in an actual contact with the land of the riparian owner, if the lawful use and enjoyment of the riparian property is appreciably injured as a proximate result. Ferry Pass Inspectors and Shippers Association v. White's River Inspector and Shippers Association, 48 So. 643 (Fla. 1909).

19. Ratkovic's dock must be reoriented so as not to be fewer than twenty-five (25) feet from the riparian lands and appurtenant lanes of the adjacent properties, Ocean Way to the north and the lands of Doris Hawley to the south.

20. The City has been successful in this action in the determination that its permit is not subject to challenge. As noted in Section 13, "Costs," 12 Fla. Jur. 2d, costs may not be assessed against a party against whom no relief is granted. Neither the City nor Mrs. John Hawley, a/k/a Doris Hawley has taken any position with regard to the location of the riparian area and have been included only as necessary parties because of their ownership of riparian areas adjacent to the riparian areas which may be owned by Ratkovic, but, as against the City and Mrs. Hawley, no relief can properly be granted with regard to the injunctive relief sought by the Plaintiffs. Accordingly, costs may not be taxed against the City of St. Augustine or Mrs. John Hawley, a/k/a Doris Hawley, even though they are nominal defendants.

21. Defendants Jack Ratkovic, a/k/a John Ratkovic and Alison Ratkovic have constructed their dock in violation of Plaintiffs' riparian easement. The dock's presence has resulted in and will continue to result in irreparable injury to Plaintiffs

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for which they have no adequate remedy at law.

It is therefore

ORDERED and ADJUDGED

Plaintiffs', DANNY W. STEGER and SUSAN C. STEGER, his wife, VIRGINIA Q. MYERS, MARY S. MYERS, JUDSON B. WEST, ANELL M. WEST, and ERNEST LITTLE, III, riparian rights are hereby declared to include wharfage and dockage rights and the unimpaired right of enjoyment and use of their riparian easements.

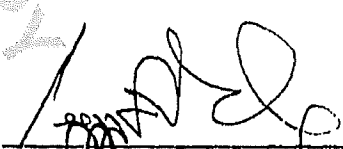
Defendants, JACK RATKOVIC, a/k/a JOHN RATKOVIC and ALISON RATKOVIC, his wife, are permanently enjoined from constructing, maintaining or using their dock in any manner which encroaches on or over Plaintiffs', DANNY W. STEGER and SUSAN C. STEGER, VIRGINIA Q. MYERS, MARY S. MYERS, JUDSON B. WEST, ANELL M. WEST, and ERNEST LITTLE, III, riparian easements.

Defendants', JACK RATKOVIC, a/k/a JOHN RATKOVIC and ALISON RATKOVIC, dock direction is in violation of the 25 foot setback requirement contemplated by the permit issued by the City of St. Augustine.

Defendants, JACK RATKOVIC, a/k/a JOHN RATKOVIC and ALISON RATKOVIC, shall remove the dock from its present direction within thirty (30) days from the date hereof.

The Court reserves jurisdiction to determine any issues relating to costs in this cause.

DONE and ORDERED at St. Augustine, St. Johns County, Florida, this 27th day of December, 1993.


PEGGY E. READY
ACTING CIRCUIT JUDGE

12-27-93 EC

Copies furnished to:

Sidney F. Ansbacher, Esquire
Suite 3100 - Barnett Center
50 North Laura Street
P. O. Box 4548
Jacksonville, Florida 32201
Attorney for Plaintiffs

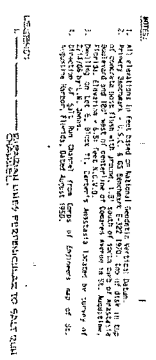
CA90-1077

William P. Zimmerman, III, Esquire
66 Cuna Street, Suite C
St. Augustine, Florida 32084
Attorney for Defendants Ratkovic and Hawley

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Geoffrey B. Dobson, Esquire
66 Cuna Street, Suite B
St. Augustine, Florida 32084
Attorney for The City of St. Augustine

COPY



CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICATION WAIVER

- The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.
- The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.
- The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Ernest L. Little, III

PRINT NAME OF APPLICANT



SIGNATURE OF APPLICANT

January 2, 2020

DATE

OWNER'S AUTHORIZATION FORM

Sidney F. Ansbacher of Upchurch, Bailey and Upchurch, P.A., is hereby authorized to act on behalf of Ernest L. Little, III, the owner of those lands described within the attached application, and as described in the attached deed(s) or other such proof of ownership as may be required, in applying to the City of St. Augustine, Florida, for an Application to Appeal Official, Board or Staff Decision.

By signing, I affirm that all legal owners, as listed on the Recorded Warranty Deed(s) on file with the St. Johns County Clerk of Courts or otherwise stated (OR bk 4691, pg 1365; OR bk 1183, pg 1540; OR bk 878, pg 1833), have been notified of the Application to Appeal Official, Board or Staff Decision.

I further understand incomplete or false information provided on this form may lead to revocation of permits, termination of development activity.

Signature of Owner: _____

Print Name: Ernest L. Little, III

Telephone number: _____

STATE OF FLORIDA

COUNTY OF ST. JOHNS

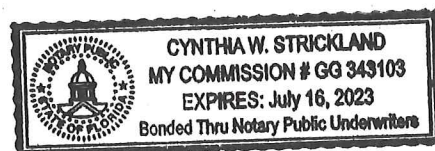
Signed and sworn before me this 2nd day of January, 2020, by
Ernest L. Little, III.

Identification verified: yes

Oath sworn: Yes ☒ No ☐

Notary Signature: Cynthia W. Strickland

My Commission expires: 7-16-23





St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

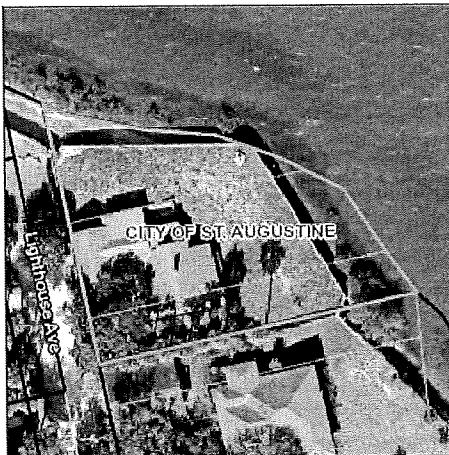
Summary

Parcel ID 1570400000
Location Address 5 LIGHTHOUSE AVE
 SAINT AUGUSTINE 32080-0000
Neighborhood Carvers (ICWFR) (713.42)
Tax Description* 1-58 CARVERS SUB ANASTASIA N1/2 OF LOT 3 & ALL OF LOTS 4 & 5 BLK 3 OR624/26 COURT ORDER & OR878/1833(Q/C) & 1183 /1540 & 4691/1365(D/C)
 *The Description above is not to be used on legal documents.
Property Use Code Single Family (0100)
Subdivision Anastasia, Map Of
Sec/Twp/Rng 58-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 0.350
Homestead Y

Owner Information

Owner Name Little Ernest L, III 100%
Mailing Address 5 LIGHTHOUSE AVE
 SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2020
Building Value	\$82,977
Extra Features Value	\$11,391
Total Land Value	\$683,100
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$777,468
Total Deferred	\$161,338
Assessed Value	\$616,130
Total Exemptions	\$50,500
Taxable Value	\$565,630

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$85,281	\$12,640	\$683,100	\$0	\$0	\$781,021	\$604,642	\$226,879	\$554,142
2018	\$86,434	\$13,888	\$683,100	\$0	\$0	\$783,422	\$695,627	\$87,795	\$695,627
2017	\$45,925	\$15,143	\$571,320	\$0	\$0	\$632,388	\$632,388	\$0	\$632,388
2016	\$47,800	\$16,191	\$571,320	\$0	\$0	\$635,311	\$635,311	\$0	\$635,311
2015	\$49,674	\$17,274	\$571,320	\$0	\$0	\$638,268	\$638,268	\$0	\$638,268
2014	\$41,584	\$18,357	\$571,320	\$0	\$0	\$631,261	\$626,546	\$4,715	\$626,546
2013	\$43,096	\$19,440	\$571,320	\$0	\$0	\$633,856	\$569,587	\$64,269	\$569,587
2012	\$44,608	\$20,489	\$452,709	\$0	\$0	\$517,806	\$517,806	\$0	\$517,806
2011	\$45,364	\$21,572	\$503,010	\$0	\$0	\$569,946	\$569,946	\$0	\$569,946
2010	\$46,877	\$22,655	\$558,900	\$0	\$0	\$628,432	\$628,432	\$0	\$628,432

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000
Widower	\$500

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2477	Roof Cover	Composite Shingle
Conditioned Area	1338	Interior Flooring	Ceramic Tile, Pine Wood
Actual Year Built	1930	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Wood	Baths	

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	60%
Interior Flooring	Ceramic Tile	40%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
ENCLOSED GLASS PORCH	0	130
BASE AREA	1338	1338
FINISHED OPEN PORCH	0	192
UNFINISHED GARAGE	0	500
FINISHED OPEN PORCH	0	90
FINISHED DECK	0	187
FINISHED OPEN PORCH	0	40
Total SqFt	1338	2477

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	0	0	0	588
Residential Fence	0	0	0	0	1
Bulkhead (Average)	0	0	0	0	2040

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	138	0	138	FF	\$683,100

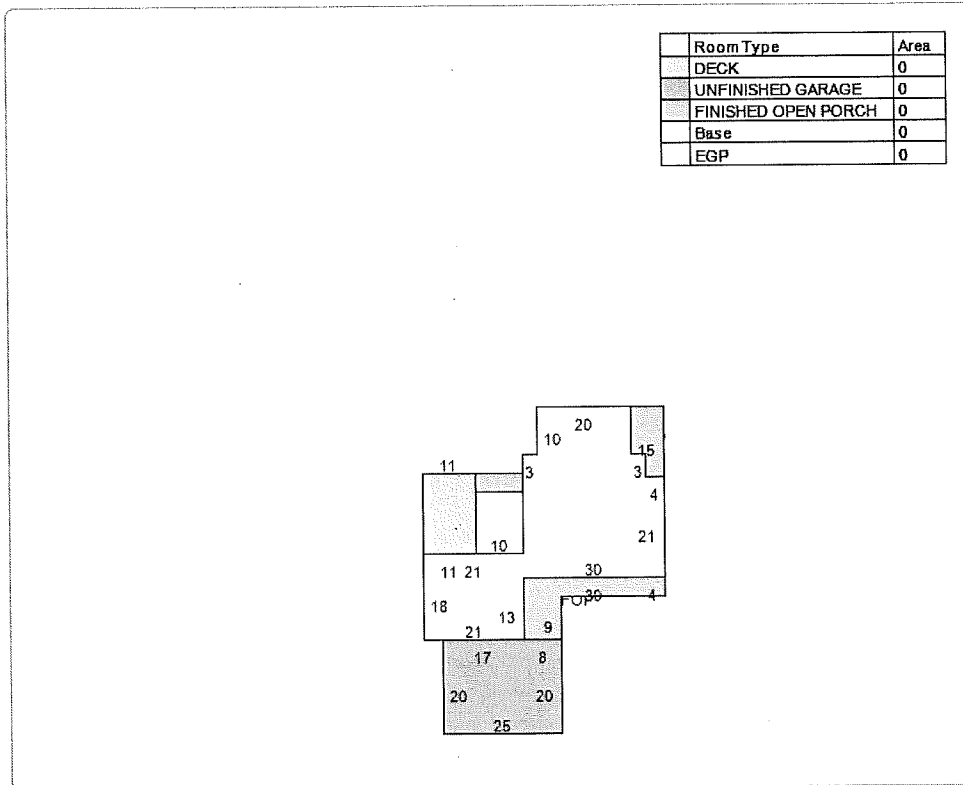
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
3/8/2019	9/25/2018	\$0.00	DC	4691	1365	U	I	LITTLE NANCY RUSSELL (DECD)	LITTLE ERNEST L III
	7/16/1996	\$500.00	WD	1183	1540	U	I	LITTLE ERNEST L III	LITTLE ERNEST L III & NANCY R
	12/1/1990	\$0.00		878	1833	U	I		LITTLE ERNEST L III
	1/1/1984	\$0.00		624	26	U	I		
	5/1/1983	\$0.00		587	202	U	I		

Area Sales Report

Recent Sales in Area

Sketch Information



The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.
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Version 2.3.30

Developed by



SO 31967

THIS INSTRUMENT PREPARED WITH NO
OPINION OF TITLE GIVEN OR REQUESTED
BY:

TRACY W. UPCHURCH
UPCHURCH, BAILEY AND UPCHURCH, P.A.
POST OFFICE DRAWER 3007
780 NORTH PONCE DE LEON BOULEVARD
ST. AUGUSTINE, FLORIDA 32085-3007

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this 13th day of November, 1990, by MELISSA L. BUSH, conveying her undivided interest in her non-homestead property, first party, to ERNEST L. LITTLE, III, whose post office address is 5 Lighthouse Avenue, St. Augustine, Florida 32084, second party:

WITNESSETH, that the said first party, for and in consideration of the sum of \$10.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of St. Johns, State of Florida, to-wit:

The North Half (N-1/2) of Lot Three (3) and all of Lots Four (4) and Five (5) of Block Three (3), Anastasia, according to plat recorded in Deed Book "GG", Page 92, of the public records of St. Johns County, Florida, together with all of the right, title and interest of Grantor in and to any accretions and riparian rights appurtenant to the above described land.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

Kathy J. Jones

Melissa L. Bush
MELISSA L. BUSH

STATE OF FLORIDA

COUNTY OF Blackman

Documentary Tax Pd. \$.55

\$ 0.00 Intangible Tax Pd.

Carl "Bud" Markel, Clerk St. Johns

County by: John D. Smith D.C.

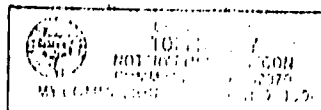
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MELISSA L. BUSH, conveying her undivided interest in her non-homestead property, known to be the person described in and who executed the foregoing instrument, she acknowledged before me that she executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 13 day of November, 1990.

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

SO DEC 19 PM 3:29

Paul "Bud" Markel
CLERK OF CIRCUIT COURT



John D. Smith
Notary Public
State of FLORIDA
My Commission Expires: 10-7-97

Name:
Address:

This Instrument Prepared by:

Name: ERNEST L. LITTLE, III
Address: 3140 COASTAL HIGHWAY
ST. AUGUSTINE, FL 32055
Property Appraisers Parcel Identification
Folio Number(s):
Grantor(s) S.S. # (s)

*IN
SET*

2388
ae

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed, Made the 16th **day of** July, 1996, by ERNEST L. LITTLE, III, a married man, conveying his individually owned, non-homestead property hereinafter called the Grantor, to ERNEST L. LITTLE, III, and NANCY R. LITTLE, whose post office address is his wife/ 3140 Coastal Highway, St. Augustine, FL 32095 hereinafter called the Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)
Witnesseth, That the Grantor, for and in consideration of the sum of \$10.00 (Ten & No/10 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land, situate in St. Johns **County, State of** Florida, viz:

The North Half (N-1/2) of Lot Three(3) and all of Lots Four (4) and Five (5) of Block Three (3), Anastasia, according to plat recorded in Deed Book "GG", Page 92, of the public records of St. Johns County, Florida, together with all the right, title and interest of grantor in and to any accretions and riparian rights appurtenant to the above described land.

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1996.

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Robert L. Carson
Witness Signature (as to first Grantor)
Robert L. Carson
Printed Name
Amy R. Watkins
Witness Signature (as to first Grantor)
Amy R. Watkins
Printed Name

Witness Signature (as to Co-Grantor, if any)

Printed Name

Witness Signature (as to Co-Grantor, if any)

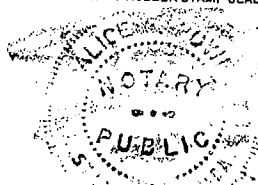
Printed Name

STATE OF FLORIDA

COUNTY OF ST. JOHNS

ERNEST L. LITTLE, III, a married man conveying his individually owned non-homestead property known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, and an oath was not taken. (Check one: ☐ Said person(s) is/are personally known to me. ☐ Said person(s) provided the following type of identification:

NOTARY RUBBER STAMP SEAL



Ernest L. Little, III
Grantor Signature
ERNEST L. LITTLE, III
Printed Name
3140 Coastal Highway,
Post Office Address
St. Augustine, FL 32095

Co-Grantor Signature, (if any)

Printed Name

Post Office Address

Witness my hand and official seal in the County and State last aforesaid this 16th day of July, A.D. 1996.

Alice F. Powell
Notary Signature
Alice F. Powell
Printed Name
ALICE F. POWELL
MY COMMISSION # 00594434
EXPIRES: May 16, 2000
Bonded thru Notary Public Underwriters

Recorded in Public Records St. Johns County, FL
Clerk# 96024677 O.R. 1183 PG 1540 10:26AM 07/16/96
Recording \$5.00 Surcharge \$1.00 Doc Stamps \$3.50

Ofcom Design, Securities Paper & Printing Co., Inc., 1994

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CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting December 3, 2019

The Planning and Zoning Board met in formal session Tuesday, December 3, 2019, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Karen Zander, Chairperson and the following were present:

1. Roll Call: Karen Zander, Chairperson
Jon DePreter, Vice Chairperson
Grant Misterly
Sarah Ryan
Mike Davis

Absent: Christina Opsahl

City Staff: David Birchim, Director, Planning & Building Department
Patrick Doty, Senior Development Review Planner
John Cary, Assistant City Attorney
Candice Seymour, Recording Secretary

Modifications to the Agenda

Ms. Zander announced a request to move item 5(a) to a later portion of the meeting made by a member of the public that wished to speak on the subject.

Jim Wilson, representing the person who made the request, clarified that the change was no longer necessary.

Ms. Zander announced a request by the applicant to continue item 5(b) to the February 4, 2020 meeting.

MOTION

Mr. DePreter **MOVED** to **CONTINUE** application 2019-0086 to the February 4, 2020 meeting. The motion was **SECONDED** by Mr. Misterly.

VOTE ON MOTION:

AYES: DePreter, Misterly, Davis, Ryan, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Mr. Doty advised a request to continue item 8(a) to January 7, 2019 due to changes in the application.

MOTION

Mr. DePreter **MOVED** to **CONTINUE** application 2019-0115 to the January 7, 2020 meeting. The motion was **SECONDED** by Mr. Davis.

VOTE ON MOTION:

AYES: DePreter, Davis, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

2. General Public hearings for Items Not on the Agenda

The Board heard from the following member of the public:

- Ed Slavin

3. Approval of Minutes

Mr. Cary noted a small error in the list of staff present, adding that he had informed the recording secretary of the issue prior to the meeting.

MOTION

Ms. Ryan MOVED to APPROVE the November 5, 2019 minutes as revised. The motion was SECONDED by Ms. Zander and APPROVED BY UNANIMOUS VOICE VOTE.

4. Variance

4. (a) 2019-0102 – James Solana – Applicant Sisters of St. Joseph – Owner 243 St. George Street

Ms. Zander recused herself from the application.¹

Mr. Davis clarified that he had done work with the applicant in the past but his work was unrelated to the application and he did not have to recuse himself.

To exceed the maximum lot coverage for construction of a 705 square foot addition to the existing residential facility.

Mr. Doty read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **APPROVE** a Variance to add a 705 square foot addition to the main building at **243 St. George Street.**

James Solana reviewed the application.

Ex Parte Communication:

(None)

¹ Form attached to original minutes.

60 certified notices were sent, 5 were returned in favor, and 1 had comments.

Public hearing was opened.

Ed Slavin spoke in favor of the application.

Public hearing was closed.

The Board discussed that the application met the variance criteria as detailed in the staff report.

MOTION

Ms. Ryan MOVED to APPROVE application 2019-0102 as presented. The motion was SECONDED by Mr. Misterly.

VOTE ON MOTION:

AYES: Ryan, Misterly, Davis, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. (b) 2019-0120 – Quinn M. Robert – Applicant and Owner 14 Avista Circle

To exceed the maximum lot coverage for construction of an 811 square foot addition to the existing single-family home and a 545 square foot covered carport.

Mr. Doty read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **DENY** a Variance to exceed the maximum lot coverage in RS-1 zoning district for the construction of an 811 square foot addition to the existing single-family home and a 545 square foot covered carport at **14 Avista Circle/PIN 214520-0000.**

The Board provided their ex parte communications.

10 certified notices were sent, 3 were returned in favor, and 3 had comments.

Quinn Robert reviewed the application with an additional list of neighbors in support of the application.²

The Board discussed:

- Finished floor elevation was 7.74 feet and the applicant intended to lift the interior floor to approximately 8.3 feet
- Lack of a singular disadvantage as the applicant had other, conforming options to meet his intent
- Variance could allow future property owners to build up to 33% lot coverage at any allowed height

Public hearing was opened.

Ed Slavin spoke in favor of the application due to his support of aging-in-place accommodations and the applicant's consideration of surrounding property owners in not building above the existing home in larger scale.

Public hearing was closed.

The Board continued discussion regarding the following:

- Size of the existing house was approximately 1,250 square feet
- Clarification of the square footage being added, which included a footprint of 1,700 square foot
- Application did not meet variance criteria in part because the property was a conforming lot
- Applicant had an additional square footage available to add to the existing structure without needing a variance
- Applicant was willing to remove proposed car port from the application as well as additional covered areas included for aesthetics

² Attached to original minutes

- Possibility of approving a 28% variance for addition to the home without the carport
- Keeping neighborhood scale and not building over neighboring houses
- Aging-in-place hardship was not within code criteria

MOTION

Mr. DePreter MOVED to DENY application 2019-0120 because there was no singular disadvantage to the property and there was still reasonable use on the property as there were 360 square feet still available and the potential for a second story. The motion was SECONDED by Ms. Zander.

Mr. Misterly explained that applications needed to meet all four criteria to be approved, and criteria number two: Because of the disadvantage the owner is not able to make reasonable use of the effected property," was not met.

VOTE ON MOTION:

AYES: DePreter, Zander, Ryan, Misterly

NAYES: Davis

MOTION CARRIED 4/1

5. Conservation Overlay Zone Development

5. (a) 2019-0101 – Ryan Carter, Carter Environmental Services, Inc. – Applicant Ernest Little – Owner 5 Lighthouse Avenue

To approve dock modifications to an existing two hundred twenty nine (229') foot dock including and a three (3') foot by eighteen (18') foot gangway that connects the existing dock to a ten (10') foot by twenty (20') foot floating platform within Conservation Overlay Zone 1.

Mr. Doty read the staff report and said based on a review of Section 11-29 and without the support of evidence to the contrary, staff finds that the Board can

APPROVE the construction of a floating dock platform. Gangway, and four (4) associated piling in Conservation Overlay Zone 1 located at **5 Lighthouse Avenue/PIN: 157040-0000**. Mr. Doty added that, in light of new information provided by the applicant which shows that the dock was located within the City's mooring field, and the PZB approval with a condition that the dock should not infringe on the adjacent mooring field, staff deferred to the PZB their recommendation for approval or denial.

Ryan Carter reviewed the application with additional information regarding the location of the dock which was built in a different alignment than what was approved.

The Board provided their ex parte communications.

26 certified notices were sent, 4 were returned in favor, 1 returned opposed and 3 had comments.

The Board discussed the following:

- Concern for the dock being constructed within the mooring field
- City request that the property owner rent the mooring ball from the City if the dock remained close to the mooring ball

John Goebler, the contractor who constructed the dock, spoke regarding the construction of the dock without a City building permit and in the wrong location. He described the difficulty in moving the dock.

Board discussion continued regarding the following:

- Clarification of the dock within the mooring field
- Illustration provided by the applicant showing that neighboring property's riparian rights were not affected

- City staff and Board did not have authority over riparian rights
- Possibility of shortening the dock out of the mooring field
- DEP and Army Corps permits were for the previously approved alignment

Public hearing was opened.

Jim Wilson, attorney representing Tom and Pilar Hartman who were not in favor of the application, requested that the floating dock be placed on the north side of the property if not denied. He spoke against the application on behalf of his client based upon the new evidence that the dock was in the wrong location and without a building permit

Charles Pappas noted that the dock was built incorrectly. He reminded the Board of the previous concerns regarding the mooring fields. He felt this was an issue between the property owner and the contractor to move the dock to the approved location before considering the remainder of the application for the gangway and floating platform.

Ed Slavin spoke against the application and believed that case law would support the demolition of the existing dock.

Public hearing was closed.

Mr. Carter addressed public comments made regarding incorrect construction of the dock which was discovered only recently.

The Board discussed:

- Contractor should be responsible for the wrong alignment of the dock
- Steps the applicant would have to take if the Board were to deny the application
- The Board did not have the authority to request removal of the dock

- Concern that misalignment of the dock was not part of the advertised application for approval and the application could be challenged if approved
- Location of the dock within the mooring field made the application difficult to approve based upon City Code
- Options for the property owner moving forward including:
 - Shortening the dock so it was no longer within the mooring field
 - Flipping the floating dock to the north side
- Clarification that the previous approval included a condition that the dock did not interfere with the mooring field

Earnest Little, property owner, gave a brief history of the property. He added that he was not fully aware of his riparian rights in relation to the City mooring field and clarified that the proposed length of the dock was based upon the need to reach navigable water. He said he had agreed to rental of the mooring ball as a possible solution to the issue.

There was a brief discussion regarding the possibility of continuing the application to allow the applicant time to consider other options for the dock.

Clarification regarding the mooring ball radius as illustrated by the applicant in the first application and the mooring field which was marked with channel markers.

Mr. Carter reiterated the importance of the dock length in reaching sufficient water depth.

MOTION

Mr. Misterly MOVED to DENY
Conservation Overlay Zone 1

Development application 2019-0101. The motion was SECONDED by Ms. Zander.

VOTE ON MOTION:

AYES: Misterly, Zander, Davis, Ryan, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

5. (b) 2019-0086 – Scott Patrou, Ginn & Patrou Holdings, LLC – Applicant and Owner
435 Flagler Boulevard

To approve the construction of a four hundred sixty-five foot (465') long dock with three (3) associated boat lifts and a bulkhead within Conservation Overlay Zone 1. To approve the construction of three (3) condominium units in Conservation Overlay Zone 2.

Applicant requested a continuance to the February 4, 2020 meeting. See motion to continue under Modifications to the Agenda.

5. (c) 2019-0118 – Cora Johnston, Generation Homes – Applicant
Anthony & Kathleen Prestera – Owner
111 Fiddler Crab Lane

To approve the removal of three (3) significant trees (Southern Red Cedars) within Conservation Overlay Zone 3.

Mr. Doty read the staff report and said based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** removal of the trees at the subject property including three (3) significant trees (southern red cedars) within Conservation Overlay Zone 3 located at **111 Fiddler Crab Lane/PIN 158571-9090**. Mr. Doty noted that two of the three trees were dead as noted in the arborist report.

Cora Johnston reviewed the application.

³ Brief recess from 4:02p.m. to 4:16p.m.

Ex Parte Communication:

(None)

9 certified notices were sent, and 1 was returned in favor.

The Board discussed:

- The condition requiring ten southern red cedar trees on the property after construction of the home
- The living tree proposed for removal had a severe lean

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

MOTION

Mr. Davis MOVED to APPROVE application 2019-0118. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Davis, DePreter, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**5. (d) 2019-0117 – Herbert Vandermark, Yelton Construction Co., Inc. – Applicant
Kenton Morrison – Owner
25 Dolphin Drive**

To approve the construction of a ten foot (10') by twenty foot (20') terminal platform with two (2) associated boat lifts within Conservation Overlay Zone 1.

Mr. Davis recused himself as he worked for the current property owner.⁴

Mr. Doty read the staff report and said based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the construction of a terminal platform and two (2) associated boat lifts in

⁴ Form attached to original minutes

Conservation Overlay Zone 1 located at 25 Dolphin Drive/PIN: 220070-0000.

Taylor Yelton was available for questions.

The Board provided their ex parte communications.

26 certified notices were sent, 1 was returned in favor.

The Board discussed:

- Modification to an existing dock to add boatlifts
- Proposed dock was landward of existing dock
- Existing dock protruded more north than the proposed dock
- Proposed dock was wider and closer to the riparian lines but applicant said it maintained the proper setback
- Existing floating dock was badly damaged

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

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development application 2019-0117 because, as noted in the staff report, it already received approval from the U.S. Army Corps of Engineers and the Florida DEP and it meets all the criteria for Overlay Development. The motion was SECONDED by Ms. Ryan

VOTE ON MOTION:

AYES: DePreter, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (a) 2019-0114 – Vallery Clouse – Applicant and Owner 166 Marine Street

To approve a home occupation for cranial sacral & lymphatic massage.

Mr. Doty read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a home occupation as a permitted use by exception for cranial sacral and lymphatic massage at **166 Marine Street/PIN 201180-0000**.

Vallery Clouse was present for questions.

The Board discussed:

- Three units on the property, one room and one restroom in apartment A would be utilized
- Parking requirements were computed by square footage
- Ensuring parking requirements were met for the entire tri-plex
- Desire to see a site-plan with parking

Ex Parte Communication:

37 certified notices were sent, 2 were returned in favor, 7 returned opposed and 6 had comments.

Public hearing was opened.

Blanch Judd was concerned about parking and congestion on the street. She felt that if it was only one customer at a time the business could be acceptable.

Public hearing was closed.

Ms. Clouse stated that she felt confident her clients would be able to park in the existing driveway.

The Board discussed:

- Determining whether the property was utilized as a tri-plex to determine proper parking requirements
- Low intensity of the proposed use
- Possibility of approving a use by exception with terms that if the business received three or more founded complaints within a year, the applicant would have to come before the Board again for review

MOTION

Mr. Misterly MOVED to APPROVE Use By Exception application 2019-0114 with the following conditions:

1. City Staff evaluate the use of the property (whether it is single, family, duplex, or tri-plex) and assess the required parking; and, if it meets the required parking, then the application can be approved
2. If there are three code enforcement complaints within the next year, then the applicant must return before the Board for review

The motion was **SECONDED** by Ms. Ryan

VOTE ON MOTION:

AYES: Misterly, Ryan, Davis, DePreter

NAYES: Zander

MOTION CARRIED 4/1

7. Use by Exception & Conservation Overlay Zone Development

7. (a) 2019-0116 – Shannon Acevedo, Matthews Design Group – Applicant Windward Marina St. Augustine South, LLC – Owner 400 & 404 Riberia Street

To approve a use by exception for a restaurant. To approve for the construction of a replacement twelve foot (12') by fourteen hundred foot (1400') dock, placement of riprap, shoreline stabilization, performance of maintenance dredging, and wetland mitigation within Conservation Overlay Zone 1 & 2.

Mr. Doty read the staff report and said the following:

- Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the use by exception for a restaurant at **404 Iberia Street**.
- Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the construction of a replacement twelve foot (12') by fourteen hundred foot (1400') dock, placement of riprap, placement of a bulkhead, shoreline stabilization, performance of maintenance dredging, and wetland mitigation, with a condition of 1 for 1 replacement of all wetland impacts, within Conservation Overlay Zone 1 and the proposed restaurant within Conservation Overlay Zone 2 located at **400 and 404 Iberia Street**.

Shannon Acevedo reviewed the application regarding the use by exception with a presentation.⁵

The Board provided their ex parte communications.

49 certified notices were sent, 1 was returned in favor, 1 returned opposed and 1 had comments.

⁵ Attached to original minutes

The Board discussed the following regarding the use by exception:

- Development would create 81% impervious surface
- Possible upgrades and connectivity to Iberia Street
- Seating arrangements
- Possibility of acoustic music
- Parking calculations
- Liquor licensing
- Open-air seating area

Stefan Johansson gave a brief history of the property, his purchase of the property, and his vision for the uses on the property moving forward.

Ms. Acevedo reviewed the number of seats on the site plan, noting that the seating under the pavilion was over one hundred and fifty (150) seats.

Steve Mask, in response to comments from the Board and a statement published in the St. Augustine Record, noted that the proposed restaurant would allow docking space for a food truck, enabling the restaurant to serve multiple styles of food with the additional commissary area to support food service.

The Board continued discussion regarding:

- Doubt in the accuracy of the traffic study, particularly in pedestrian estimates
- Consideration of all property uses for parking calculations
- Concern for the full liquor license in an area where alcohol had not been previously served
- Restaurant as an ancillary use in other, similar zoning categories
- Concern for the intensity of the use, particularly traffic impacts affecting the residential atmosphere of the neighborhood

and potential lighting and noise impacts which should be mitigated

Paulina Johansson spoke regarding lighting and sound concerns stating that they were passionate about minimizing light pollution in the area and the noise level of the restaurant would not surpass the industrial warehouse machinery which was operational during the day.

Public hearing was opened.

Barbara Brottman was concerned that the proposed restaurant would utilize the public parking across the street from her house. She was also concerned about future growth of the restaurant.

Lauren Giber spoke against the application citing concerns with traffic, which was already congested and prone to speeders.

Charles Pappas thought the project was unique. He felt that the project would improve that area and integrate with future means to create a more pedestrian and cyclist-friendly environment. He added that the inclusion of the liquor license was reasonable to cater to all tastes. He noted that there was a processing plant proposed on the property and asked that the applicant clarify that use.

James Whitehouse testified that the applicant, whom he was representing on the Shipyards project, had been working towards improving mobility in the City. He understood concerns of impacting the surrounding neighborhood but noted that there were large buffers between the neighborhood and the project site. He added that there was enough acreage to provide all the parking required.

Public hearing was closed.

Mr. Johansson noted that the processing plant, which was a permitted use on the property, would be a sustainable fishing operation where fresh fish would be

prepared for sale. He added that he would be happy to allow only non-amplified music. He stated that the property was 31 acres and they had ability to provide ample parking. He re-stated that they would do everything possible to limit or eliminate light pollution.

The Board discussed:

- Separating the Customs and Border Patrol secure area from the proposed public space with fencing and gates
- Uses by exception were to control density of certain uses
- History of the surrounding area and its former, potentially more-intense, uses
- Additional intensity would have to return before the Board
- Adding conditions to the approval, including:
 - Minimizing light pollution by requiring lights to not be directed toward residential areas and utilization of lower lumen lights
 - Encouraging use of impervious pavers
 - Hours of operation no later than 11:00p.m.
 - Encouragement of multi-modal connections

Mr. Johansson was amenable to 11:00 pm closing time.

There was a brief discussion regarding how the mobility fee would affect the applicant during development.

MOTION

Mr. Misterly MOVED to APPROVE Use by Exception application 2019-0116 with the following conditions:

- **No amplified music**

- **Lighting be low-lumen down light with no lights directed towards the residential neighborhood**
- **That the restaurant and bar closes by 11:00p.m.**

The motion was **SECONDED** by Ms. Ryan.

VOTE ON MOTION:

AYES: Misterly, Ryan, Davis, DePreter

NAYES: Zander

MOTION CARRIED 4/1

Ryan Carter continued the presentation and reviewed the application regarding Conservation Overlay Zone Development.

The Board discussed:

- Use for extended dock as a place to stage boats and boat parking for the restaurant
- Possible **FIND** restrictions in regards to the San Sebastian channel
- Wetlands mitigation as proposed did not meet City requirement of one to one replacement because there were still some wetlands function to the open water being dredged
- Possibility of allowing off-site wetlands mitigation within the San Sebastian watershed to meet City requirements
- Concern for proposed dock blocking wetlands access to the public
- Proposed capacity of dock would be approximately 40 boats
- Water taxi was intended to be along the proposed dock
- Need for added dockage space in the city
- Ensure parking was created for the water taxi and dock uses
- No long-term docking was intended
- Encouragement of working waterfront uses over marina uses

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

MOTION

Mr. Davis **MOVED** to **APPROVE** Conservation Overlay Zone Development application 2019-0116 to approve the construction of a replacement twelve foot (12') by fourteen hundred foot (1,400') dock, placement of riprap, shoreline stabilization, performance of maintenance dredging, and wetland mitigation within Conservation Overlay Zone 1 & 2 with the condition that the wetlands replacement meet the City Code requirements. The motion was **SECONDED** by Mr. DePreter.

VOTE ON MOTION:

AYES: Davis, DePreter, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. Rezoning

8. (a) 2019-0115 – Paul Harden – Applicant

John Wilson, West Sebastian, LLC – Owner

San Sebastian View – PID #: 084560-, 102990, 102810-, 154860-, and 155540-0000

To A request to Rezone Flagler Crossing PUD (Ord. 2013-18) to Residential, General-One (RG-1).

Applicant requested a continuance prior to the meeting. See Modifications to the agenda for motion to continue.

8. (b) 2019-0119 – James Whitehouse, St. Johns Law Group – Applicant
Columbia Restaurant of St. Augustine, LLC – Owner
98 St. George Street

To request to amend PUD 2011-03 to allow for additional 312 square feet of lot coverage.

Mr. Doty read the staff report and advised that staff did not make recommendations concerning the rezoning of land.

Mr. Whitehouse reviewed the application.

There was discussion regarding the smaller square footage of the proposed walk-in cooler versus the requested amount of square footage which was meant to provide the owner of the property some leeway and avoid having to re-apply for similar minor modifications to the PUD.

There was Board consensus to reduce the lot coverage from 28% to 27% to allow some additional square footage for the applicant if necessary.

The Board provided their ex parte communications.

27 certified notices were sent, 2 returned opposed, and 1 had comments.

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

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL of application 2019-0119 to the City Commission because it met the purpose of the PUD; and, with the condition that the allowed lot coverage be 27%. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: DePreter, Davis, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Other Business

9. (a) Discussion and Recommendation of Ordinance 2019-34, zoning requirements for Tattoo Studios and Micropigmentation

Mr. Cary reviewed the ordinance.

Mr. Cary clarified that micropigmentation was restricted in more zoning categories than tattoos were because micropigmentation was not protected under the First Amendment as a form of artistic expression the way tattoos were. He added that there needed to be strong public health and safety concerns to regulate tattoos, and the HP districts, with limited or no on-site parking, posed such concerns when regarding the safe removal and disposal of tattoo needles.

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

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL of the Ordinance 2019-34 for tattoo studios and micropigmentation to the City Commission. The motion was SECONDED Ms. Ryan.

VOTE ON MOTION

AYES: DePreter, Ryan, Davis, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. (b) Discussion and Recommendation of Ordinance 2019-53, to codify and provide guidance for establishing a city tree mitigation fund within chapter 25, section 25-56 of City Code

Mr. Cary reviewed the ordinance.

Ms. Zander recommended that section 25-56 language be tightened to clarify that tree mitigation locations were to be determined by the City.

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

MOTION

Mr. Davis MOVED to RECOMMEND APPROVAL of Ordinance 2019-53 to codify and provide guidance for establishing a city tree mitigation fund within Chapter 25, Section 25-56 of City Code as amended by the Chair to the City Commission. The motion was SECONDED by Ms. Zander.

VOTE ON MOTION

AYES: Davis, Zander, Ryan, Misterly, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Board Comments

Ms. Zander asked that the Board require title blocks for submittals provided by professional architects, engineers, landscape architects, etc. to ensure there were no conflicts of interest. There was a brief discussion regarding the information that should be required in the title block and the difficulties staff may face in trying to enforce such a requirement.

There was Board consensus to revisit the subject during a subsequent meeting, with Ms. Zander dissenting.

10. Adjournment

Having no further business, Ms. Zander adjourned the meeting at 7:42 P.M.⁶

Karen Zander, Chairperson

⁶ Transcribed by Candice Seymour

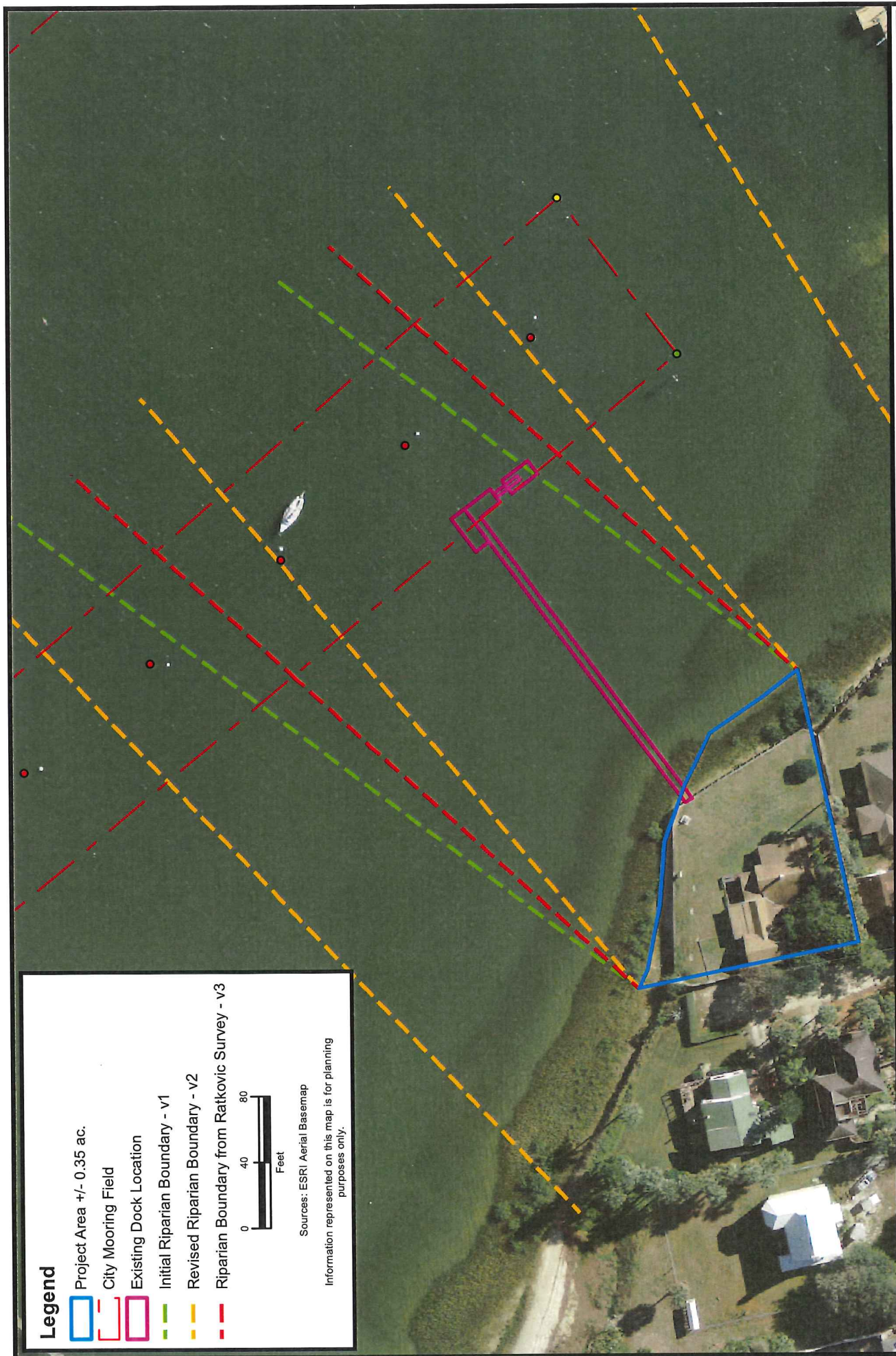


		Figure: 1
Riparian Boundaries Exhibit Little Lighthouse		
Project: 5.18397	St. Augustine, FL	Date: Dec 19 2019
CARTER ENVIRONMENTAL SERVICES, INC.  42 Masters Drive St. Augustine, FL 32084 904-540-1786 www.carterenv.com		

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330

BDAC Project No. _____

Receipt No. _____

Meeting Date: _____

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-874-6499
Business (if applicable): Carter Environmental Services, Inc.
Address: 7 Waldo Street, Suite 7C City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: Ernest Little Daytime Telephone: _____
Business (if applicable): _____
Address: 3140 Coastal Highway City: St. Augustine State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY
Lot: North half of 3, all of 4 & 5 Block: 3
Subdivision: Anastasia Parcel Number: 1570400000

4. PROJECT STREET ADDRESS: 5 Lighthouse Ave.

5. SPECIFIC PROPOSED USE: Proposed dock modification

6. ACTION REQUESTED

- | | |
|--|---|
| ☐ Exception | ☐ Appeal of Staff Determination |
| ☐ Rezoning | ☐ Variance |
| ☐ Land Use Plan Amendment | ☒ Conservation Zone Development |

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: _____
Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

9. If applying for a variance, please complete the following:

(a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully. _____

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully. _____

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully. _____

(d) If granted, will the variance adversely affect other property in the area? Please explain fully. _____

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code?
Please explain fully. _____

10. PREVIOUS APPLICATIONS

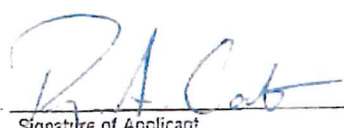
Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?
☐ Yes ☒ No If yes, give date and final disposition below.

11. AGREEMENT

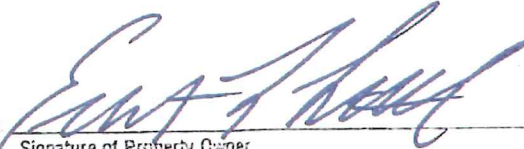
In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

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

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

12. 
Signature of Applicant

9-25-19
Date

13. 
Signature of Property Owner

9/25/19
Date

CITY OF ST. AUGUSTINE

DEVELOPMENT PERMIT APPLICANT WAIVER

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Ryan Carter

Print name of applicant

R. A. Carter

Signature of applicant

9-25-19

Date



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1570400000
Location Address 5 LIGHTHOUSE AVE
 SAINT AUGUSTINE 32080-0000
Neighborhood Carvers (Intracoastal) (713.42)
Tax Description* 1-58 CARVERS SUB ANASTASIA N1/2 OF LOT 3 & ALL OF LOTS 4 & 5 BLK 3 OR624/26 COURT ORDER & OR878/1833(Q/C) & 1183 /1540
**The Description above is not to be used on legal documents.*
Property Use Code Single Family (0100)
Subdivision Anastasia, Map Of
Sec/Twp/Rng 58-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 0.350
Homestead N

View Map

Owner

Owner Name Little Ernest L III, Nancy R 100%
 Little Nancy R 100%
Mailing Address 3140 COASTAL HWY
 SAINT AUGUSTINE, FL 32084-2215

Valuation

	2019
Building Value	\$85,281
Extra Features Value	\$12,640
Total Land Value	\$683,100
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$781,021
Total Deferred	\$15,831
Assessed Value	\$765,190
Total Exemptions	\$0
Taxable Value	\$765,190

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

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$86,434	\$13,888	\$683,100	\$0	\$0	\$783,422	\$695,627	\$87,795	\$695,627
2017	\$45,925	\$15,143	\$571,320	\$0	\$0	\$632,388	\$632,388	\$0	\$632,388
2016	\$47,800	\$16,191	\$571,320	\$0	\$0	\$635,311	\$635,311	\$0	\$635,311
2015	\$49,674	\$17,274	\$571,320	\$0	\$0	\$638,268	\$638,268	\$0	\$638,268
2014	\$41,584	\$18,357	\$571,320	\$0	\$0	\$631,261	\$626,546	\$4,715	\$626,546
2013	\$43,096	\$19,440	\$571,320	\$0	\$0	\$633,856	\$569,587	\$64,269	\$569,587
2012	\$44,608	\$20,489	\$452,709	\$0	\$0	\$517,806	\$517,806	\$0	\$517,806
2011	\$45,364	\$21,572	\$503,010	\$0	\$0	\$569,946	\$569,946	\$0	\$569,946
2010	\$46,877	\$22,655	\$558,900	\$0	\$0	\$628,432	\$628,432	\$0	\$628,432

Building Information

Building 1

Roof Structure Gable Hip

Actual Area 2477
 Conditioned Area 1338
 Actual Year Built 1930
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Wood

Roof Cover Composite Shingle
 Interior Flooring Pine Wood, Ceramic Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	60%
Interior Flooring	Ceramic Tile	40%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
ENCLOSED GLASS PORCH	0	130
BASE AREA	1338	1338
FINISHED OPEN PORCH	0	192
UNFINISHED GARAGE	0	500
FINISHED OPEN PORCH	0	90
FINISHED DECK	0	187
FINISHED OPEN PORCH	0	40
Total SqFt	1338	2477

Extra Features

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	0	0	0	588
Residential Fence	0	0	0	0	54
Bulkhead (Average)	0	0	0	0	2040

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	138	0	138	FF	\$683,100

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	7/16/1996	\$500.00	WD	1183	1540	U	I	LITTLE ERNEST L III	LITTLE ERNEST L III & NANCY R
	12/1/1990	\$0.00		878	1833	U	I		LITTLE ERNEST L III
	1/1/1984	\$0.00		624	26	U	I		
	5/1/1983	\$0.00		587	202	U	I		

Area Sales Report

Recent Sales in Area

Clerk of Court

[Clerk of Court](#)

Tax Collector

[My Tax Bill](#)

Tax Estimator

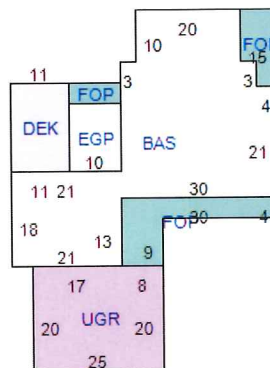
[Tax Estimator](#)

Map



Sketches

Room Type	Area
DECK	0
UNFINISHED GARAGE	0
FINISHED OPEN PORCH	0
Base	0
EGP	0



No data available for the following modules: Exemptions.

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

Last Data Upload: 1/1/2019, 10:53:14 PM

Developed by
 **Schneider**
 GEOSPATIAL

Attachment 1
Overlay Zone Application Narrative

**5 Lighthouse Ave.
Overlay Zone Development Application Supplement
February 2019**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a dock and boat lift at 5 Lighthouse Ave.

The property owner has added a floating platform and gangway after-the-fact. We would like to modify City approval to add this additional area. The floating platform measures 10' x 20' and the gangway is 3' x 18'. The proposed modification adds an additional 225 sf. over open water. This brings the total dock square footage to 1,769 sf. Please see attached plans for detailed dimensions.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

This is a private dock. Public benefits may be economically-related through construction activities and marine/boating related purchases.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

The additional area is over open water.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

No boat houses are proposed. Dock height is similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

There are other adjacent docks of similar size in the area.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 230 feet of river frontage. There is salt marsh vegetation and oyster colonies present.

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

The property is adjacent to other single-family homes along Salt Run.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge have not be altered.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion controls were used during construction, such as silt fences and turbidity barriers.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: Not applicable

Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the marsh and open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

There will be no storage of pollutants or the use of poisonous chemicals and materials

9. *Effect of shade on vegetation and shellfish.*

Effects of shading on vegetation and shellfish should be minimal.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The area is a no wake zone and the additional use by the owners will not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.

11. *Impact of development on shoreline by linear feet and percent of site.*

Not applicable.

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

Not applicable.

13. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

14. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

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

- a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The new dock could provide shelter for larval, juvenile, and adult fish.

Negative: None

- b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.

Negative: None

- c) The effects of the project on water fowl are as follows

Positive: The new boardwalk could be used as a resting place or perch for many water fowl.

Negative: None

17. Dock specifications:

- a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

There are no proposed plans for any boathouse, roofed structure or wall within the dock.

- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

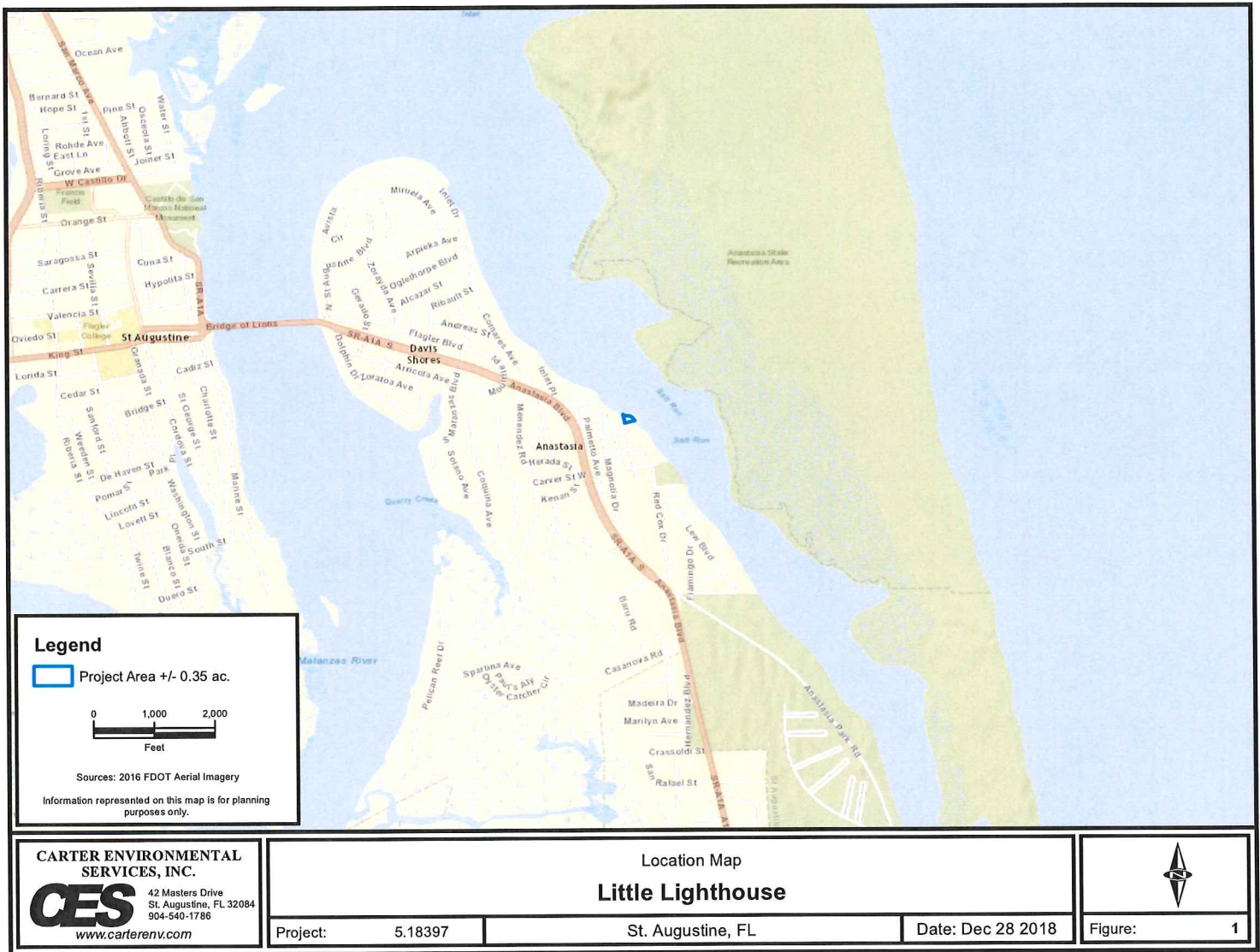
The deck will be at 6' above MHW.

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

The boat lift has been previously approved

Attachment 2

Overlay Zone Application Graphics





CARTER ENVIRONMENTAL
SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Aerial Map

Little Lighthouse

Project: 5.18397

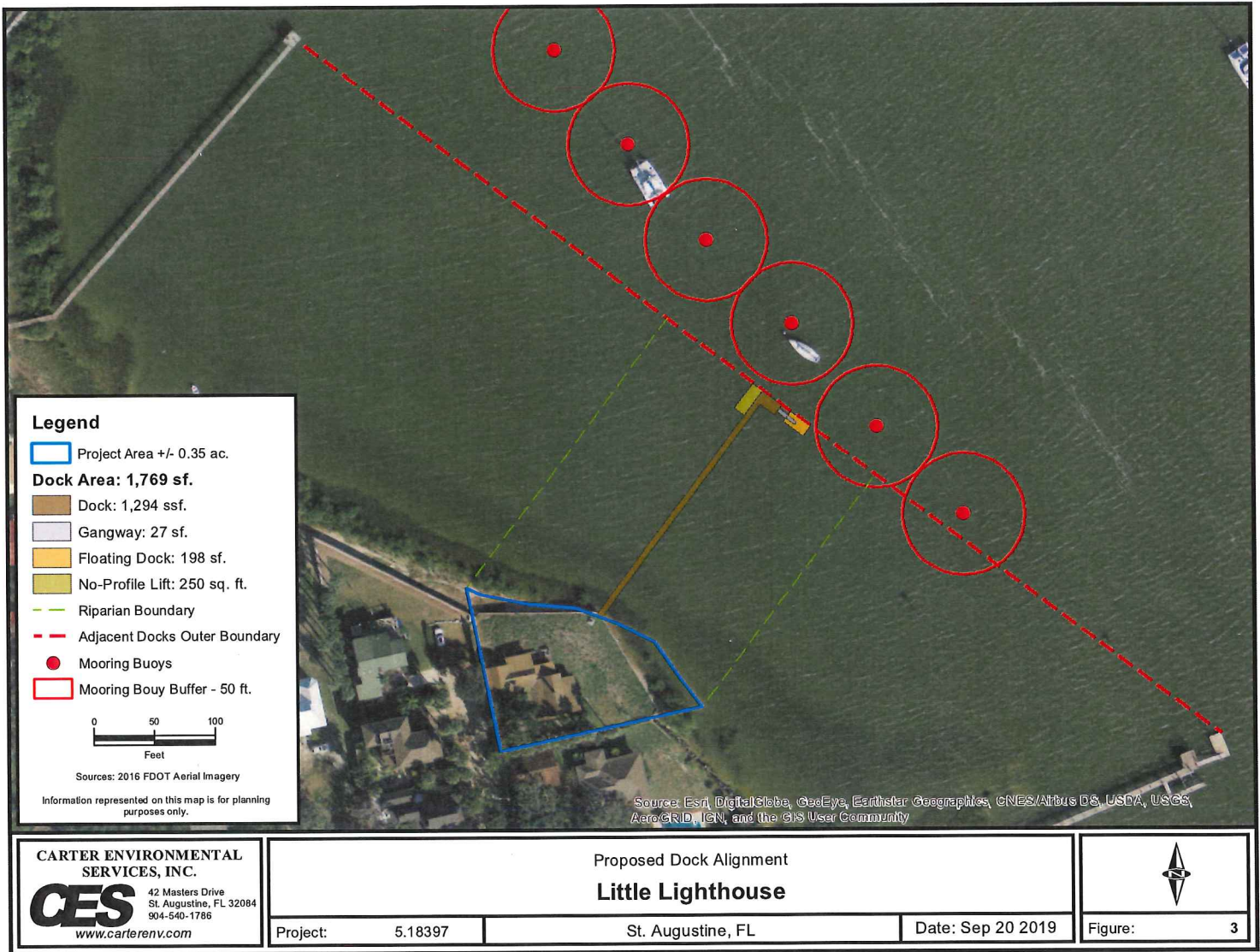
St. Augustine, FL

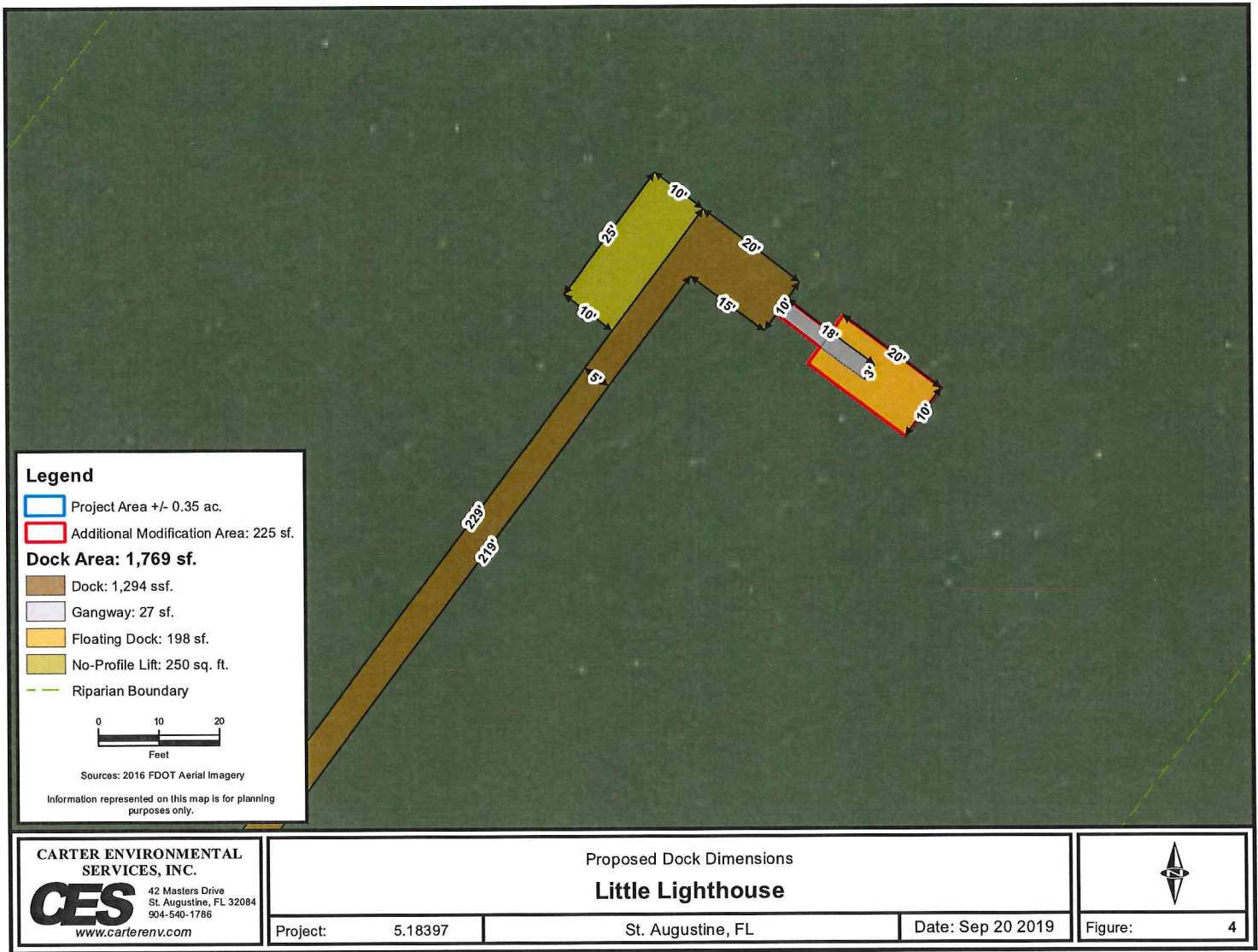
Date: Sep 20 2019

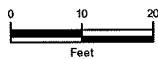
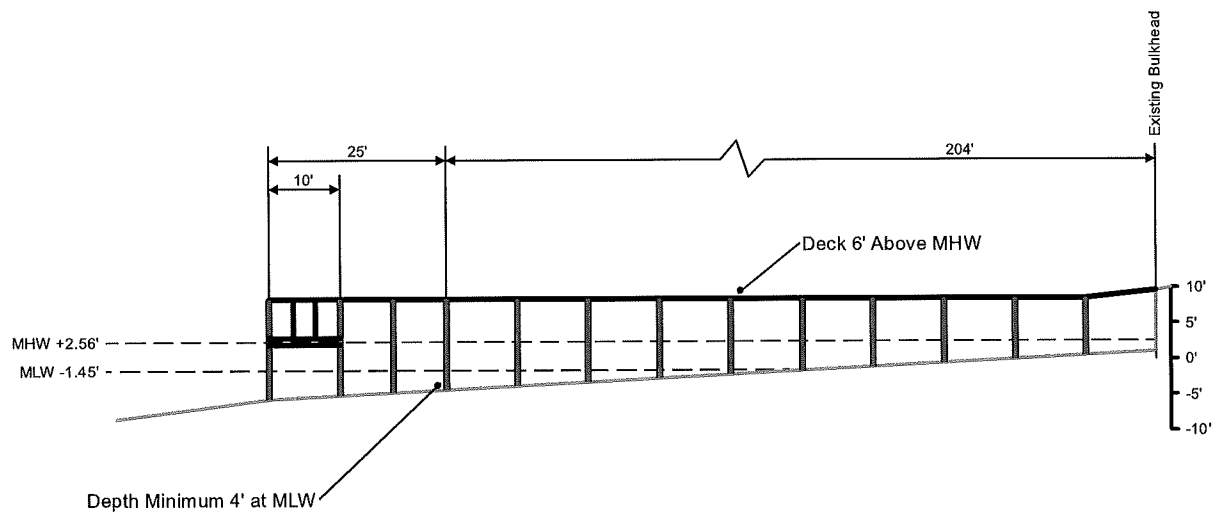
Figure:

2









Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Profile View
Little Lighthouse

Project: 5.18397

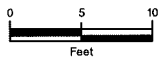
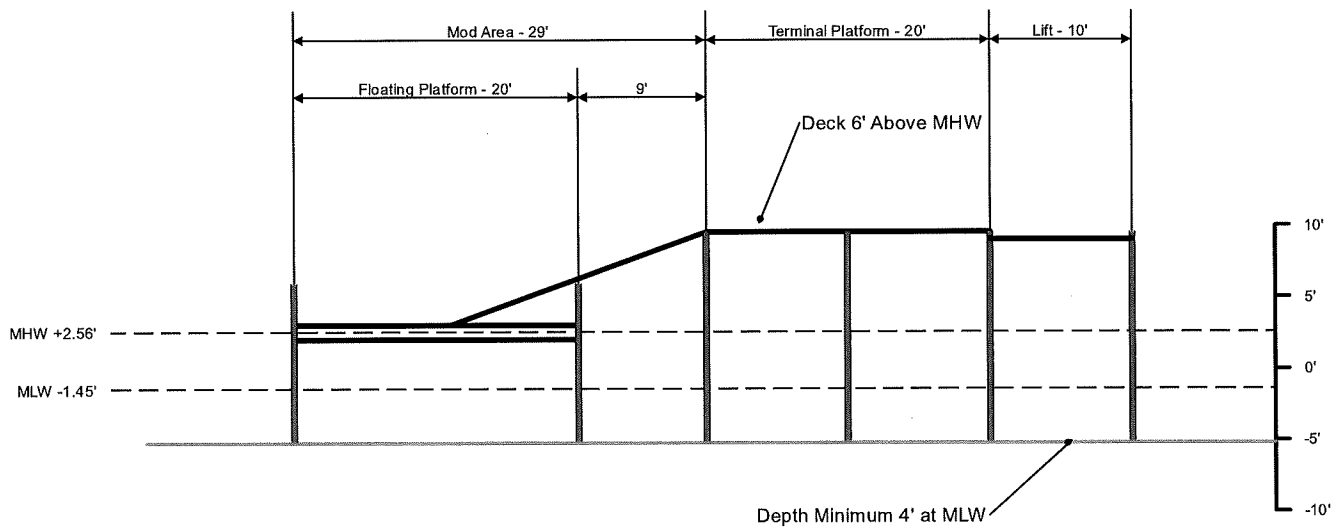
St. Johns County, FL

Date: Sep 20 2019

Figure:

5





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CARTER ENVIRONMENTAL SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock Cross-Section

Little Lighthouse

Project: 5.18397

St. Johns County, FL

Date: Sep 20 2019

Figure:

6



Attachment 3
Photo documentation sheet







Legend

Project Area +/- 0.35 ac.

Channel

Initial Riparian Boundary

Permitted Dock Location

Revised Riparian Boundary

Actual Dock Location



Sources: 2016 FDOT Aerial Imagery

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

CES
7 Waldo Street
St. Augustine, FL 32084
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www.carterenv.com

Permitted vs. Existing Dock

Little Lighthouse

Project: 5.18397

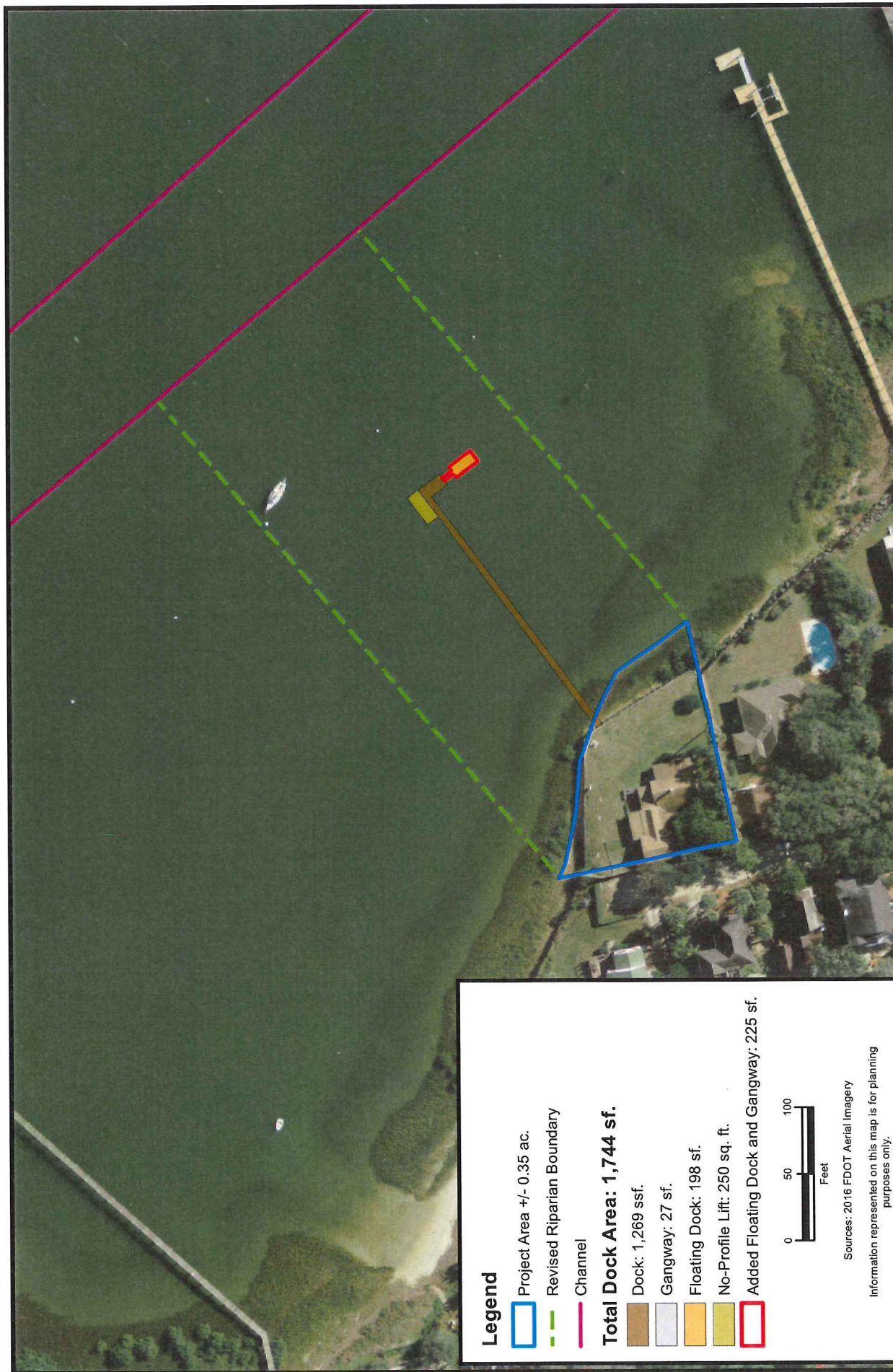
St. Augustine, FL

Date: Dec 02 2019

Figure:

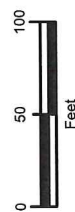
1





Legend

- Project Area +/- 0.35 ac.
- Revised Riparian Boundary
- Channel
- Total Dock Area: 1,744 sf.**
- Dock: 1,269 ssf.
- Gangway: 27 sf.
- Floating Dock: 198 sf.
- No-Profile Lift: 250 sq. ft.
- Added Floating Dock and Gangway: 225 sf.



Sources: 2016 FDOT Aerial Imagery

Information represented on this map is for planning purposes only.

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7 Waldo Street
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Existing Dock

Little Lighthouse

Project: 5.18397

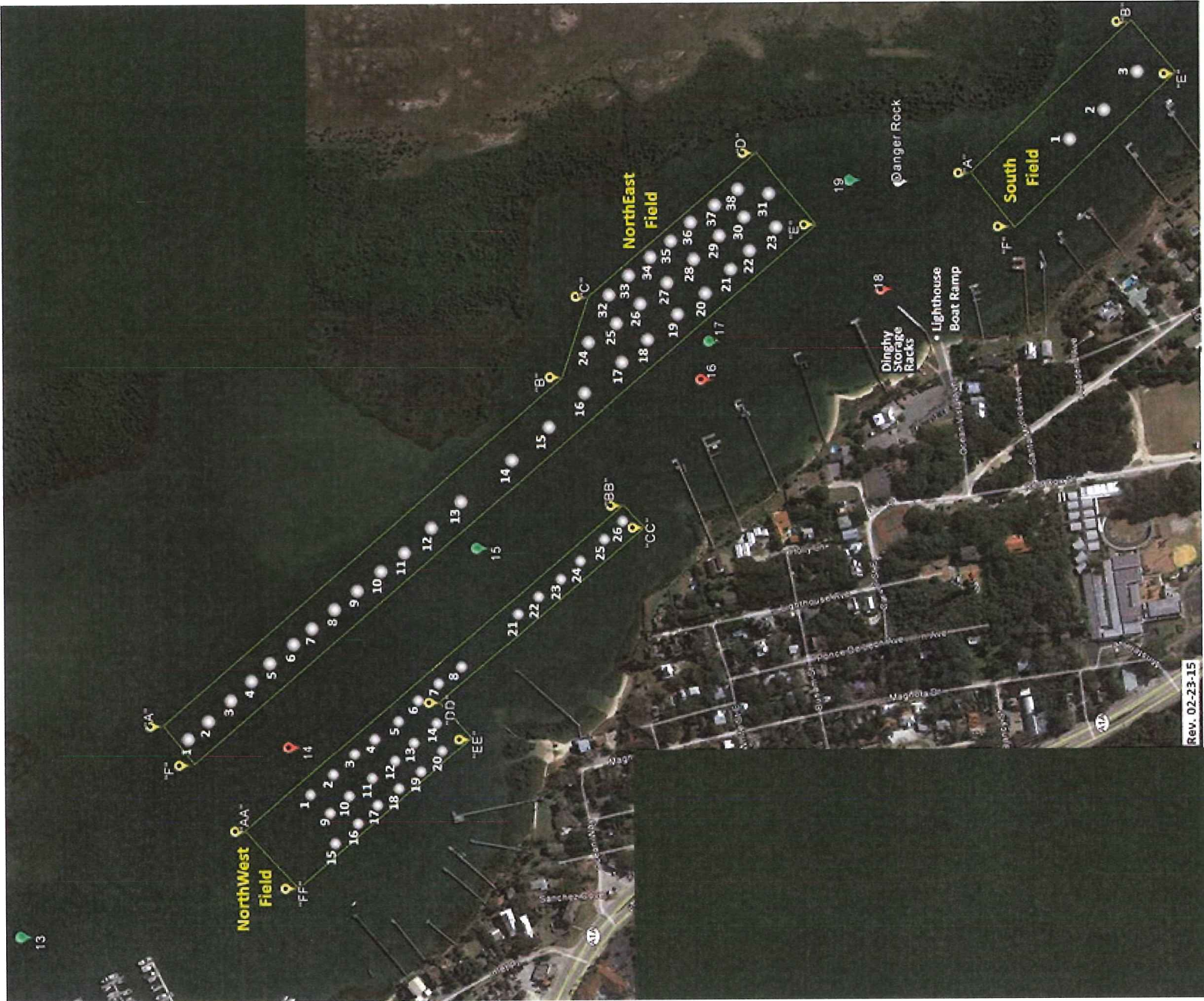
St. Augustine, FL

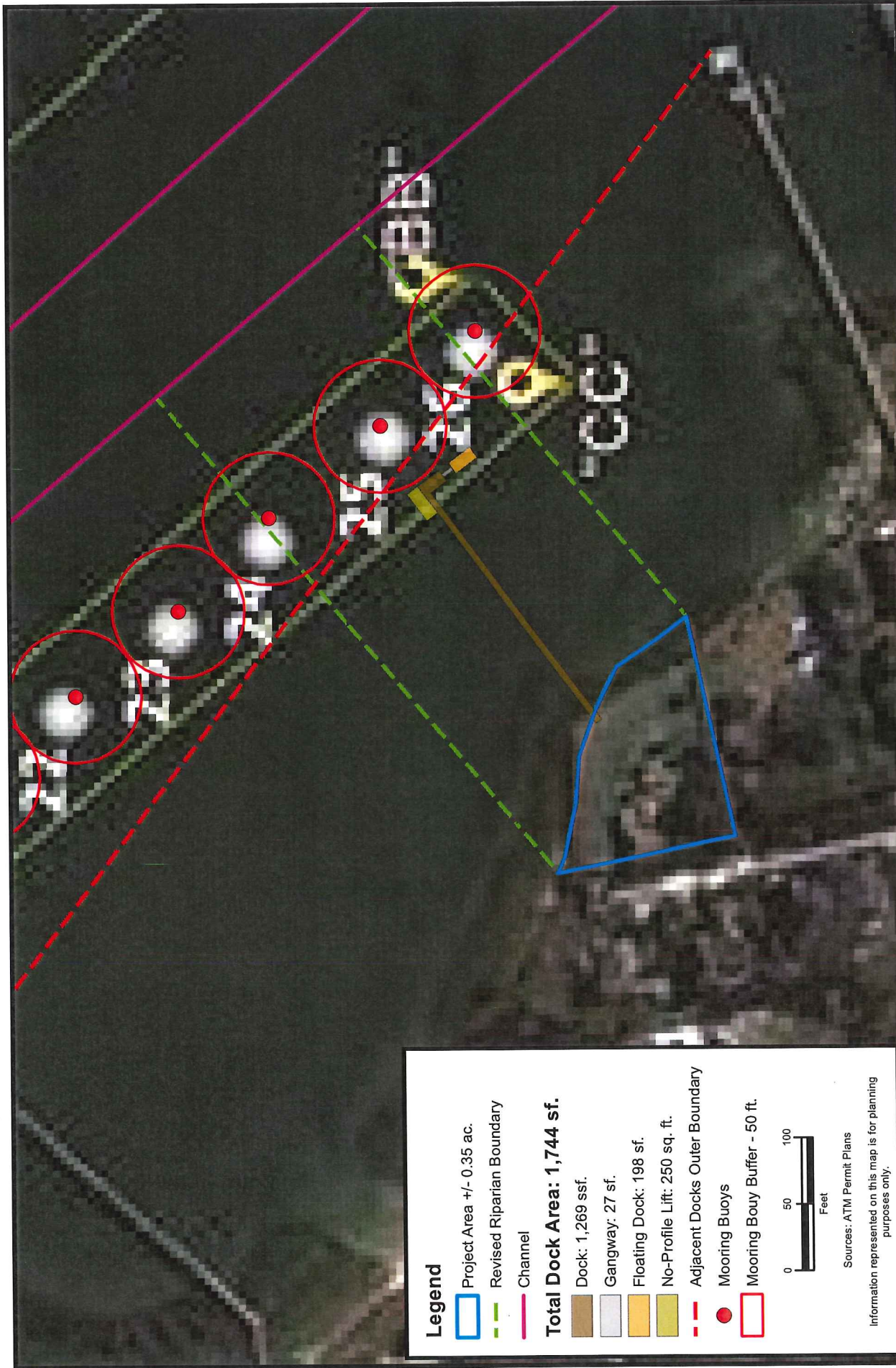
Date: Dec 02 2019

Figure:

2







Legend

- Project Area +/- 0.35 ac.
- Revised Riparian Boundary
- Channel
- Adjacent Docks Outer Boundary
- Mooring Buoys
- Mooring Bouy Buffer - 50 ft.

Total Dock Area: 1,744 sf.

Dock: 1,269 ssf.

Gangway: 27 sf.

Floating Dock: 198 sf.

No-Profile Lift: 250 sq. ft.

Adjacent Docks Outer Boundary

Mooring Buoys

Mooring Bouy Buffer - 50 ft.



Sources: ATM Permit Plans

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

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7 Waldo Street
St. Augustine, FL 32084
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Mooring Field Location

Little Lighthouse

Project: 5.18397

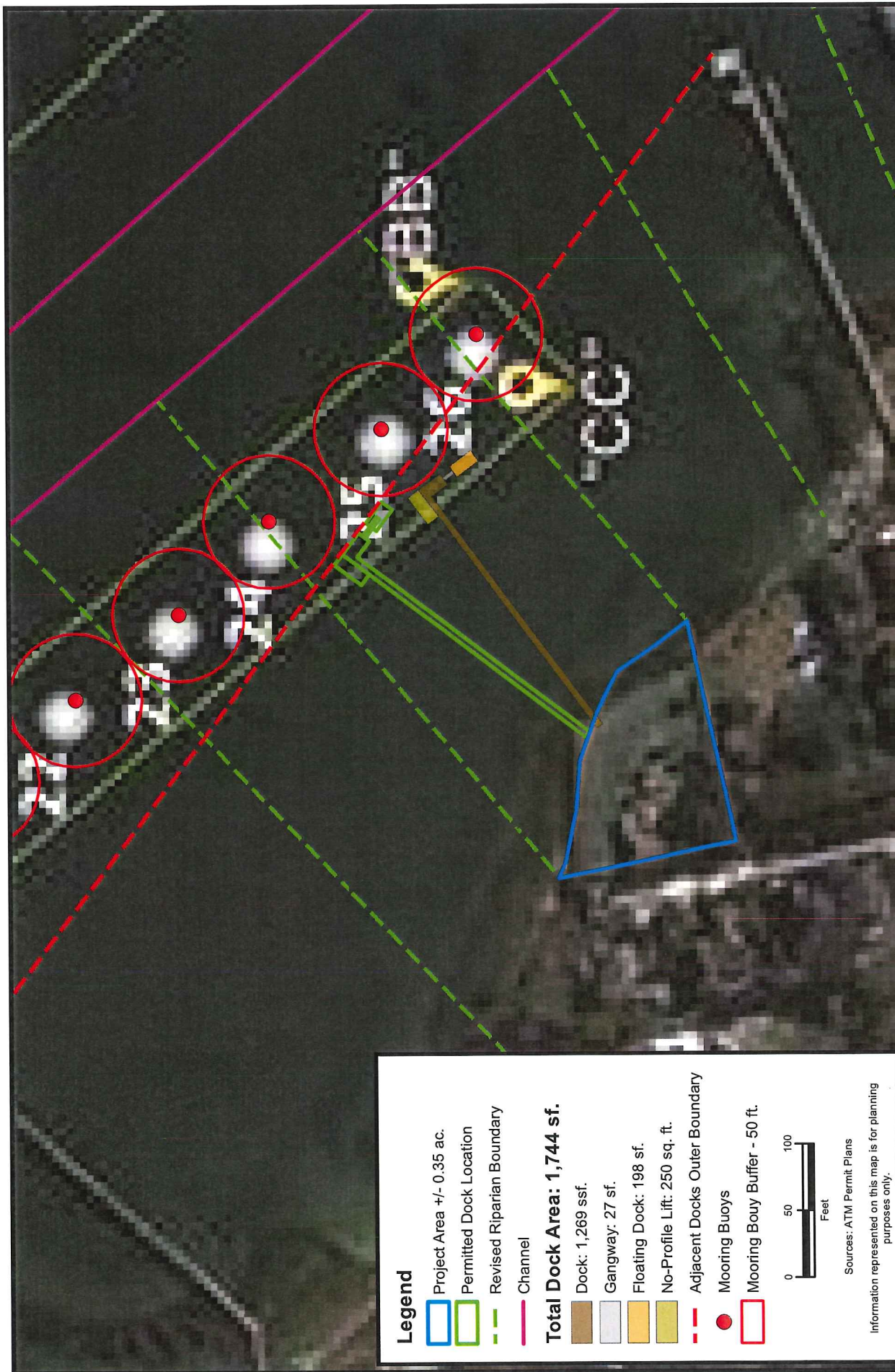
St. Augustine, FL

Date: Dec 02 2019

Figure:

3





Legend

- Project Area +/- 0.35 ac.
- Permitted Dock Location
- Revised Riparian Boundary
- Channel
- Total Dock Area: 1,744 sf.**
- Dock: 1,269 ssf.
- Gangway: 27 sf.
- Floating Dock: 198 sf.
- No-Profile Lift: 250 sq. ft.
- Adjacent Docks Outer Boundary
- Mooring Buoys
- Mooring Bouy Buffer - 50 ft.



Sources: ATM Permit Plans

Information represented on this map is for planning purposes only.

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CES
 7 Waldo Street
 St. Augustine, FL 32084
 904-540-1786
www.carterenv.com

Mooring Field Location - Old vs. New

Little Lighthouse

Project: 5.18397

Date: Dec 03 2019

Figure: 3a



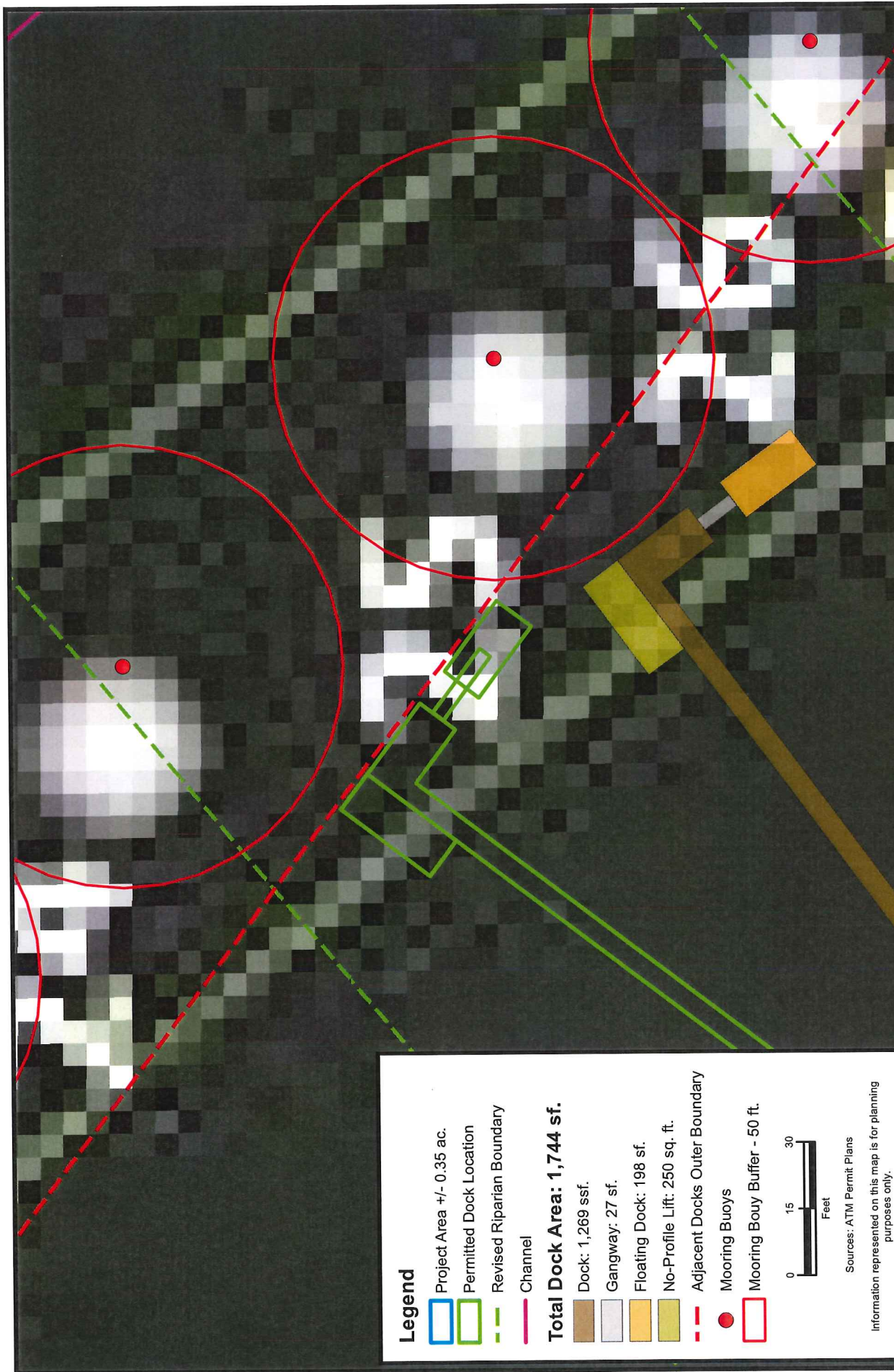


Figure: 3b

Mooring Field Location - Old vs. New
Little Lighthouse

Project: 5.18397

Date: Dec 03 2019

St. Augustine, FL

CARTER ENVIRONMENTAL SERVICES, INC.

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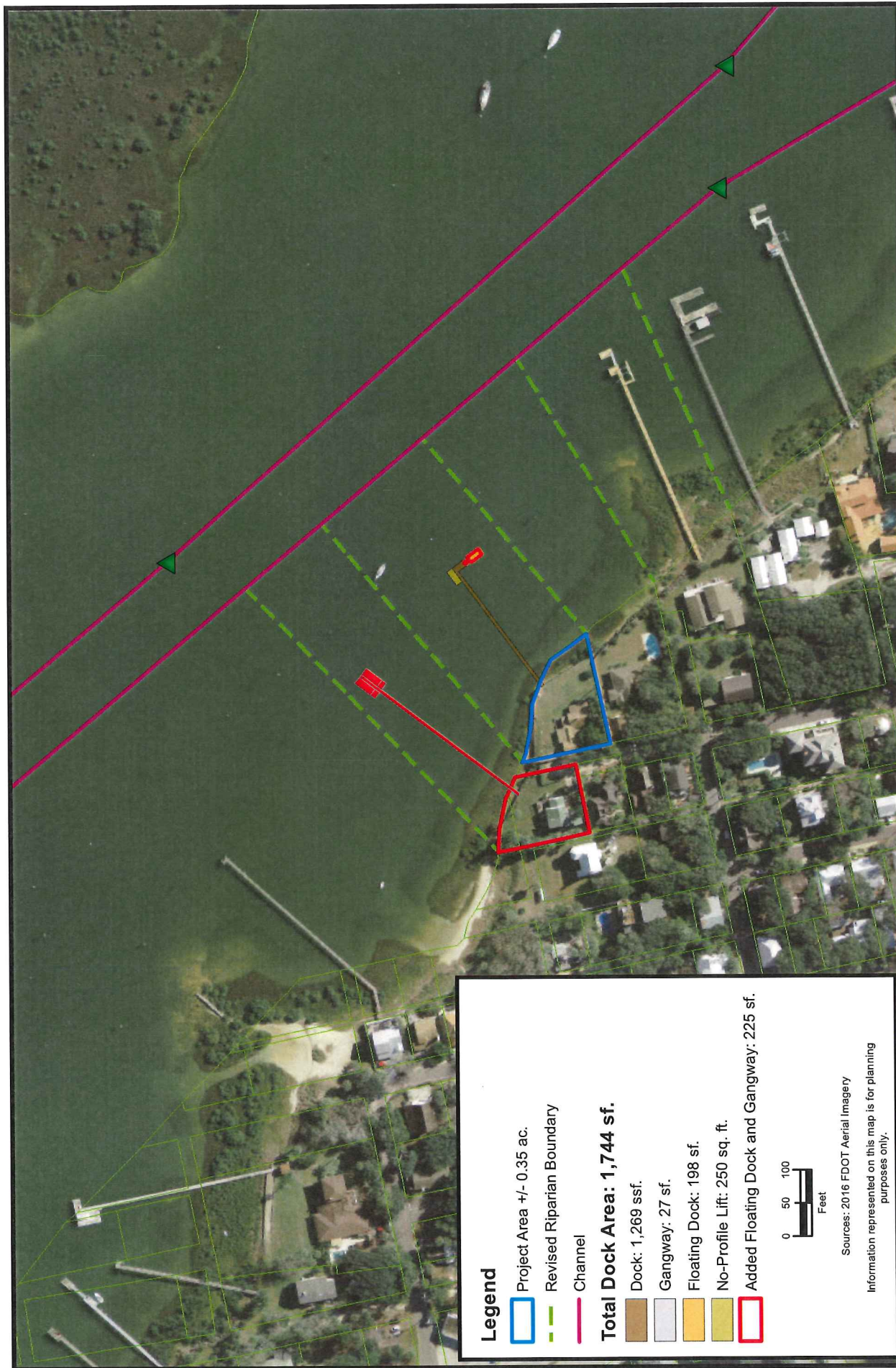


Figure: 4

Riparian Lines Overview

Little Lighthouse

Project: 5.18397

Date: Dec 02 2019

St. Augustine, FL

CARTER ENVIRONMENTAL SERVICES, INC.

CES

7 Waldo Street
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF SURVEY AND MAPPING**

Guidelines for Allocation of Riparian Rights

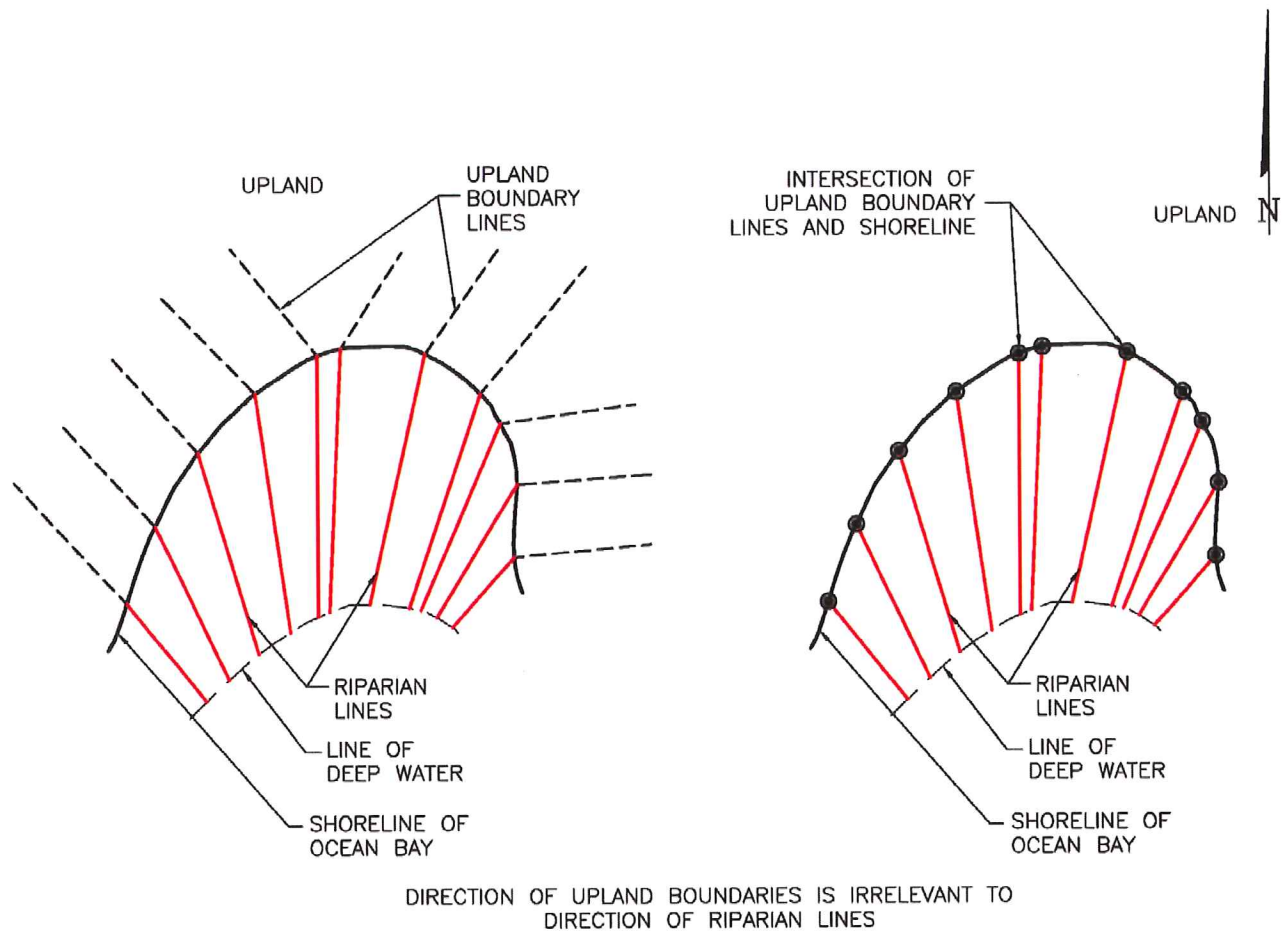
The 1985 and 2009 Studies

In 1985 and again in 2009, the Bureau of Survey and Mapping sponsored a study of the effect of shoreline and channel geometry on the division of riparian rights. This study was prepared by Dr. David Gibson, Associate Professor at the University of Florida. The research was intended to analyze existing methods for making allocations of riparian rights together with a study of different shoreline configurations. The result was a set of recommended guidelines.

This document concentrates on the two riparian right “equities” of dominant interest among waterfront owners: (1) right of ingress/egress to navigable waters – the right to build a dock out to deep water, (2) right of view out to the edge of the main navigational channel (view). The following are conclusions from the studies and examples of riparian rights allocations.

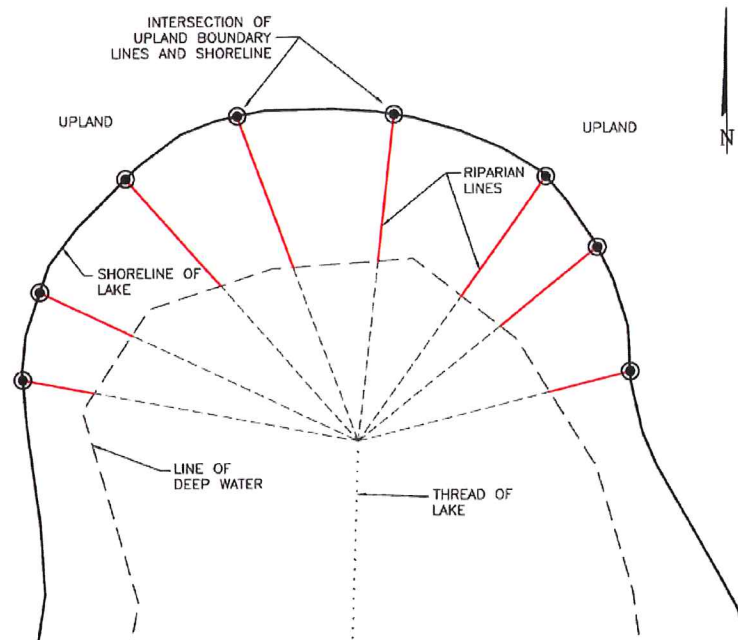
Conclusions from Literature Study

1. Docking is a near-shore consideration and is limited by the line of deep water (line of navigability or line of navigation). The great weight of research indicates that when docking is the primary issue, courts will usually apportion the space between the shore and the line of navigability.
2. In considering docking when the shore is relatively straight on a large body of water (one without a nearby channel or thread), such as the ocean, a large lake, ocean bay or wide river, the dominant construction makes division lines perpendicular with the general direction of the shore extended to the line of navigable water. The shore’s general direction requires smoothing of smaller indentations and projections, and perpendiculars are constructed with the “smoothed” shore from the place where the side lot line hits the Mean High Water Line or Ordinary High Water Line.
3. Along a river without a marked channel and the opposite bank is in proximity to the area of concern, the dominant technique is to construct riparian lines perpendicular with the stream’s thread (median). The stream’s thread should be found as the median line of the water surface half way between the banks during ordinary stages of water height.
4. Along a river or other water body with a nearby marked navigation channel and a regular shore, most courts construct perpendiculars with the nearest channel edge as opposed to the thread. It appears that the proximity of a channel edge, or any other similarly established outer line, will most likely be used by courts for the apportionment using perpendiculars if the shore is relatively straight.
5. The direction of upland boundaries is largely ignored when apportioning riparian rights. The public’s mistaken belief that riparian lines are on the extension of their side upland lines is the most frequent cause of riparian disputes. Instead, the water body must be **equitably apportioned** as if all waterfront owners were standing on the shore looking out over the water body – see example below.



6. When the shore is irregular in the form of a cove or projection into an ocean, ocean bay, lake or river, most courts apportion the line of deep water to divide riparian rights as opposed to any perpendicular method – see example above.

7. Methods of apportionment designed for the whole water body, such as the center point method in lakes, thread of lakes, perpendiculars to channels or threads, should be used mainly for those riparian rights that require apportion of the entire water surface. They may also be used to determine direction but not the terminus of near-shore division lines when they give substantially the same apportionment as a near-shore method. This would be true in round lakes with concentric water depth contour lines, along rivers with parallel banks and parallel channel, and along long lakes with consistent water depth contours – see example below.



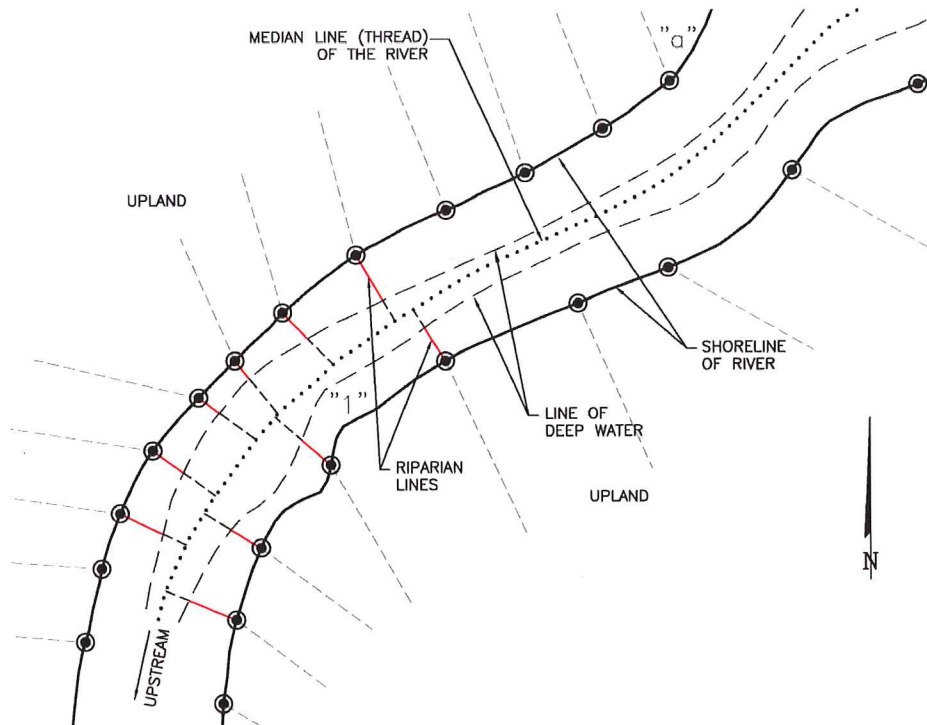
8. The apportionment of the line of deep water is the most universal technique for division of riparian rights that will give the same solution as more traditional techniques in many cases and will follow dominant national case law where the shore is irregular.

Recommended Procedures and Water Body Classifications

In explaining allocation procedures, reference will be made to several sketches which were constructed to show numerous cases of water boundaries. It is presumed that the main considerations are docking, view and access to navigation channels. It should be noted that the upland boundaries of the lots surrounding the water are shown only as very light dashed lines for the reasons stated in no. 5 above.

River, No Marked Channel, Parallel Banks – Perpendicular with Median Line In the river example below, the water body would be classified as (1) being a narrow river where the opposite bank is of a consideration and (2) as having generally parallel banks without deep coves and projections.

The main technique to be applied here is the “perpendicular with the stream’s thread” method. The banks being the limit of water at its ordinary stage would be determined. A median line would be constructed exactly midway between the banks at their ordinary stage of water. Perpendiculars would be constructed at the thread and produced back to the shore points. Docking and access rights would stop at the line of deep water – see example below.

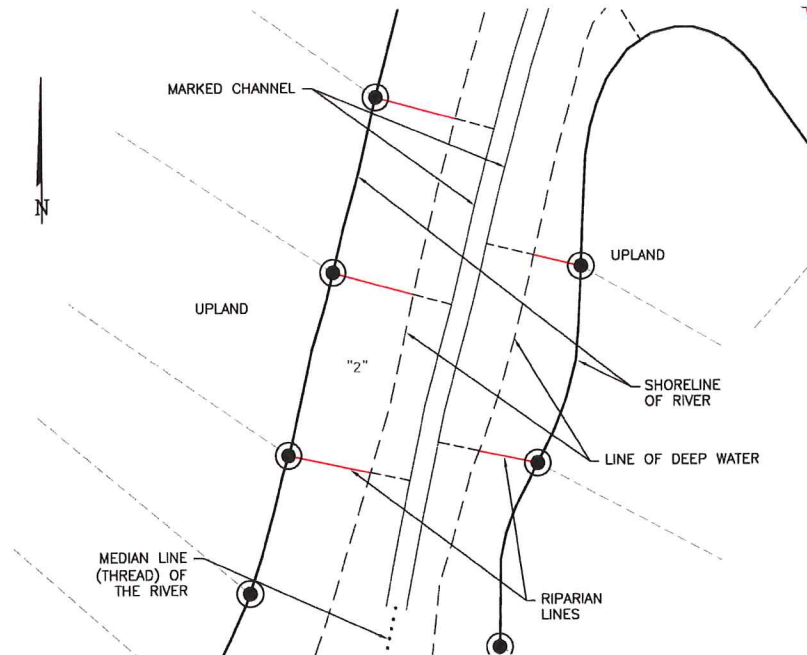


For example, at area "1", the red riparian line is the "docking" line shown perpendicular with the dotted median line stopping at the line of deep water. The dashed extension of the riparian line is the "view" line out to the median line. These lines are: not on the extension of the upland side line, not perpendicular with the water boundary, or not perpendicular with the line of deep water.

Other docking and view riparian lines are shown in the neighborhood. This same technique would be used on the entire river upstream of point "a". None of the coves are deep and no inequity would result.

River, Marked Channel, Parallel Banks – Perpendicular with the Channel Line

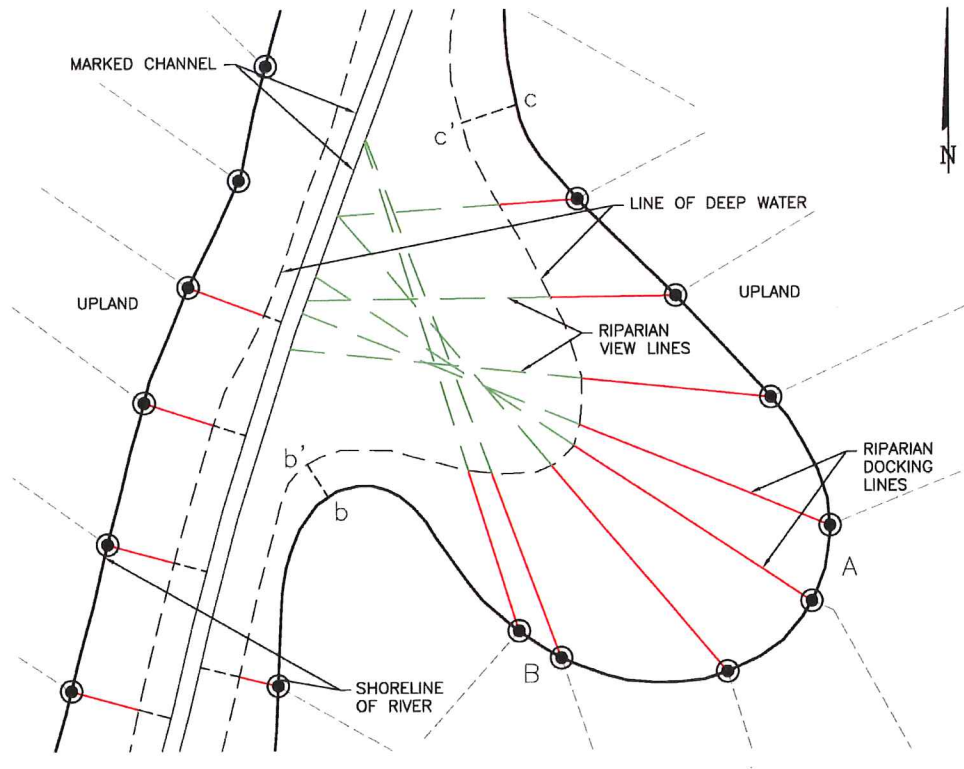
Downstream of the above example a maintained and marked channel exists that would take over from the thread for the apportionment base line. The channel probably has an east and west edge, and perpendiculars would be constructed at the nearest edge and run back to shore – see example below.



For example, at area "2" above, perpendiculars are constructed at the nearest channel edge and run back to shore.

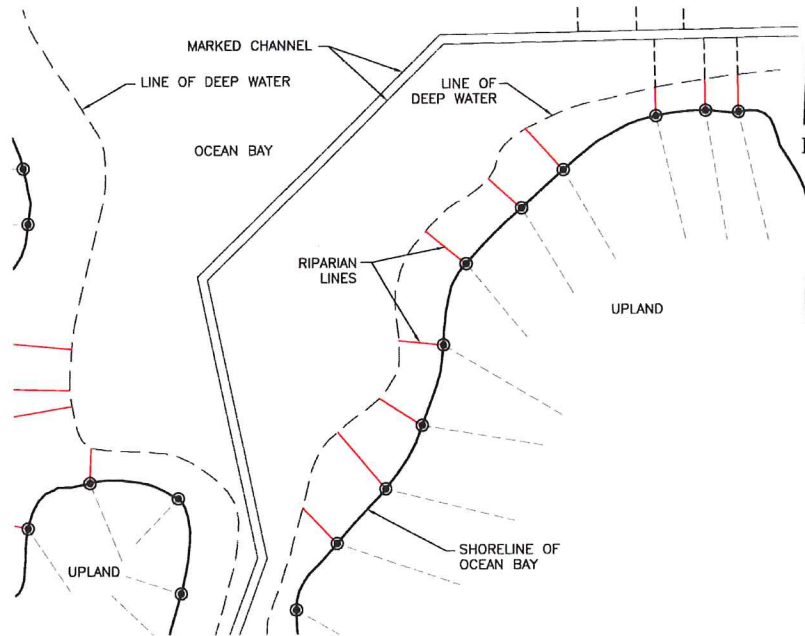
Deep Cove on One Bank – Apportion Line of Navigability The deep cove on the east bank in the following example requires special treatment. Inequities are obvious; if the typical solution of extending the lot lines is applied, persons "A" and "B" would be entirely cut off from navigable water and the channel. If the previous technique of perpendiculars from the channel were applied, then person "B" would receive nothing. Therefore, the line of navigability should be apportioned.

Finding the cove limits (headland points) would be a critical decision. The headlands of the cove would be identified as points "b" and "c" the places where the east river bank departs its generally parallel course and enters the cove. As a general rule the "45 degree method" can be used to find the headlands –where the shore first departs at a 45 degree angle from the general direction of the water body.

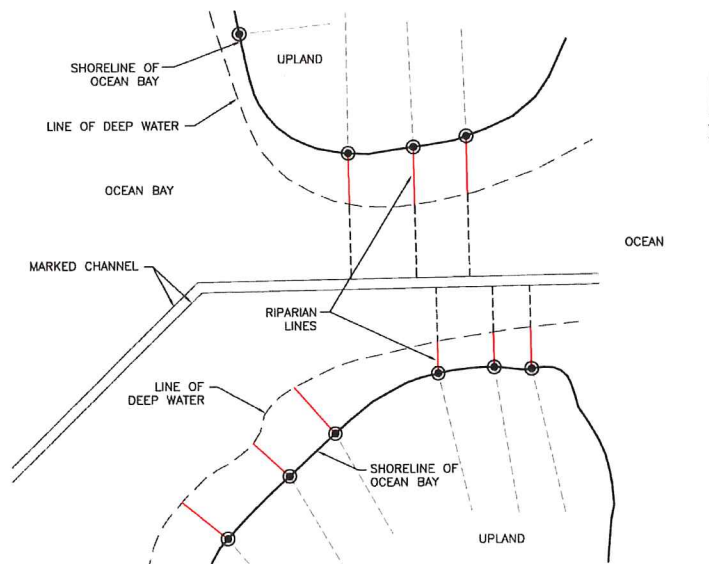


Points b' and c' would be established directly opposite the headland shore points using perpendiculars with the line of navigability. Between b' and c', the line of navigability would be divided in proportion to frontage. For example if the total distance b' to c' on the "outer line" is only 700 ft and the shore frontage from b to c is 1000 ft then each foot of shore frontage only receives 0.70 ft on the outer line – equitable apportionment. Straight lines would run back to shore points. The view zones would be the extension of the docking lines out to the channel line, (however view zones are not exclusive and they may overlap).

Large Water Body -- Perpendicular with Shore Northerly of the above example, on the east side of the ocean bay, the shore and the marked channel are diverging from each other. Since docking is a near-shore consideration, then a near-shore solution is called for. The dominant method is to construct perpendiculars with the generalized shore, projecting these riparian lines out to the line of deep water.



Inlet Channel – Perpendicular with Channel Line At the inlet of the ocean bay, the proximity of the channel is now the important consideration, and perpendiculars would be dropped from it as shown.



Coves

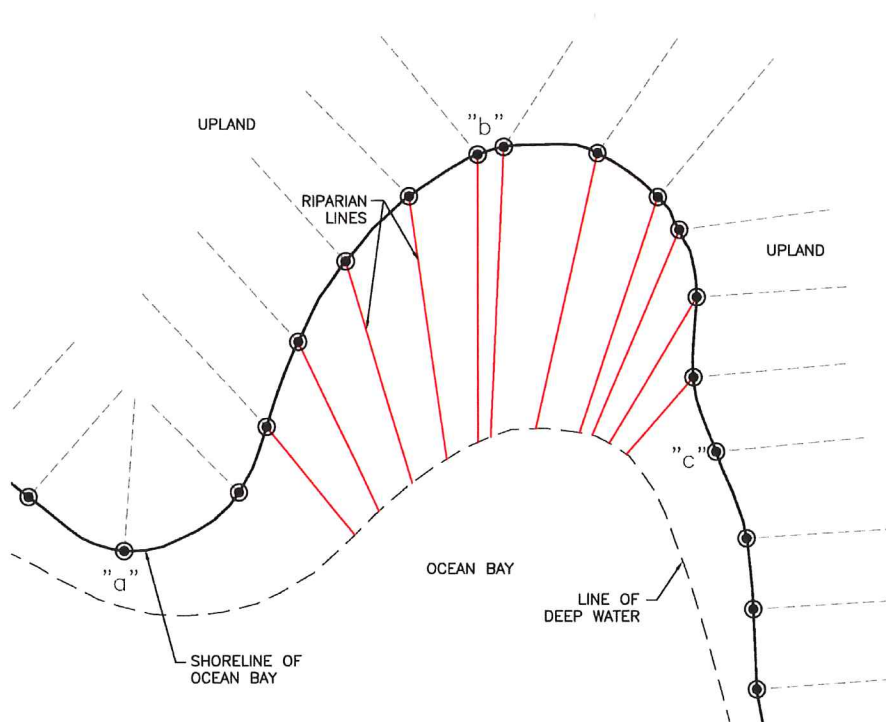
Large Bay Cove – Apportion Line of Navigability Around the ocean bay, the dominant construction is perpendicular with the generalized shore direction, projecting these out to the line of deep water.

However, the large cove on the north side of the bay calls for apportioning the line of navigability. The main question would be determining the apportionment limits. There is a well-

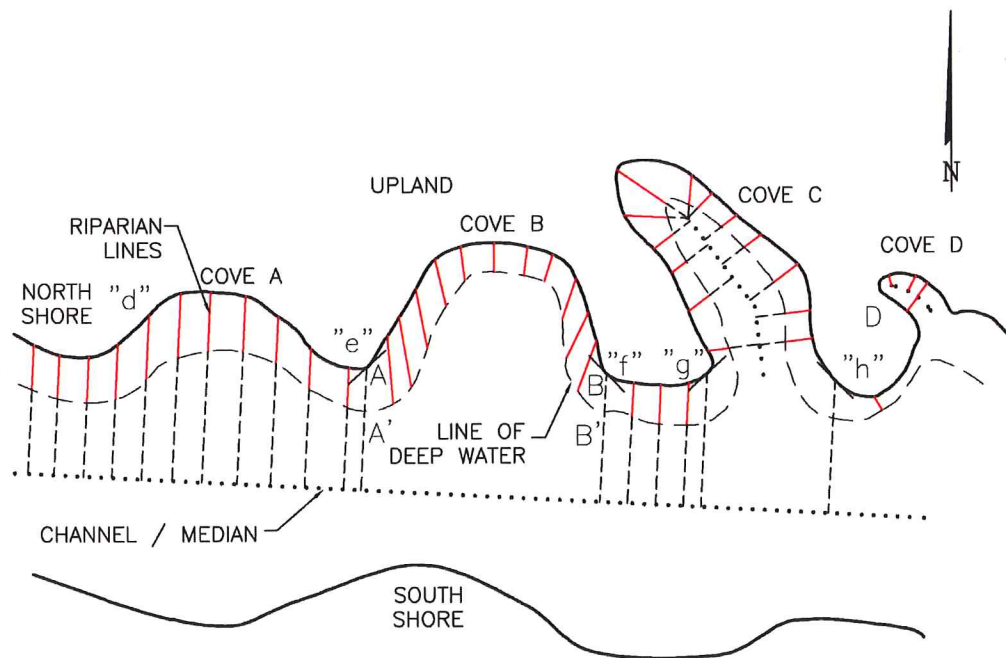
defined headland on the cove's west end at "a," but on the east side the cove's beginning is not so well defined.

As a guideline for thought, there is no use apportioning lots in which a more basic method works; therefore, start at the point of greatest inequity, point "b" in this case, and go in each direction until straight-line projections will intersect the line of navigability at nearly right angles well clear of the problem area, such as at "c" in this case. Apportionment between "a" and "c" will give each owner a portion of the line of deep water for constructing a dock.

A problem is noticed for owner "b". Due to small frontage, that lot will receive a very small portion of deep water frontage, perhaps not enough on which to build a dock without conflict with adjoiners. This is a situation for the neighbors or courts to address. The surveyor should not attempt to solve this situation. Instead, the surveyor should rely on geometric construction principles. After the "theoretical" riparian lines are determined, let the owners negotiate a solution (riparian boundary agreement or license) or let the courts decide an equitable solution.



Commercial marina leasing has now made the allocation of the entire water body a consideration. Consider the water body shown in the following figure. It could be a river, a long lake, or intra-coastal waterway and a marked channel is present, therefore, the dominant riparian construction is perpendicular with the channel. The north shore is undulating with three "coves" to investigate: a (A) "shallow cove," not indented enough to require a cove method apportionment, a (B) "deep cove," requiring a cove apportionment, and (C & D) "hidden coves" which departs to form its own geometry. The deep water line, shown as a dashed line, illustrates that cove C contains deep water while cove D does not.



Shallow Cove A is called "shallow" because the intersection between the shore and riparian lines are at 45 degrees or less throughout the cove. This "45 degree rule" is presented here for consideration. At a location such as "d" where the shore and riparian line are at 45 degrees, the width of the riparian zone is 0.71 times the frontage distance, but these zone widths still give sufficient width for dock building out to the deep water line (dashed) and leasing/view out to the channel line. In the Florida case *Hayes v Bowman*, this angle was about 55 - 60 degrees which caused a reduced riparian zone width 0.85 times the lot frontage. Therefore, it was recognized that the riparian zone width may be significantly less than the riparian frontage width.

Deep Cove B begins at location "e" where the angle exceeds 45 degrees. This is the beginning of a deep cove B calling for a cove apportionment. The beginning points on the cove are A and A'. The end of the cove at point "f" is identified as points B and B', where the channel perpendicular and the shore make an angle of 45 degrees. The deep water line from A' to B' is apportioned according to relative shore frontages between A and B.

Hidden Cove C begins at "g" and ends at "h", again using the 45 degree rule. However, since this cove has its own geometry separate from the main water body, each riparian parcel fronts on this cove (not on the main water body). Therefore, perpendiculars are constructed with the cove's median lines. At the north end of the cove, a center point is chosen at the deep water end, and riparian lines are connected with the central point for parcels northwest of that point. This allocates the line of deep water between those riparian owners.

In **Hidden Cove D** apportionment of the line of navigability would give the lot at "D" no deep water frontage. Courts could treat this cove as a separate shallow water body. Since it is shallow, the owners could have the riparian right of ingress/egress only to the shallow waters

for small boats, but not to the line of deeper water. They could also have the right of view to the cove's median line as shown. However, to solve this question, courts would have to address the issues involved and therefore it is outside of the scope of this report.

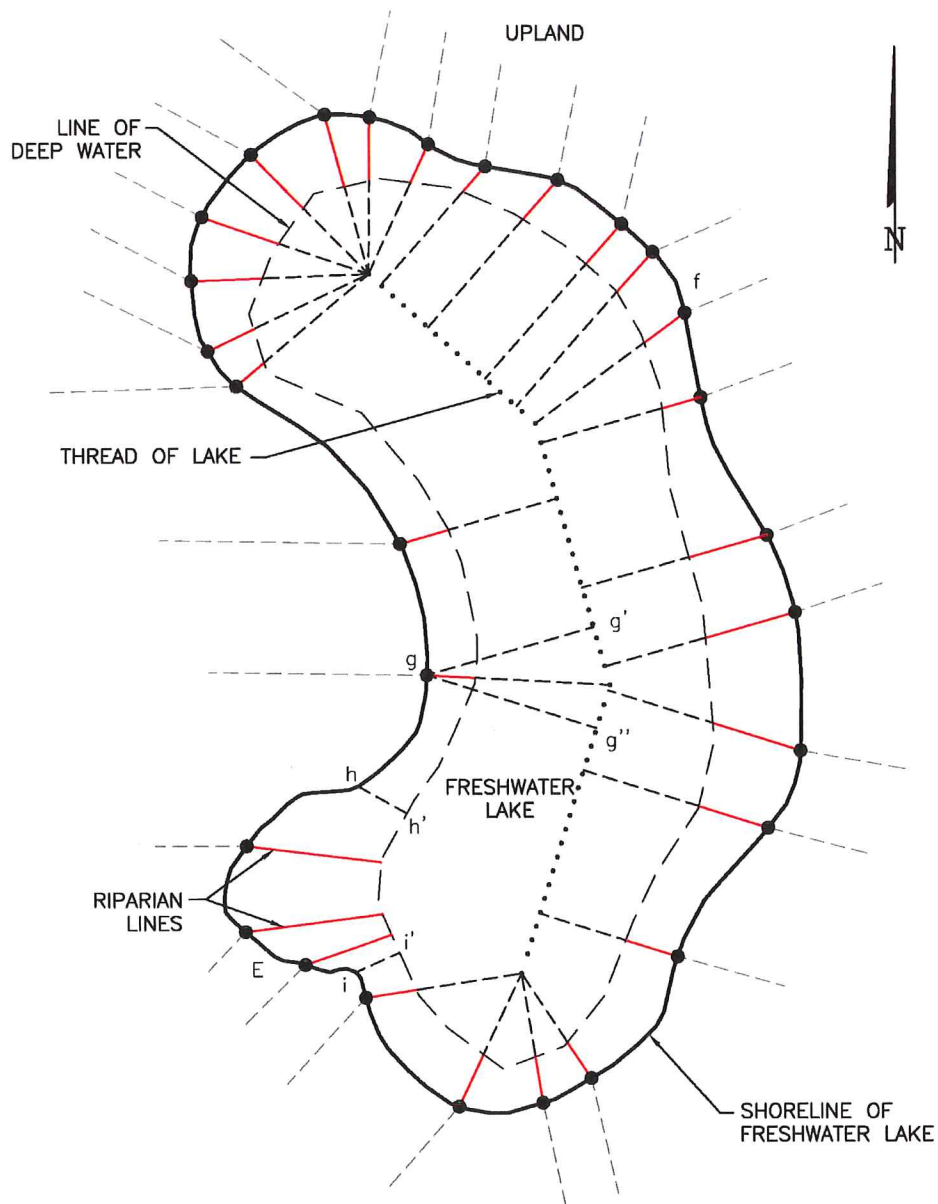
Of course, outside hidden cove D, riparian owners have clear access to deep water as shown.

Long Fresh Water Lake – Radials to End Center Points – Perpendicular with the Median Line (Thread) To apportion riparian rights in a "long lake", the traditional approach would establish center points in the semi-circular lake ends together with a thread midway between the banks. Around the lake ends, lines would radiate from center points to shore points, and along the thread, perpendiculars would be constructed and run back to shore points.

However, several geometric problems are encountered. At point "f", it's impossible to drop a perpendicular to either line of the thread. Therefore an equitable approach would be to extend the riparian line to the angle point in the thread as shown.

Similarly, at point "g" on the west shore, two perpendiculars are possible, each dropped to a different line of the thread. Which one? Again an equitable approach would be to draw the riparian line to the angle point in the thread.

At parcel "E" there is a deep cove, and a perpendicular with the thread construction would be inequitable. This should then be apportionment of the line of deep water by the cove method with headlands identified at points "h" and "i."



SUMMARY STATEMENTS – Please note that this document presents guidelines for a wide range of riparian situations. However, there are always unique situations that need to be addressed. The courts require that the allocation be “equitable” for the whole neighborhood. The geometric method, if extended up and down the shore, should be equitable for the whole neighborhood of riparian owners. In addition to a survey map of the parcel, it is recommended that a surveyor submit a riparian “report” that depicts the equity when the allocation is applied to the whole neighborhood.

DISCLAIMER

All information contained is for general informational purposes only and subject to change without notice. Neither the Department nor the Board of Trustees of the Internal Improvement Trust Fund makes any representations or warranties of any kind express or implied, with respect to the content, quality, completeness, accuracy, or reliability of any information contained within regarding allocation of riparian rights. Neither the Department nor the Board of Trustees of the Internal Improvement Trust Fund assumes any legal liability for the content, quality, accuracy or completeness of the information. Any reliance you place on this information is therefore strictly at your own risk. In no event will the Department or Board of Trustees of the Internal Improvement Trust Fund be liable for any loss or damages, whether direct, indirect, general, consequential, incidental, exemplary or special, arising from your use of the information provided within regarding allocation of riparian rights.

Cindy Strickland

From: Jim Piggott <jpiggott@citystaug.com> on behalf of Jim Piggott
Sent: Tuesday, December 3, 2019 8:29 AM
To: Ryan Carter
Cc: Sam Adukiewicz; David Birchim; Jim Piggott
Subject: RE: 5 Lighthouse Ave - Mooring Field Question

Ryan,

To recap what we discussed this morning regarding the dock built at 5 Lighthouse Ave.....

Solutions from General services:

1. Dock owner would pay the city 1280.66 (not including tax) annually for the mooring ball that we would never be able to rent out because the swing radius comes right to the edge of the actually dock.
2. OR move the dock back the length of the boat lift shown in your diagram.

Thanks

Jim

Jim Piggott
Director, General Services
75 King Street
St. Augustine, FL 32084
[\(904\) 825-1010](tel:9048251010)

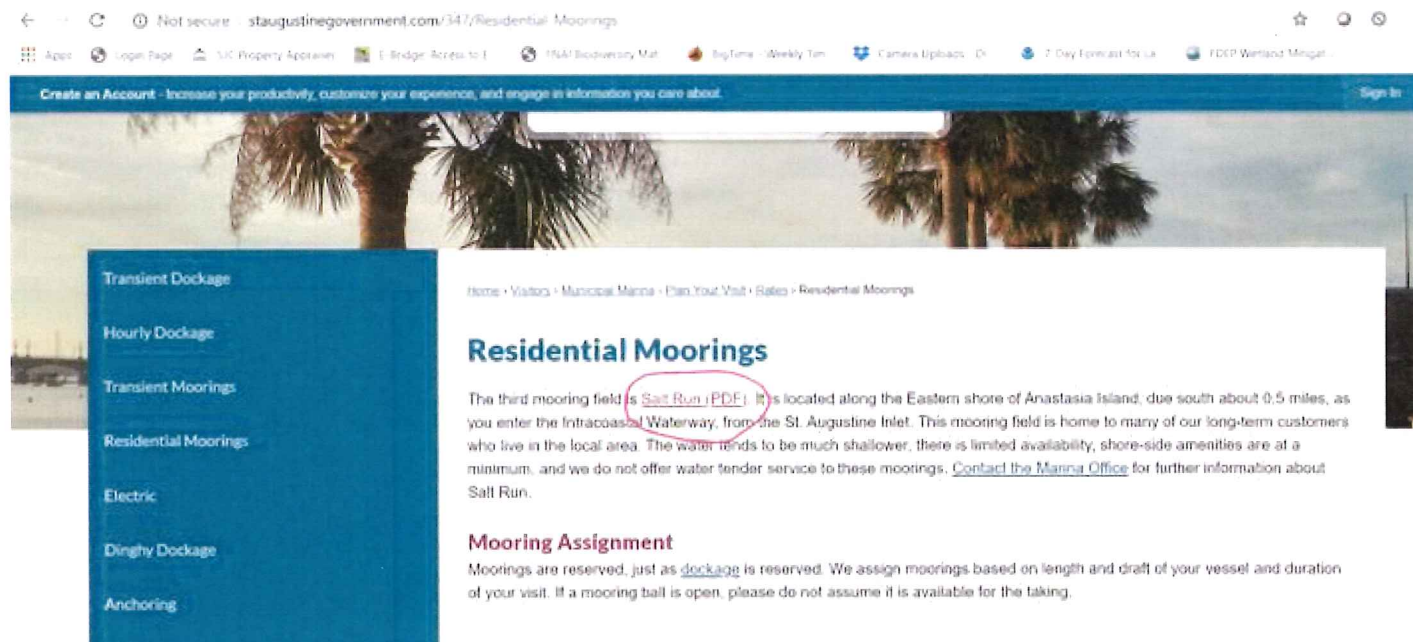
Please Note: Florida has a very broad Public Records Law. Unless specifically exempt by state law, written communications to city officials or staff regarding official city business are public records available to the public and media upon request. If your email communication is related to official government business, it may therefore be subject to public disclosure.

From: Ryan Carter <ryan@carterenv.com>
Sent: Monday, December 02, 2019 2:40 PM
To: Jim Piggott <jpiggott@citystaug.com>; Sam Adukiewicz <sadukiewicz@citystaug.com>
Cc: Bryan <btmcmandon@yahoo.com>; Michael Spontak <michael@carterenv.com>; Patrick Doty <pdoty@citystaug.com>; maritimedocks@att.net
Subject: 5 Lighthouse Ave - Mooring Field Question

Jim,

Per our conversation a moment, please see the attached graphics for the 5 Lighthouse Avenue Dock. As discussed, the dock was permitted by DEP and ACOE and approved by the City PZB in March of this year. There was a concern by the neighbor to the south and David and Patrick in Planning discovered that the contractor added a 225 sq. ft. gangway and floating dock without PZB approval. Therefore, the application scheduled to be heard tomorrow by PZB is for the added gangway and floating dock. Also, last week after looking into this further, we discovered the dock was built in the wrong alignment. We'll discuss that at the PZB meeting tomorrow.

Further, I received a call from Board Member Misterly this morning and he was concerned about the dock, in its new alignment, being built within the Cities mooring field. Therefore, can you and Sam look at the attached Figure 3? We overlaid the existing dock onto the Map of the Salt Run Mooring Field (we found online at <http://www.staugustinegovernment.com/347/Residential-Moorings> and snip of page below). The overlay was geo-rectified, so it's not perfect, but close. The dock is outside of the 50 ft Mooring Buoy Buffer; however, it's barely within the mooring field box. Is that a problem? Mr. Misterly wants to know. Thanks.



Sincerely,
Ryan A. Carter
Carter Environmental Services, Inc.
42 Masters Drive
St. Augustine, Florida 32084
904-540-1786
www.carterenv.com



CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 3, 2019

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2019-0101**

AGENDA ITEM 5(a)

APPLICANT Ryan Carter c/o Carter Environmental Services, Inc.

OWNER Ernest Little

LOCATION 5 Lighthouse Ave / PIN#:157040-0000

REQUEST To approve dock modifications to an existing two hundred twenty nine (229') foot dock including a three (3') foot by eighteen (18') foot gangway that connects the existing dock to a ten (10') foot by twenty (20') foot floating platform within Conservation Overlay Zone 1.

PLANS DATED September 20, 2019

LAND USE Residential Low Density

ZONING Residential Single Family Two (RS-2)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area

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

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch.

1

5 Lighthouse Ave / PIN # 157040-0000
Staff Report and Recommendation

403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Sec. 11-26. - Purpose and intent.

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

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
 - (1) Site specific conditions.
 - (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - (3) Natural and proposed drainage patterns.
 - (4) Effect of point and nonpoint discharge in the marine environment.
 - (5) Proposed soil stabilization and erosion control methods.
 - (6) Impact on floodplain.
 - (7) Impact of development on vegetative and animal communities.

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- (9) Effect of shade on vegetation and shellfish.
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- (11) Impact of development on shoreline by linear feet and percent of site.
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

STAFF SUMMARY AND ANALYSIS

This proposed floating dock, gangway and four (4) associated pilings were constructed after-fact without a permit or Planning and Zoning Board Approval, this application seeks to correct this. The floating dock measures ten feet (10') by twenty feet (20') with an eighteen foot (18') by three foot (3') access gangway (see photos in attachment 4), there are also four (4) pilings installed. The site has a five (5') foot wide 219 foot long dock with an additional ten foot (10') x twenty foot (20') platform and ten foot (10') x twenty five foot (25') no profile lift consisting of a total 1544 square feet dock which was a proved at the March 5, 2019 Planning & Zoning board hearing, this request would increase the overall footprint by 225 square feet of coverage, for a total of 1,769 square feet of dock coverage over water.

Conservation Overlay Zone Development *(Staff analysis in italics)*

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

- (1) Site specific conditions:

The site is currently occupied by a single family home.

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

Other neighboring sites have docks generally perpendicular to the shore, extending into the water with terminal platforms. This proposed floating dock and gangway extend off the previously approved dock

- (3) Natural and proposed drainage patterns.

Patterns aren't expected to change since improvements are over the water.

- (4) Effect of point and nonpoint discharge in the marine environment.

Only potential effects would be from the use and storage of motorized vessels already experienced in the immediate and general area.

- (5) Proposed soil stabilization and erosion control methods.

N/A

- (6) Impact on floodplain.

N/A

- (7) Impact of development on vegetative and animal communities.

It would be a minimal impact towards these communities apart from disturbance during the construction process.

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

N/A

- (9) Effect of shade on vegetation and shellfish.

It should be minimal in nature given the dimensions of the approved dock

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

No additional effect since this proposal is similar to other residential docks in the area and is located within a "no wake zone." Shoreline erosion is not a significant potential issue in this situation.

- (11) Impact of development on shoreline by linear feet and percent of site.

Minimal, it would be limited to the access dock which is proposed at 5'

- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

Minimal, if any, due to multiple existing docks in the area.

- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

N/A

- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

Minimal, if any.

- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

N/A

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

Minor impacts from the placement of pilings, but there will be long term benefits in the form of artificial habitat for aquatic life.

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-

occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low-profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

As proposed, the floating dock meets all standards set forth in LDC Sec. 11-29. No portion of the existing dock will exceed 6 feet above the mean highwater line. There was an associated low-profile boatlift approved under the previous dock and boat lift approval (COZ 2019-0009) The applicant has provided a narrative associated with the application which has been included in attachment 1. Staff finds the narrative to be accurate to site conditions and the development of the floating dock. A previous condition of approval for COZ App 201-009 (attachment 5) was that the proposed dock shall not infringe on the adjacent mooring field and as proposed the floating dock does not.

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of a floating dock platform, gangway, and four (4) associated pilings in Conservation Overlay Zone 1 located at 5 Lighthouse Avenue / PIN: 157040-0000.

SUPPLIMENTS

Attachment 1 – Application & Narrative
Attachment 2 – Property Appraiser Information
Attachment 3 – Location Maps & Dock plans
Attachment 4 – Site Photos
Attachment 5 – COZ 2019-0009

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

Attachment 1

Application

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

SEP 26 2019

Planning/Building Dept

Application Fee: \$330

Receipt No.

1698547

BDAC Project No.

2019-0101

Meeting Date:

11/5/19

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-874-6499
Business (if applicable): Carter Environmental Services, Inc.
Address: 7 Waldo Street, Suite 7C 4211000000 City: St. Augustine State: FL Zip: 32084
2. NAME OF PROPERTY OWNER: Ernest Little Daytime Telephone: _____
Business (if applicable): _____
Address: 3140 Coastal Highway City: St. Augustine State: FL Zip: 32084
3. LEGAL DESCRIPTION OF PROJECT PROPERTY
Lot: North half of 3, all of 4 & 5 Block: 3
Subdivision: Anastasia Parcel Number: 1570400000
4. PROJECT STREET ADDRESS: 5 Lighthouse Ave.
5. SPECIFIC PROPOSED USE: Proposed dock modification
6. ACTION REQUESTED
☐ Exception ☐ Appeal of Staff Determination
☐ Rezoning ☐ Variance
☐ Land Use Plan Amendment ☒ Conservation Zone Development
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: _____
Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

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SEP 26 2019

Planning/Building Dept.

9. If applying for a variance, please complete the following:

(a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully. _____

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully. _____

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully. _____

(d) If granted, will the variance adversely affect other property in the area? Please explain fully. _____

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code?
Please explain fully. _____

10. PREVIOUS APPLICATIONS

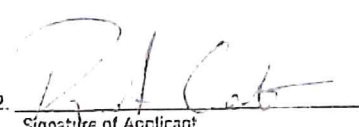
Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?
☐ Yes ☒ No If yes, give date and final disposition below.

11. AGREEMENT

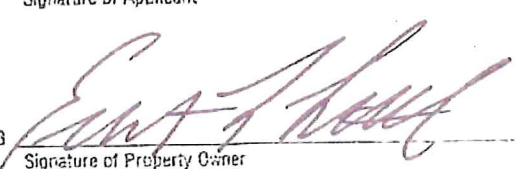
In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

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

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

12. 
Signature of Applicant

9-23-19
Date

13. 
Signature of Property Owner

9/25/19
Date

CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER

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Planning/Building Dept.

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Ryan Coker

Print name of applicant

RAC

Signature of applicant

9-25-19

Date

Attachment 2

Property Appraiser Information

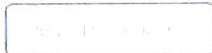


St. Johns County, FL

Quick Links



2018 TRIM Notice



2017 TRIM Notice



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Planning/Building Dept

Summary

Parcel ID 1570400000
 Location Address 5 LIGHTHOUSE AVE
 SAINT AUGUSTINE 32080-0000
 Neighborhood Carvers (Intracoastal) (713.42)
 Tax Description* 1-58 CARVERS SUB ANASTASIA N1/2 OF LOT 3 & ALL OF LOTS 4 & 5 BLK 3 OR 624/26 COURT ORDER & OR878/1833(Q/C) & 1183/1540
**The Description above is not to be used on legal documents.*
 Property Use Code Single Family (0100)
 Subdivision Anastasia, Map Of
 Sec/Twp/Rng 58-7-3C
 District City of St Augustine (District 452)
 Millage Rate 20.2171
 Acreage 0.350
 Homestead N

View Map

Owner

Owner Name Little Ernest L III, Nancy R 100%
 Little Nancy R 100%
 Mailing Address 3140 COASTAL HWY
 SAINT AUGUSTINE, FL 32084-2215

Valuation

	2019
Building Value	\$85,281
Extra Features Value	\$12,640
Total Land Value	\$683,100
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$781,021
Total Deferred	\$15,831
Assessed Value	\$765,190
Total Exemptions	\$0
Taxable Value	\$765,190

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

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$86,434	\$13,888	\$683,100	\$0	\$0	\$783,422	\$695,627	\$87,795	\$695,627
2017	\$45,925	\$15,143	\$571,320	\$0	\$0	\$632,388	\$632,388	\$0	\$632,388
2016	\$47,800	\$16,191	\$571,320	\$0	\$0	\$635,311	\$635,311	\$0	\$635,311
2015	\$49,674	\$17,274	\$571,320	\$0	\$0	\$638,268	\$638,268	\$0	\$638,268
2014	\$41,584	\$18,357	\$571,320	\$0	\$0	\$631,261	\$626,546	\$4,715	\$626,546
2013	\$43,096	\$19,440	\$571,320	\$0	\$0	\$633,856	\$569,587	\$64,269	\$569,587
2012	\$44,608	\$20,489	\$452,709	\$0	\$0	\$517,806	\$517,806	\$0	\$517,806
2011	\$45,364	\$21,572	\$503,010	\$0	\$0	\$569,946	\$569,946	\$0	\$569,946
2010	\$46,877	\$22,655	\$558,900	\$0	\$0	\$628,432	\$628,432	\$0	\$628,432

Building Information

Building 1

Roof Structure Gable Hip

Actual Area 2477
 Conditioned Area 1338
 Actual Year Built 1930
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Wood

Roof Cover Composite Shingle
 Interior Flooring Pine Wood, Ceramic Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

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 SEP 26 2019
 Planning/Building Dept

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	60%
Interior Flooring	Ceramic Tile	40%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
ENCLOSED GLASS PORCH	0	130
BASE AREA	1338	1338
FINISHED OPEN PORCH	0	192
UNFINISHED GARAGE	0	500
FINISHED OPEN PORCH	0	90
FINISHED DECK	0	187
FINISHED OPEN PORCH	0	40
Total SqFt	1338	2477

Extra Features

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	0	0	0	588
Residential Fence	0	0	0	0	54
Bulkhead (Average)	0	0	0	0	2040

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	138	0	138	FF	\$683,100

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	7/16/1996	\$500.00	WD	1183	1540	U	I	LITTLE ERNEST L III	LITTLE ERNEST L III & NANCY R
	12/1/1990	\$0.00		878	1833	U	I		LITTLE ERNEST L III
	1/1/1984	\$0.00		624	26	U	I		
	5/1/1983	\$0.00		587	202	U	I		

Area Sales Report



Clerk of Court

[Clerk of Court](#)

Tax Collector

[My Tax Bill](#)

Tax Estimator

[Tax Estimator](#)

Map



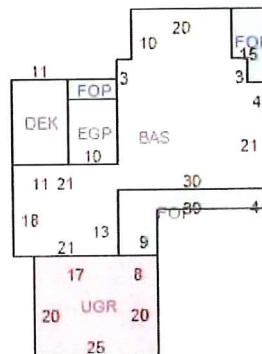
RECEIVED

JAN 26 2019

Building Dept.

Sketches

Room Type	Area
DECK	0
UNFINISHED GARAGE	0
FINISHED OPEN PORCH	0
Base	0
EGP	0



No data available for the following modules: Exemptions.

Last Data Upload: 1/1/2019, 10:53:14 PM



Attachment 3

Narrative & Proposed Dock Plans

**5 Lighthouse Ave.
Overlay Zone Development Application Supplement
February 2019**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a dock and boat lift at 5 Lighthouse Ave.

The property owner has added a floating platform and gangway after-the-fact. We would like to modify City approval to add this additional area. The floating platform measures 10' x 20' and the gangway is 3' x 18'. The proposed modification adds an additional 225 sf. over open water. This brings the total dock square footage to 1,769 sf. Please see attached plans for detailed dimensions.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

This is a private dock. Public benefits may be economically-related through construction activities and marine/boating related purchases.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

The additional area is over open water.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

No boat houses are proposed. Dock height is similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

There are other adjacent docks of similar size in the area.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 230 feet of river frontage. There is salt marsh vegetation and oyster colonies present.

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

The property is adjacent to other single-family homes along Salt Run.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge have not be altered.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion controls were used during construction, such as silt fences and turbidity barriers.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: Not applicable

Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the marsh and open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

There will be no storage of pollutants or the use of poisonous chemicals and materials

9. *Effect of shade on vegetation and shellfish.*

Effects of shading on vegetation and shellfish should be minimal.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The area is a no wake zone and the additional use by the owners will not affect any *manatees, vegetation, shellfish and wildlife or shoreline erosion.*

11. *Impact of development on shoreline by linear feet and percent of site.*

Not applicable.

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

Not applicable.

13. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

14. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

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

- a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The new dock could provide shelter for larval, juvenile, and adult fish.

Negative: None

- b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.

Negative: None

c) The effects of the project on water fowl are as follows

Positive: The new boardwalk could be used as a resting place or perch for many water fowl.

Negative: None

17. Dock specifications:

a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

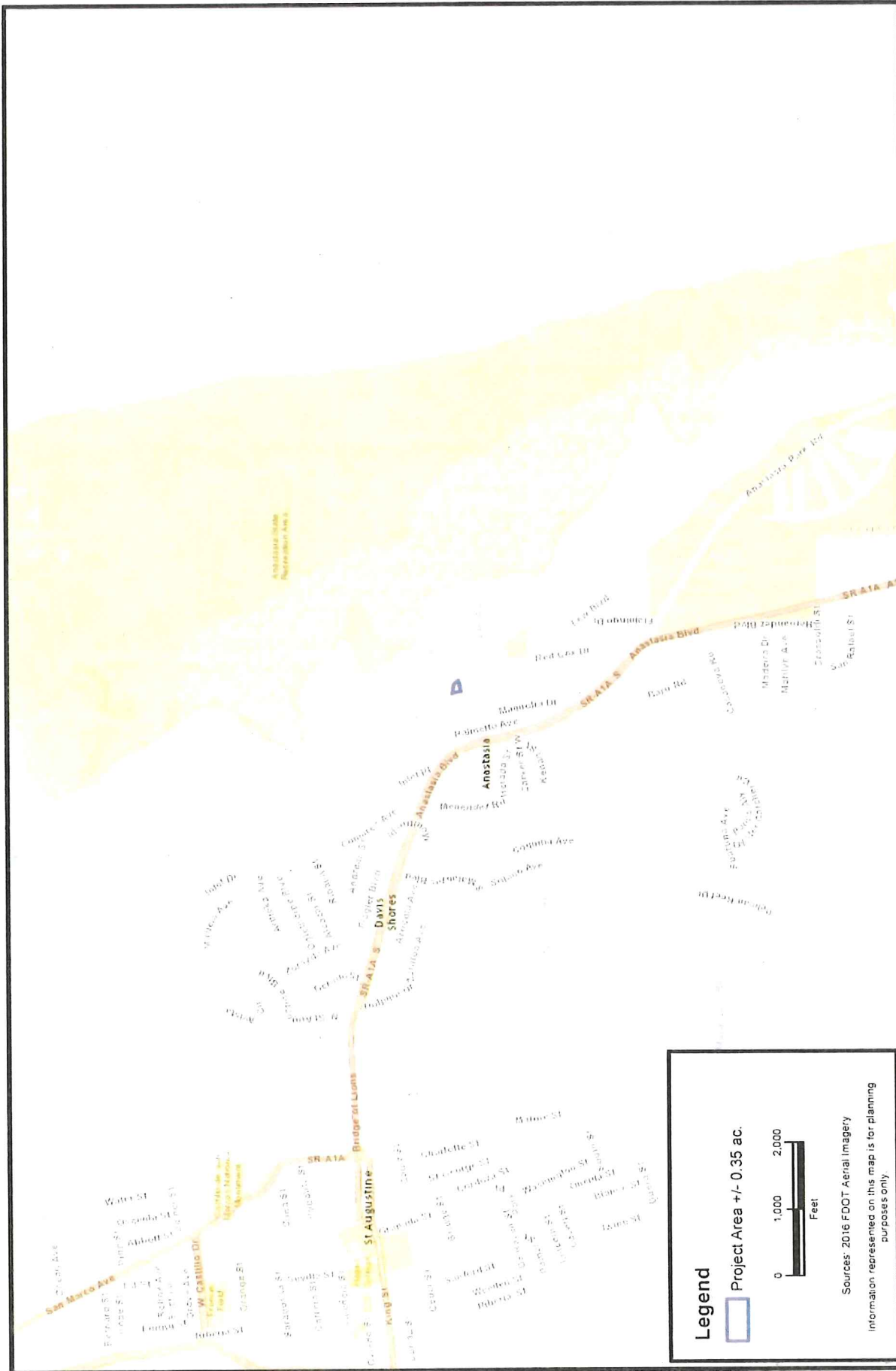
There are no proposed plans for any boathouse, roofed structure or wall within the dock.

b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

The deck will be at 6' above MHW.

c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

The boat lift has been previously approved



Legend

Project Area +/- 0.35 ac.

0 1,000 2,000
Feet

Sources: 2016 FDOT Aerial Imagery
Information represented on this map is for planning purposes only.

		Figure: 1
Location Map Little Lighthouse		
Project: 5.18397	Date: Dec 28 2018	
St. Augustine, FL		

CARTER ENVIRONMENTAL SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com



Legend

 Project Area +/- 0.35 ac.



Sources: 2016 FDOT Aerial Imagery
Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

CES
42 Masters Drive
St. Augustine, FL 32084
904-560-1756
www.carterenv.com

Aerial Map

Little Lighthouse

Project: 5.18397

St. Augustine, FL

Date: Sep 20 2019

Figure:

2



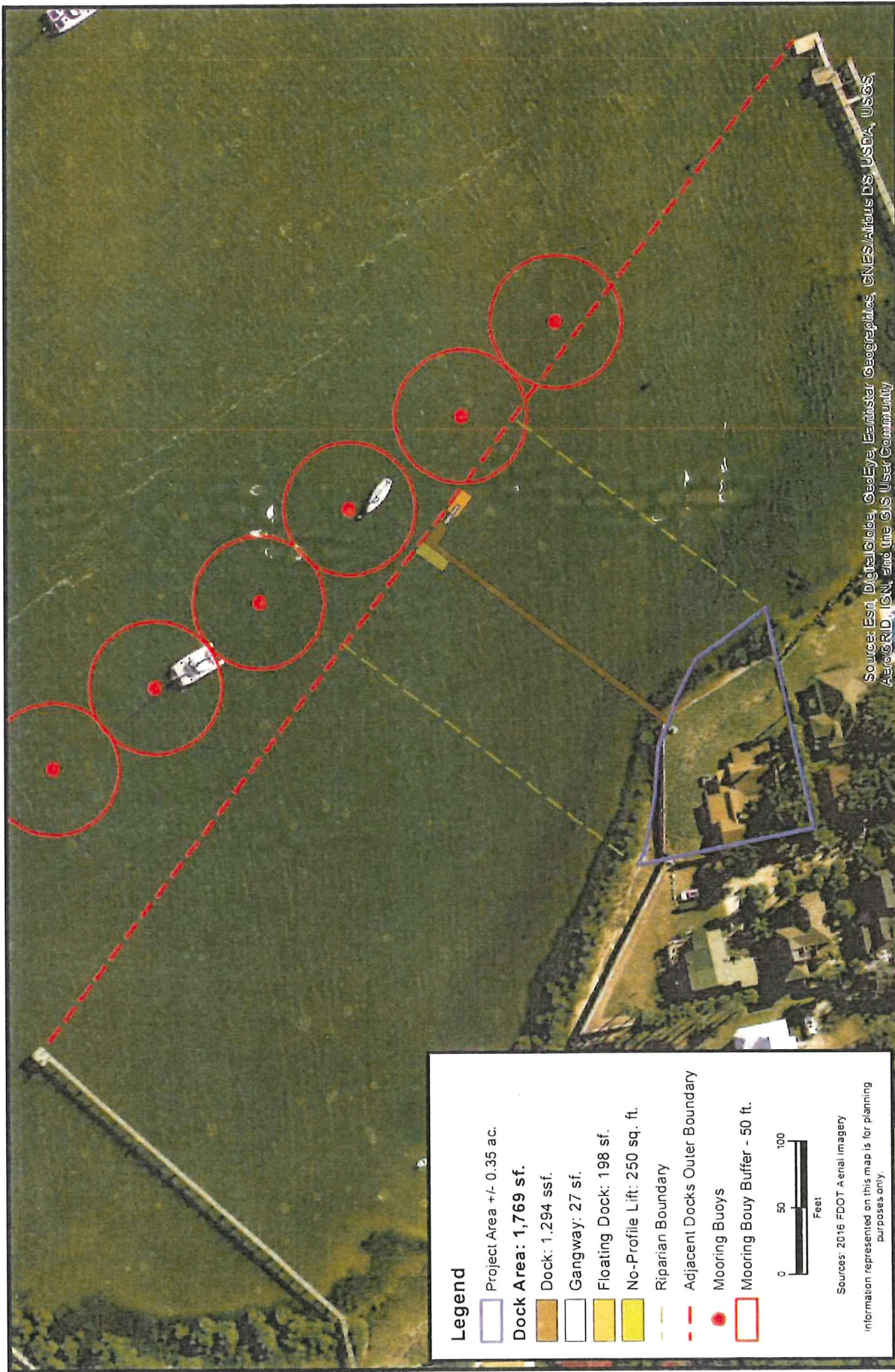
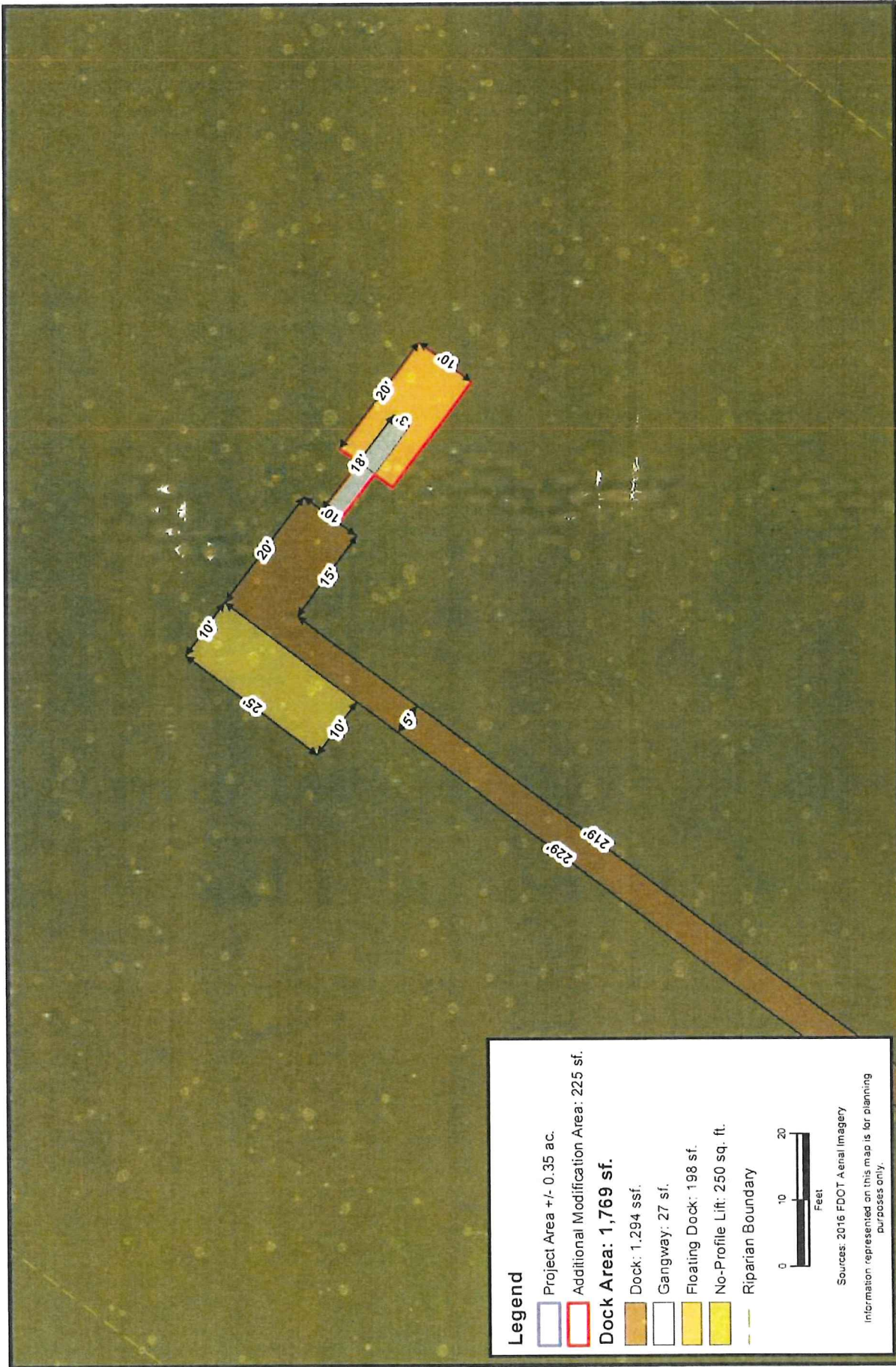


		Figure: 3
Proposed Dock Alignment Little Lighthouse		
Project: 5.18397	St. Augustine, FL	Date: Sep 20 2019
CARTER ENVIRONMENTAL SERVICES, INC.  42 Masters Drive St. Augustine, FL 32084 904-540-1766 www.cartersenv.com		



Legend

- Project Area +/- 0.35 ac.
- Additional Modification Area: 225 sf.
- Dock Area: 1,769 sf.**
- Dock: 1,294 ssf.
- Gangway: 27 sf.
- Floating Dock: 198 sf.
- No-Profile Lift: 250 sq. ft.
- Riparian Boundary



Sources: 2016 FDOT Aerial Imagery

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Dimensions Little Lighthouse

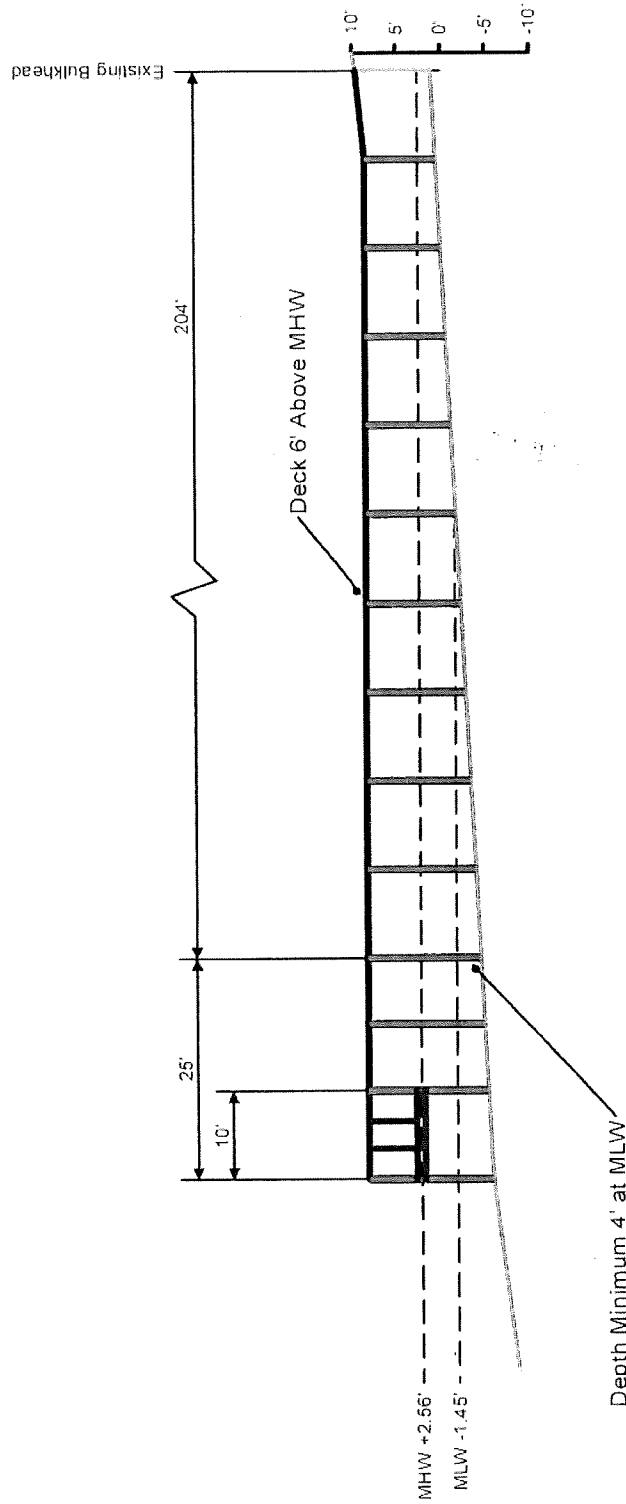
Project: 5.18397

St. Augustine, FL

Date: Sep 20 2019

Figure:

4



Information represented on this map is for planning purposes only

CARTER ENVIRONMENTAL SERVICES, INC.
CES
 42 Masters Drive
 St. Augustine, FL 32084
 904-540-1785
 www.carterenv.com

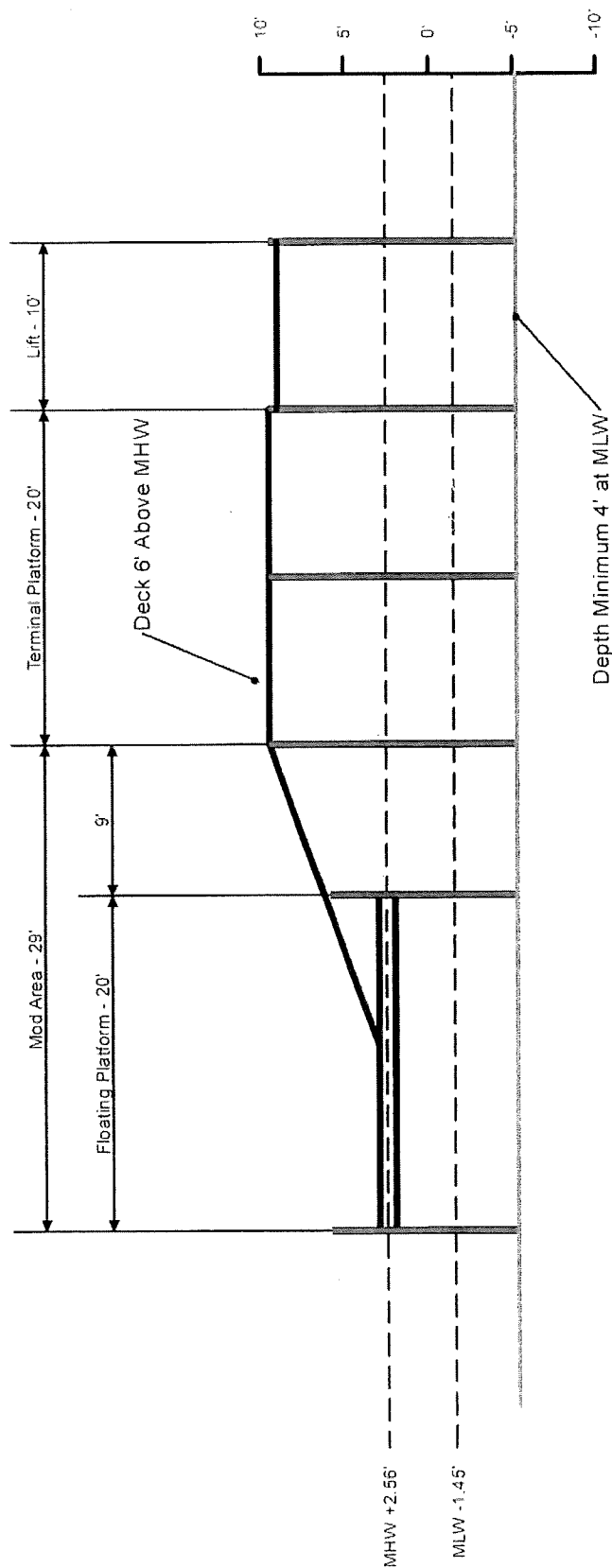
Proposed Dock Profile View
 Little Lighthouse

Project: 5,18397 Date: Sep 20 2019

St. Johns County, FL



Figure: 5



Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.
 42 Masters Drive
 St. Augustine, FL 32084
 904-540-1786
www.carterenv.com

Proposed Dock Cross-Section
Little Lighthouse

Project: 5,18397

St. Johns County, FL

Date: Sep 20 2019



Figure: 6

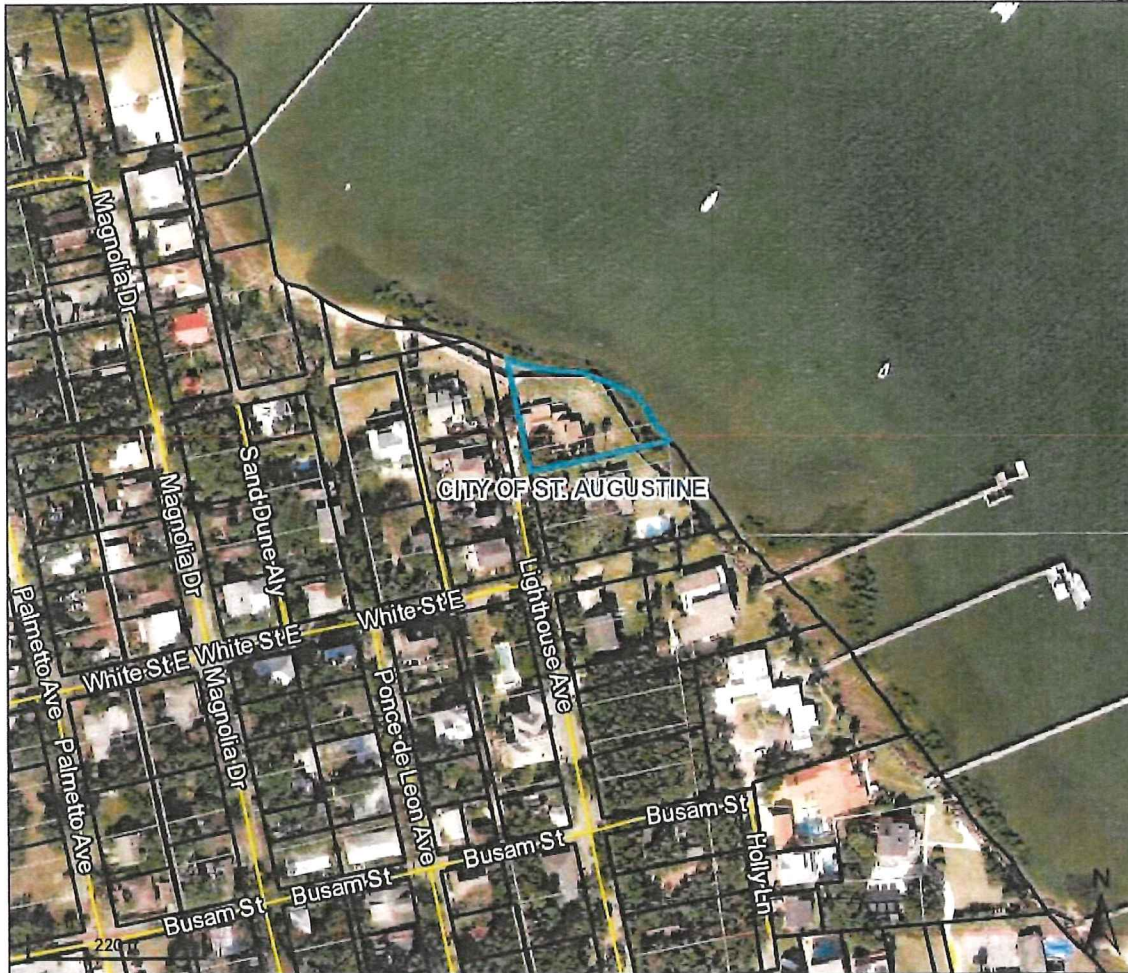
Attachment 4

Site Photos









Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1570400000	Physical	5 LIGHTHOUSE AVE	Building Value	\$85,281	Last 2 Sales			
Property	0100 - Single	Address	SAINT AUGUSTINE	Extra Feature	\$12,640	Date	Price	Reason	Qual
Class	Family	Mailing	LITTLE ERNEST L III	Value		7/16/1996	\$500	11	U
Taxing	City of St	Address	5 LIGHTHOUSE AVE	Total Land Value	\$683,100	n/a	0	n/a	n/a
District	Augustine		SAINT AUGUSTINE FL 32080-	Just Value	\$781,021				
Acres	0.35		0000	Total Deferred	N/A				
				Assessed Value	\$604,642				
				Total Exemptions	\$226,879				
				Taxable Value	\$554,142				

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

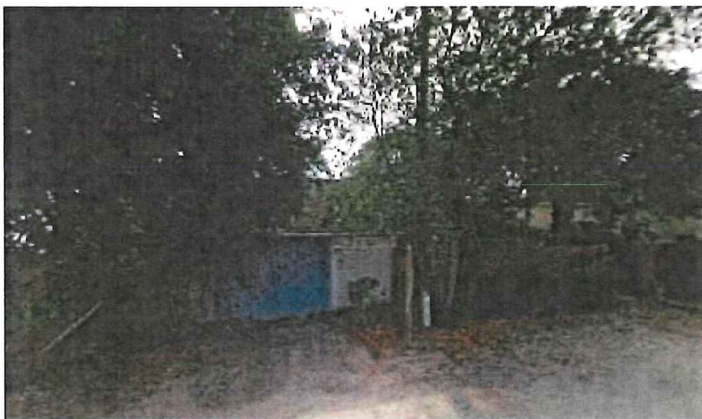
Date created: 10/3/2019
Last Data Uploaded: 10/2/2019 11:10:48 PM

Developed by  Schneider
GEOSPATIAL

Google Maps 5 Lighthouse Ave



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, U.S. Geological Survey, Map data ©2019 100 ft



5 Lighthouse Ave

St. Augustine, FL 32080



Directions



Save



Nearby



Send to your
phone



Share

Attachment 5
COZ 2019-0009
Previous Dock Approval

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: March 5, 2019

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2019-0009**

AGENDA ITEM 4(c)

APPLICANT Ryan Carter c/o Carter Environmental Services, Inc.

OWNER Ernest Little

LOCATION 5 Lighthouse Avenue

REQUEST To approve placement of a new dock with associated boat lift in Conservation Overlay Zone 1

PLANS DATED December 28, 2018

LAND USE Residential Low Density
ZONING Residential Single Family Two (RS-2)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area

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

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

Sec. 11-26. - Purpose and intent.

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

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.

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

- (1) Site specific conditions.
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
- (3) Natural and proposed drainage patterns.
- (4) Effect of point and nonpoint discharge in the marine environment.
- (5) Proposed soil stabilization and erosion control methods.
- (6) Impact on floodplain.
- (7) Impact of development on vegetative and animal communities.
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- (9) Effect of shade on vegetation and shellfish.

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- (11) Impact of development on shoreline by linear feet and percent of site.
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

STAFF SUMMARY AND ANALYSIS

The applicant proposes a five (5) foot wide 219 foot long dock with an additional 10' x 20' platform and 10' x 25' no profile lift consisting of a total 1544 square feet. This will be no more than six (6) feet above the mean high water mark. Information about the new dock is located within attachment 4 of the packet. Staff believes the new dock will be a benefit to the public through construction related activities. Also, the new dock would enhance the vistas and scenic opportunities by being similar in layout and design as the neighboring docks.

1. Conservation Overlay Zone Development *(Staff analysis in italics)*

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
 - (1) Site specific conditions: *Site consists of bulkhead across the whole property with bulkheads and docks on neighboring properties.*

- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones. *Other neighboring sites have bulkheads across the length of their property lines with their docks straight into the water.*
- (3) Natural and proposed drainage patterns. *Patterns aren't expected to change since improvements are within the same area and over the water.*
- (4) Effect of point and nonpoint discharge in the marine environment. *N/A*
- (5) Proposed soil stabilization and erosion control methods. *Those will be provided during building plans for administrative review.*
- (6) Impact on floodplain. *N/A*
- (7) Impact of development on vegetative and animal communities. *It would be a minimal impact in relation to the other docks near at the site.*
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials. *N/A*
- (9) Effect of shade on vegetation and shellfish. *It should be minimal in nature given the size of the dock in relation to the water.*
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion. *No additional effect since this proposal is similar to other residential docks in the area. Shoreline erosion isn't expected to be a significant issue.*
- (11) Impact of development on shoreline by linear feet and percent of site. *Minimal in relation to the size of the residential lot.*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site. *Minimal, if any, due to the existing similar docks in the area.*
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes. *N/A*
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site. *Minimal, if any, due to the existing similar docks in the area.*
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.) *Minimal, if any, due to the existing similar docks in the area.*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl. *Minimal, if any, due to the existing similar docks in the area.*

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck. *Appears to meet all standards.*

The applicant has provided a narrative associated with the application which has been included in attachment 1. Staff is in agreement with this narrative and their interpretation.

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** placement of a new dock with associated boat lift in Conservation Overlay Zone 1 located at 5 Lighthouse Avenue.

SUPPLIMENTS

Attachment 1 – Application & Narrative
Attachment 2 – Property Appraiser Information
Attachment 3 – Location Maps
Attachment 4 – Dock Information

David Harrell, AICP
Senior Development Review Planner
Planning & Building Department

Attachment 1
Application & Narrative

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

ryan@carterenv.com

Application Fee: \$330

BDAC Project No. 2019-0009

Receipt No. 1538935

Meeting Date: 3/5/19

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-874-6499
Business (if applicable): Carter Environmental Services, Inc.
Address: 7 Waldo Street, Suite 7C City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: Ernest Little Daytime Telephone: _____
Business (if applicable): _____
Address: 3140 Coastal Highway City: St. Augustine State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY
Lot: North half of 3, all of 4 & 5 Block: 3
Subdivision: Anastasia Parcel Number: 1570400000

4. PROJECT STREET ADDRESS: 5 Lighthouse Ave.

5. SPECIFIC PROPOSED USE: Proposed Dock

6. ACTION REQUESTED

- | | |
|--|---|
| ☐ Exception | ☐ Appeal of Staff Determination |
| ☐ Rezoning | ☐ Variance |
| ☐ Land Use Plan Amendment | ☒ Conservation Zone Development |
| ☐ Other: _____ | |

RECEIVED

JAN 23 2019

Planning/Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

4. If applying for a license, please complete the following:

(a) Does the property have a disadvantage such as ☐ location or other properties of the land?

Please explain fully:

(b) Can you estimate that the disadvantage is not due to the owner's action? Please explain fully:

(c) Can you estimate that the disadvantage cannot reasonably be at the property? Please explain fully:

(d) If granted, will the person adversely affect other property in the area? Please explain fully:

(e) If granted, has any condition been considered for its inclusion with the land and purpose of the grant?

Please explain fully:

5. Regarding attachments:

Has any significant work submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?

If Yes: ☐ Yes, give title and brief description below.

6. Signatures:

In filing this application, I understand that I declare under oath if I have received at the City of St. Augustine any money or other benefit that is attributable to the property in question in the past 12 months.

Signature must be signed by both applicant and applicant's agent. I understand that if I am not a resident of St. Augustine, I must have a power of attorney or other legal document that authorizes my agent to sign on my behalf.

Please attach this form with your application. If you are not a resident of St. Augustine, you must also attach a power of attorney or other legal document that authorizes your agent to sign on your behalf.



9. If applying for a variance, please complete the following:

(a) Does the property have a disadvantage which is not common to other properties in the area?

Please explain fully. _____

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully. _____

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully. _____

(d) If granted, will the variance adversely affect other property in the area? Please explain fully. _____

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code?

Please explain fully. _____

10. PREVIOUS APPLICATIONS

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

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

11. AGREEMENT

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

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

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

12. R. A. Carr 1-22-18
Signature of Applicant Date

13. _____
Signature of Property Owner Date

THE UNIVERSITY OF CHICAGO PRESS

[illegible]

Age Group	Percentage of Respondents
18-29	65
30-49	75
50-69	80
70+	85

Page 137 of 291

**5 Lighthouse Ave.
Overlay Zone Development Application Supplement
February 2019**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed dock and boat lift at 5 Lighthouse Ave. The proposed dock will allow the owners access to Salt Run. Total dock and lift area over open water/salt marsh will be approximately 1,544 sq. ft. The height of the dock will be 7' above Mean High Water. Please see attached plans for detailed dimensions.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

This is a private dock. Public benefits may be economically-related through construction activities and marine/boating related purchases.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

There is a small strip of salt marsh vegetation between the uplands and open water (approx. 20 ft.). The dock will be constructed 7' above mean high water, high enough as to not over shade any vegetation.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

No boat houses are proposed. Dock height will be similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

A new dock will be added increasing the overall scenic vista.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 230 feet of river frontage. There is salt marsh vegetation and oyster colonies present.

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

The property is adjacent to other single-family homes along Salt Run.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge will not be altered.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: The boardwalk could minimally shade a small portion of salt marsh, but will be built as required by state and federal agencies, five feet or higher above mean high water. Therefore, shading will be minimal.

Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the marsh and open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

There will be no storage of pollutants or the use of poisonous chemicals and materials

9. *Effect of shade on vegetation and shellfish.*

Effects of shading on vegetation and shellfish should be minimal.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The area is a no wake zone and the additional use by the owners will not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.

11. *Impact of development on shoreline by linear feet and percent of site.*

Not applicable.

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

Not applicable.

13. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

14. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

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

- a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of pilings for the dock.

- b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.

Negative: None

- c) The effects of the project on water fowl are as follows

Positive: The new boardwalk could be used as a resting place or perch for many water fowl.

Negative: Extremely small loss of foraging habitat.

17. Dock specifications:

- a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

There are currently no proposed plans for any boathouse, roofed structure or wall within the dock.

- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

The deck will be at 6' above MHW.

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

Boat lift will be low-profile and not exceed 12,000 pounds.

Attachment 2

Property Appraiser Information



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1570400000
Location Address 5 LIGHTHOUSE AVE
 SAINT AUGUSTINE 32080-0000
Neighborhood Carvers (Intracoastal) (713.42)
Tax Description* 1-58 CARVERS SUB ANASTASIA N1/2 OF LOT 3 & ALL OF LOTS 4 & 5 BLK 3 OR624/26 COURT ORDER & OR878/1833(Q/C) & 1183 /1540
**The Description above is not to be used on legal documents.*
Property Use Code Single Family (0100)
Subdivision Anastasia, Map Of
Sec/Twp/Rng 58-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 0.350
Homestead N

View Map

Owner

Owner Name Little Ernest L III, Nancy R 100%
 Little Nancy R 100%
Mailing Address 3140 COASTAL HWY
 SAINT AUGUSTINE, FL 32084-2215

Valuation

	2019
Building Value	\$85,281
Extra Features Value	\$12,640
Total Land Value	\$683,100
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$781,021
Total Deferred	\$15,831
Assessed Value	\$765,190
Total Exemptions	\$0
Taxable Value	\$765,190

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

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$86,434	\$13,888	\$683,100	\$0	\$0	\$783,422	\$695,627	\$87,795	\$695,627
2017	\$45,925	\$15,143	\$571,320	\$0	\$0	\$632,388	\$632,388	\$0	\$632,388
2016	\$47,800	\$16,191	\$571,320	\$0	\$0	\$635,311	\$635,311	\$0	\$635,311
2015	\$49,674	\$17,274	\$571,320	\$0	\$0	\$638,268	\$638,268	\$0	\$638,268
2014	\$41,584	\$18,357	\$571,320	\$0	\$0	\$631,261	\$626,546	\$4,715	\$626,546
2013	\$43,096	\$19,440	\$571,320	\$0	\$0	\$633,856	\$569,587	\$64,269	\$569,587
2012	\$44,608	\$20,489	\$452,709	\$0	\$0	\$517,806	\$517,806	\$0	\$517,806
2011	\$45,364	\$21,572	\$503,010	\$0	\$0	\$569,946	\$569,946	\$0	\$569,946
2010	\$46,877	\$22,655	\$558,900	\$0	\$0	\$628,432	\$628,432	\$0	\$628,432

Building Information

Building 1

Roof Structure Gable Hip

Actual Area 2477
 Conditioned Area 1338
 Actual Year Built 1930
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Wood

Roof Cover Composite Shingle
 Interior Flooring Pine Wood, Ceramic Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	60%
Interior Flooring	Ceramic Tile	40%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
ENCLOSED GLASS PORCH	0	130
BASE AREA	1338	1338
FINISHED OPEN PORCH	0	192
UNFINISHED GARAGE	0	500
FINISHED OPEN PORCH	0	90
FINISHED DECK	0	187
FINISHED OPEN PORCH	0	40
Total SqFt	1338	2477

Extra Features

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	0	0	0	588
Residential Fence	0	0	0	0	54
Bulkhead (Average)	0	0	0	0	2040

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	138	0	138	FF	\$683,100

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	7/16/1996	\$500.00	WD	1183	1540	U	I	LITTLE ERNEST L III	LITTLE ERNEST L III & NANCY R
	12/1/1990	\$0.00		878	1833	U	I		LITTLE ERNEST L III
	1/1/1984	\$0.00		624	26	U	I		
	5/1/1983	\$0.00		587	202	U	I		

Area Sales Report

Recent Sales in Area

Clerk of Court

[Clerk of Court](#)

Tax Collector

[My Tax Bill](#)

Tax Estimator

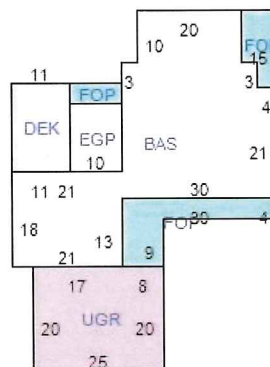
[Tax Estimator](#)

Map



Sketches

Room Type	Area
DECK	0
UNFINISHED GARAGE	0
FINISHED OPEN PORCH	0
Base	0
EGP	0



No data available for the following modules: Exemptions.

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

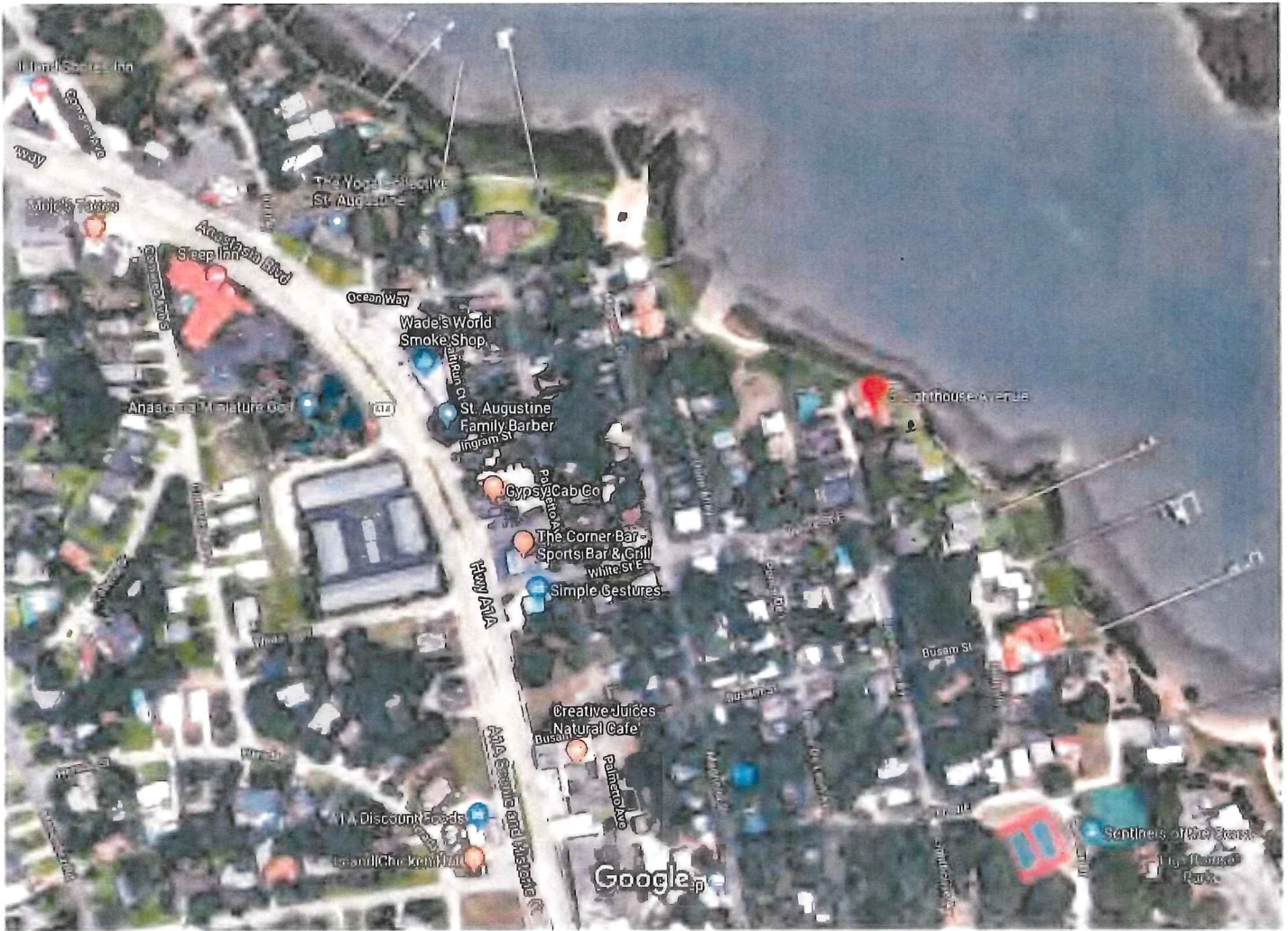
Last Data Upload: 1/1/2019, 10:53:14 PM

Developed by
 **Schneider**
 GEOSPATIAL

Attachment 3

Location Maps

Google Maps 5 Lighthouse Ave

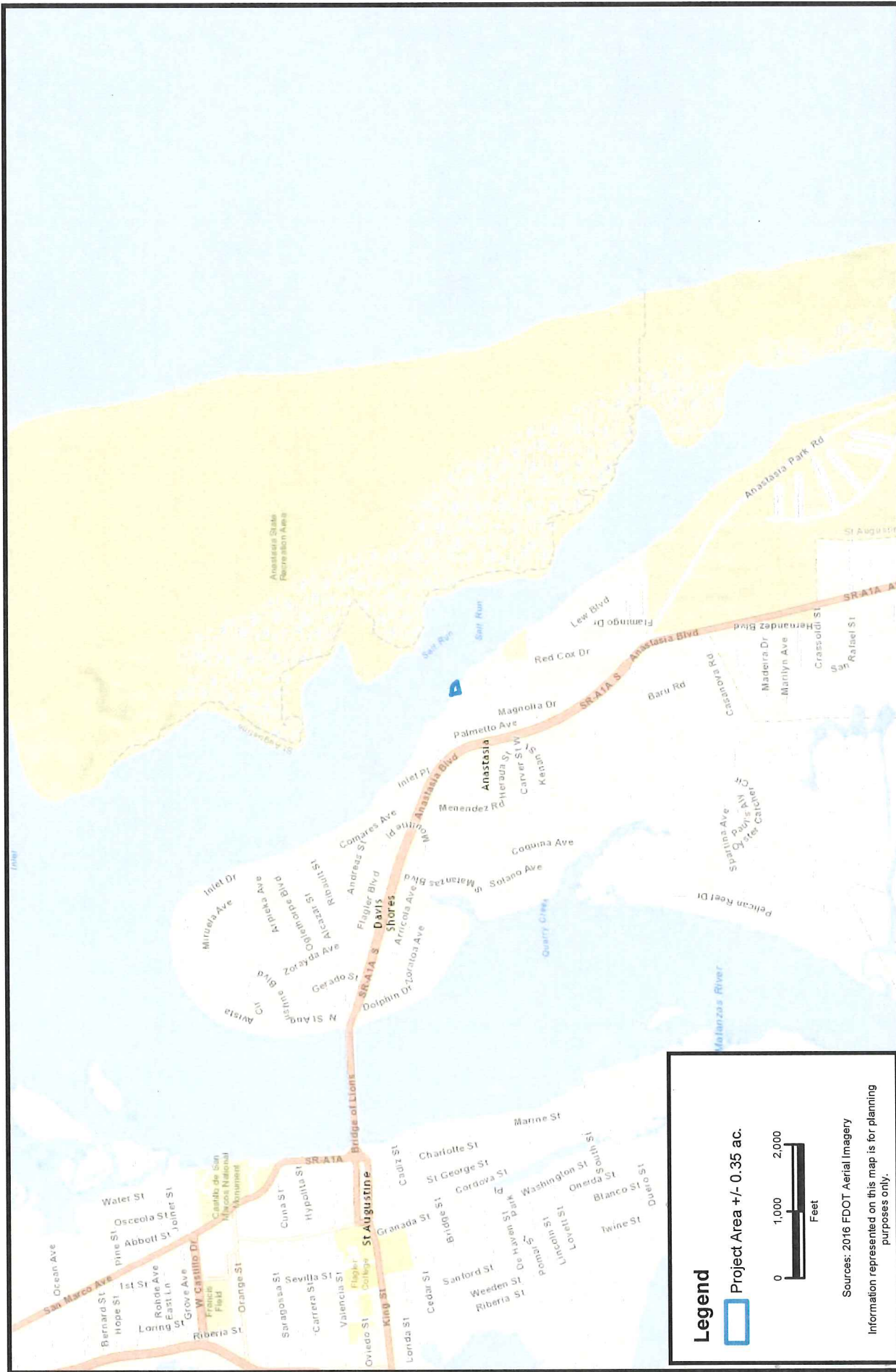


Imagery ©2019 Google, Map data ©2019 Google 200 ft



5 Lighthouse Ave
St. Augustine, FL 32080

Attachment 4
Dock Information



Legend

Project Area +/- 0.35 ac.

0 1,000 2,000
Feet

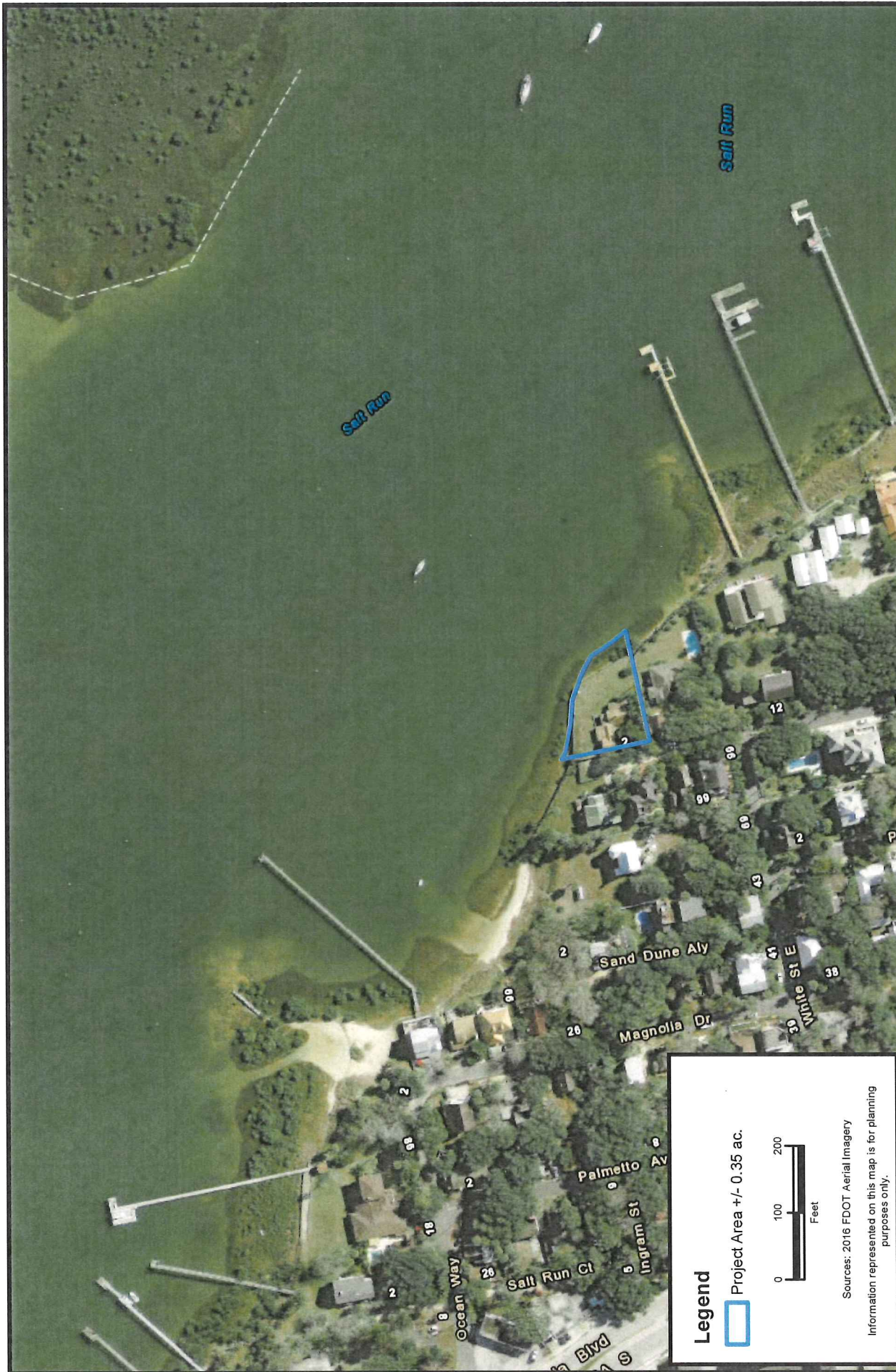
Sources: 2016 FDOT Aerial Imagery
Information represented on this map is for planning purposes only.

		Figure: 1
Location Map Little Lighthouse		Date: Dec 28 2018
Project: 5.18397	St. Augustine, FL	

CARTER ENVIRONMENTAL SERVICES, INC.

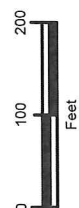
CES

7 Waldo Street
St. Augustine, FL 32084
904-540-1786
www.carterenv.com



Legend

 Project Area +/- 0.35 ac.



Sources: 2016 FDOT Aerial Imagery

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.



7 Waldo Street
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Aerial Map

Little Lighthouse

Project: 5.18397

St. Augustine, FL

Date: Dec 28 2018

Figure:

2



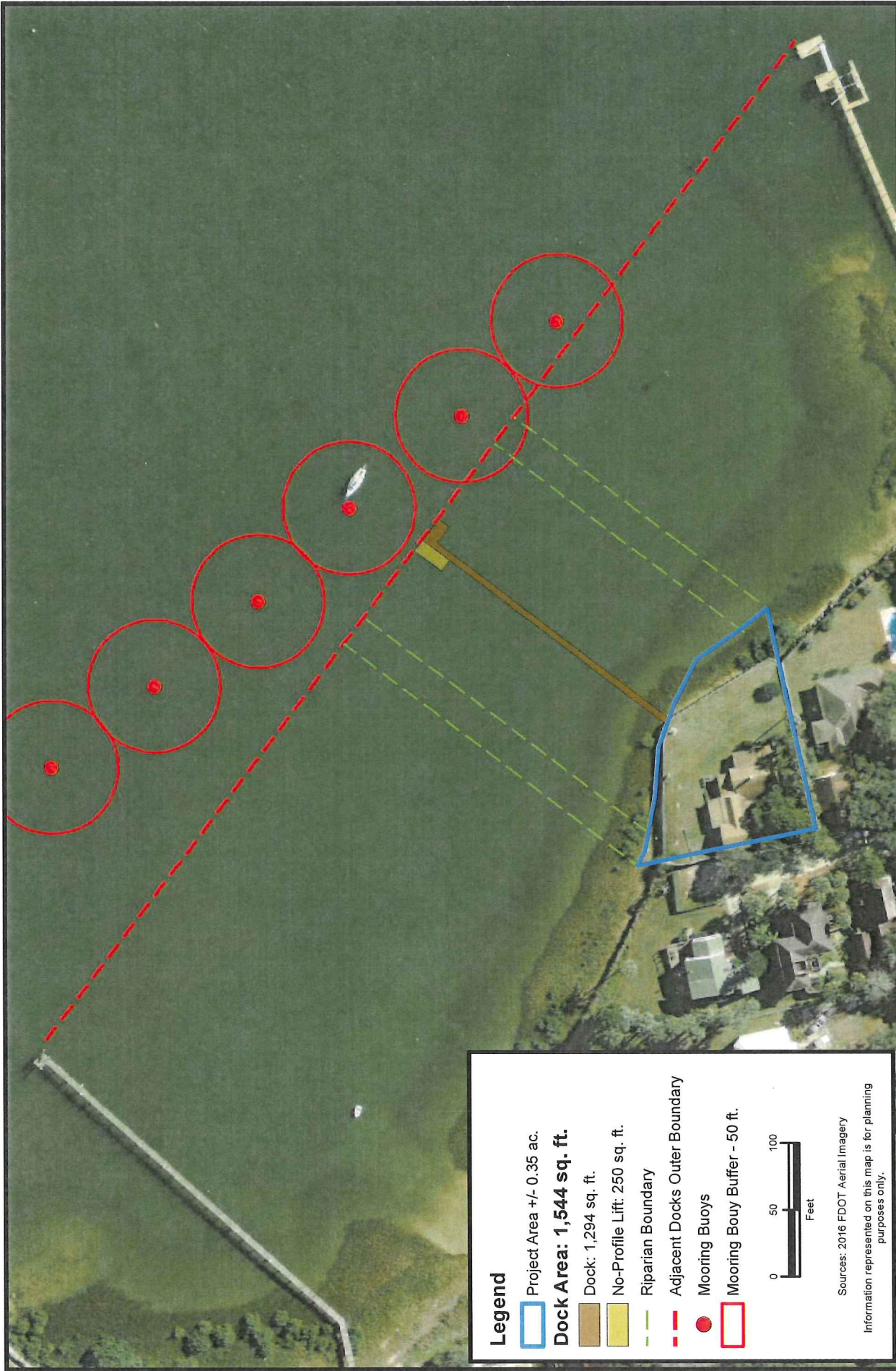
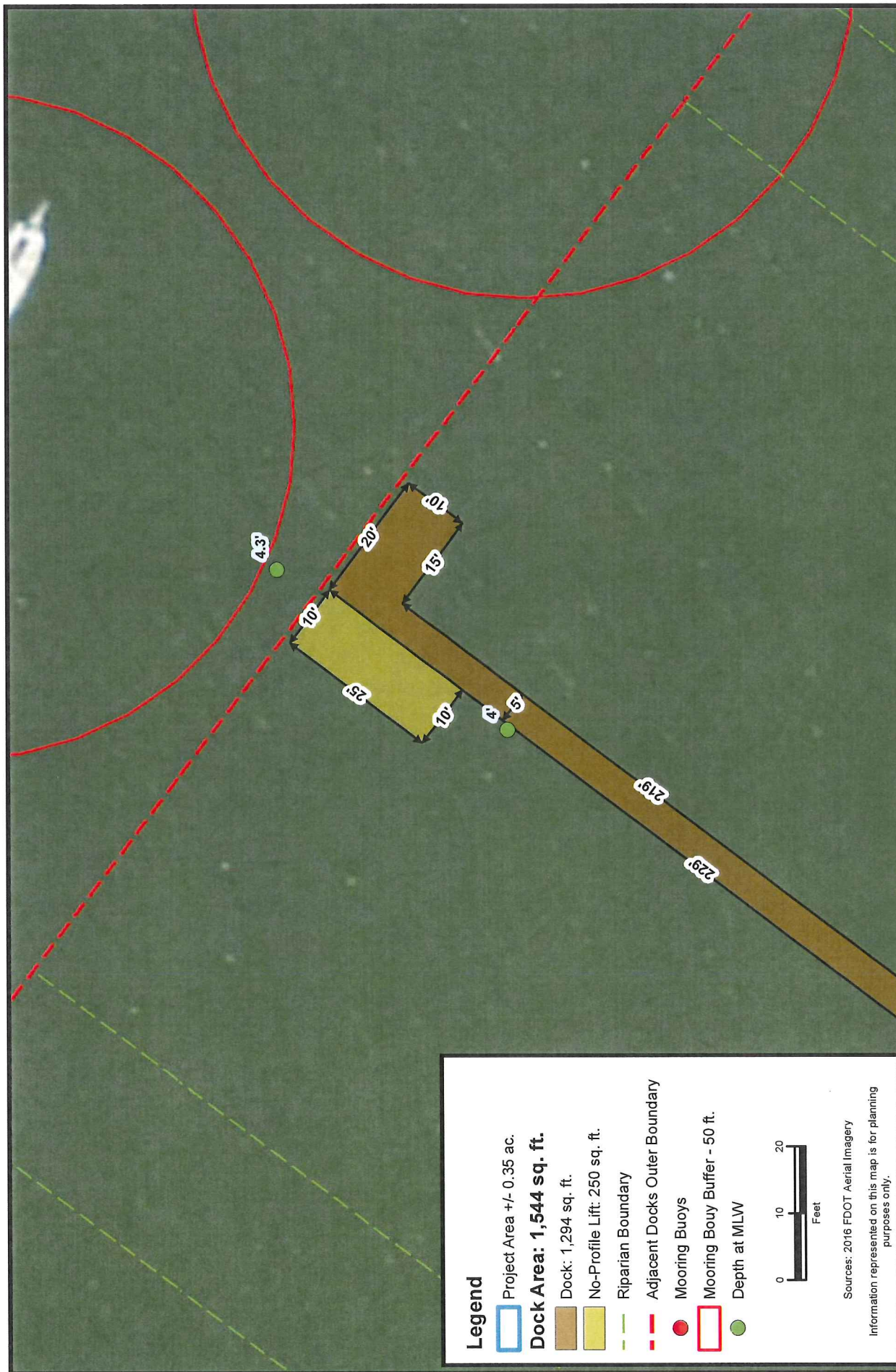


		Figure: 3
Proposed Dock Alignment Little Lighthouse		
Project: 5.18397	St. Augustine, FL	Date: Dec 28 2018
CARTER ENVIRONMENTAL SERVICES, INC.  7 Waldo Street St. Augustine, FL 32084 904-540-1786 www.carterenv.com		



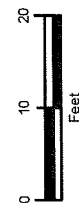
Legend

- Project Area +/- 0.35 ac.
- Dock Area: 1,544 sq. ft.**
- Dock: 1,294 sq. ft.
- No-Profile Lift: 250 sq. ft.
- Riparian Boundary
- Adjacent Docks Outer Boundary
- Mooring Buoys
- Mooring Bouy Buffer - 50 ft.
- Depth at MLW

Sources: 2016 FDOT Aerial Imagery

Information represented on this map is for planning purposes only.

		Figure: 4	
Proposed Dock Dimensions Little Lighthouse			Date: Dec 28 2018
Project:	5.18397	St. Augustine, FL	
CARTER ENVIRONMENTAL SERVICES, INC.  7 Waldo Street St. Augustine, FL 32084 904-540-1786 www.carterenv.com			



CES
CARTER ENVIRONMENTAL
SERVICES, INC.
7 Waldo Street
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Cross-Section

Project: 5.18397

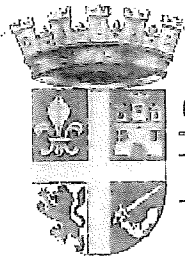
St. Johns County, FL

Date: Feb 04 2019

Figure:







City of St. Augustine



St. Augustine, Florida

Planning/Building

March 5, 2019

Ernest L., III, and Nancy R. Little
Ryan Carter/Carter Environmental Services, Inc.
7 Waldo Street, Suite 7C
St. Augustine, FL 32084

Re: Conservation Overlay Zone Development – 5 Lighthouse Ave – 2019-0009

Dear Applicant:

On March 5, 2019, the Planning and Zoning Board (PZB) met and discussed your application to approve placement of a new dock with associated boat lift in Conservation Overlay Zone 1, for property located at 5 Lighthouse Avenue.

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

Conservation Overlay Zone Development is valid for a period of one (1) year from the date of approval. Failure to exercise the Conservation Overlay Zone Development by commencement of the use or action approved shall render the Conservation Overlay Zone Development invalid.

Please contact the Planning and Building Department at 825-1065 for the proper permits, fees and requirements to proceed with your project in accordance with the Planning and Zoning Board's decision.

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:

- | | |
|---|--|
| ☐ Appeal | ☐ Preliminary Subdivision Plat Approval |
| ☒ Conservation Overlay Zone Development | ☐ PUD Modification/Amendment |
| One/Two/Three | ☐ Rezoning |
| ☐ Use by Exception | ☐ Variance |
| ☐ Final Development Plan | ☐ Other Click here to enter text. |
| ☐ Land Use Plan Amendment | |

IN THE MATTER OF:

Case No.: 2019-0009
Applicant: Ryan Carter C/o Carter Environmental Services, Inc.
Owner: Ernest Little
Address: 5 Lighthouse Avenue
Parcel Number: 1570400000

RE: Conservation Overlay Zone 3 Development, pursuant to Section 28-29, City of St. Augustine Code, to approve placement of a new dock with associated boat lift in Conservation Overlay Zone 1.

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON MARCH 5, 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 March 5, 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 Residential Low Density and a zoning classification of Residential Single Family Two (RS-2).
4. The above-described Conservation Overlay Zone 3 Development is subject to Section 28-29 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 28-29, City of St. Augustine Code, and APPROVES / DENIES / CONTINUES the Applicant's request to approve placement of a new dock with associated boat lift in Conservation Overlay Zone 1.

Subject to the following conditions:

- WITH CONDITION DOCK DOES NOT
- INFRINGE UPON PERIMETER
- OF MOORING FIELD
-
-
-
-
-
-

DONE AND ORDERED, at a public hearing on the 5 day of MARCH, A.D., 2019, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2019-0009

REQUEST APPROVED / DENIED / CONTINUED

Sign Name

GRANT MISTERLY

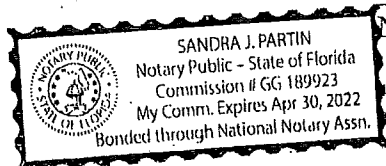
Print Name

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, Grant Misterly 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 5th day of March, A.D., 2019.



Sandra J. Partin
Notary Public, State of Florida



City of St. Augustine

St. Augustine, Florida

Planning/Building



December 3, 2019

Ryan Carter/Carter Environmental Services, Inc.
Ernest L., III, and Nancy R. Little
3140 Coast Highway
St. Augustine, FL 32084-2215

Re: Conservation Overlay Zone Development – 5 Lighthouse Ave – 2019-0101

Dear Mr. and Mrs. Little:

On December 3, 2019, the Planning and Zoning Board (PZB) met and discussed your application to approve dock modifications to an existing two hundred twenty nine (229') foot dock including a three (3') foot by eighteen (18') foot gangway that connects the existing dock to a ten (10') foot by twenty (20') foot floating platform within Conservation Overlay Zone 1, for property located at 5 Lighthouse Avenue.

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

Pursuant to 28-29(g), City of St Augustine Code, an appeal may be taken by any person aggrieved by the decision of the board provided such appeal is filed with the Planning and Building Department within thirty (30) days.

Please contact the Planning and Building Department at 825-1065 if you have questions.

Sincerely,

David Birchim, AICP
Director, Planning & Building

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

75 King Street, St. Augustine, Florida 32084 ~ Office 904-825-1065~Fax 904-209-4335

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

TYPE OF REQUEST:

- | | |
|---|--|
| ☐ Appeal | ☐ Preliminary Subdivision Plat Approval |
| ☒ Conservation Overlay Zone Development | ☐ PUD Modification/Amendment |
| <u>One/Two/Three</u> | ☐ Rezoning |
| ☐ Use by Exception | ☐ Variance |
| ☐ Final Development Plan | ☐ Other Click here to enter text. |
| ☐ Land Use Plan Amendment | |

IN THE MATTER OF:

Case No.: 2019-0101
Applicant: Ryan Carter c/o Carter Environmental Services, Inc.
Owner: Ernest Little
Address: 5 Lighthouse Avenue
Parcel Number: 157040-0000

RE: Conservation Overlay Zone Development One, pursuant to Section 28-29, City of St. Augustine Code, to approve dock modifications to an existing two hundred twenty nine (229') foot dock including a three (3') foot by eighteen (18') foot gangway that connects the existing dock to a ten (10') foot by twenty (20') foot floating platform within Conservation Overlay Zone 1.

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 Residential Low Density and a zoning classification of Residential Single Family Two (RS-2).
4. The above-described Conservation Overlay Zone Development One is subject to Section 28-29 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 28-29, City of St. Augustine Code, and **APPROVES** / **(DENIES)** / **CONTINUES** the Applicant's request to approve dock modifications to an existing two hundred twenty nine (229') foot dock including a three (3') foot by eighteen (18') foot gangway that connects the existing dock to a ten (10') foot by twenty (20') foot floating platform within Conservation Overlay Zone 1.

Subject to the following conditions:

- _____
- _____
- _____
- _____
- _____
- _____
- _____

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.

2019-0101

REQUEST APPROVED **(DENIED)** CONTINUED

Karen Zander
Sign Name

KAREN ZANDER

Print Name

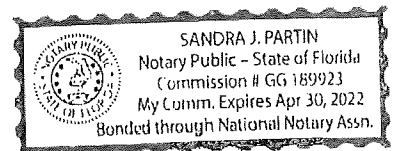
PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

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



1 CITY OF ST. AUGUSTINE
 2 PLANNING AND ZONING BOARD HEARING
 3 TUESDAY, DECEMBER 3, 2019
 4 2:00 P.M.

5
 6 CONSERVATION OVERLAY ZONE DEVELOPMENT
 7 5(A) 2019-0101 RYAN CARTER - APPLICANT
 8 (CONTINUED NOV. 5, 2019) C/O CARTER ENVIRONMENTAL
 9 SERVICES, INC. ERNEST LITTLE - OWNER
 10 5 LIGHTHOUSE AVENUE

11 _____ (Proceedings Recorded and Transcribed VIA
 12 CD-Digital Recording.)

13 BOARD:

14 KAREN ZANDER, CHAIRPERSON
 15 MIKE DAVIS
 16 SARAH RYAN
 17 JON DEPRETER
 18 GRANT MISTERLY

19 STAFF:
 20 DAVID, BIRCHIM, DIRECTOR OF PLANNING & BUILDING DEPARTMENT
 21 PATRICK DOTY, SENIOR DEVELOPMENT REVIEW PLANNER
 22 JOHN CARY, ASSISTANT CITY ATTORNEY

23 ALSO PRESENT:
 24 RYAN CARTER, CARTER ENVIRONMENTAL SERVICES
 25 ERNEST LITTLE, HOMEOWNER

26 ST. AUGUSTINE COURT REPORTERS
 27 1510 NORTH PONCE DE LEON BOULEVARD, SUITE A
 28 ST. AUGUSTINE, FLORIDA 32084
 29 904-825-0570

30
 31
 32
 33
 34
 35

P R O C E E D I N G S

- - -

CHAIR ZANDER: Moving on. Item 5A.

Conservation Overlay Zone Development 2019-0101.

Ryan Carter applicant care of Carter Environmental Services, Ernest Little homeowner at 5 Lighthouse Avenue.

Mr. Carter?

(Thereupon, Ryan Carter was duly sworn in by the Clerk.)

MR. CARTER: I do.

Do we want to hear from staff first or from me first?

CHAIR ZANDER: How would you like to do it?

It doesn't matter to me.

MR. DOTY: I can give a quick synopsis and then Ryan can follow up.

CHAIR ZANDER: Thank you, staff.

MR. DOTY: This request is to approve an existing 229 foot dock including a 3 by 18 foot gangway that connects to an existing built 10 by 20 foot floating platform with four associated pilings in Conservation Overlay Zone One. You will find at your table that I have provided you all with a copy of information that I received yesterday, it's time

1 stamped on the first page. This is addressing the
2 location of the dock. The applicant will be
3 addressing that. I just wanted to make the public
4 aware that we received information yesterday
5 regarding the application.

6 This is an after the fact request for this
7 dock. It was previously approved under
8 Conservation Overlay Zone Application 2019-009.
9 There was no building permit reviewed which
10 resulted in this hearing application. With that
11 the dock was constructed in the location that was
12 not previously approved by the planning and zoning
13 board.

14 As this information was provided yesterday the
15 staff reports had already been drafted so at that
16 time of drafting and review of Section 11-29 and
17 the consistency of the dock with those requirements
18 staff was recommending approval. However, with
19 those documentations staff was made aware of the
20 fact that the dock is located within a city mooring
21 field as it is currently existing today. And under
22 the previous conservation overlay approval by this
23 board there was a condition that the dock shall not
24 infringe on the adjacent mooring field and that was
25 written on the final order for 2019-0009. So with

1 that staff will defer to the Planning and Zoning
2 Board to make recommendation for approval or
3 denial.

4 CHAIR ZANDER: Thank you, staff.
5 Mr. Carter.

6 MR. CARTER: Good afternoon. Yeah, as
7 outlined the original application was primarily for
8 a gangway 3 feet wide by 18 feet long and then a 10
9 foot wide by 20 foot long floating dock. I am
10 going to show you some photos here of that. This
11 is the drone image that I took last week. All
12 right. Excellent. So this was taken -- I'll angle
13 it up a little bit. This was taken last week.
14 This is the dock in its current -- as it's out
15 there right now. This section right here, this
16 gangway and the floating dock was not on the
17 permanent plans and I can get back into that. I
18 have several other advantages of that.

19 So that's, again, -- again, it's this gangway
20 and the floating dock. That's why we are here.
21 The reason why -- another reason why we were here
22 was because there is an adjacent property owner who
23 was concerned. And when he brought that to the
24 attention of the city staff -- much better. That's
25 clear. Thank you. When he brought that to the

1 attention of city staff then they recognized this
2 gangway and floating dock was built and that wasn't
3 approved by this board in March.

4 So we -- one of the other things that was
5 discovered as staff referred to was when I flew
6 this drone image last Tuesday and we geo-rectified
7 that image, which is essentially directly overhead,
8 we recognized and realized that the dock wasn't
9 built in the alignment that it was approved. It
10 was approved by the DEP, the Corps of Engineering
11 and the Planning and Zoning Board. And this is
12 kind of like, that's what that looks like.

13 As staff also referred to once the Planning
14 and Zoning Board issued their approval in March of
15 last year, the owners, who are here, Mr. Ernie
16 Little and his, I guess, son-in-law, stepson, Brian
17 McMandon are here. And Brian lives in the house.
18 Ernie's -- I guess, Ernie lives there also right
19 now. Okay. We will get them up here shortly. And
20 then Ernie -- they were arranging a contractor.
21 The contractor was chosen. That's John with
22 Maritime Construction. He is back there. And he
23 could speak to this as well. And they ended up
24 choosing John as the contractor and John went out
25 and started building the dock. John had an

1 assistant project manager and he went out and
2 started building the dock. As it was stated, he
3 didn't get city construction permit. That was a
4 mistake. And we could ask him if he would like to
5 come up or if you would like to ask him any
6 questions about that we could ask him about that.

7 So the dock was built in a different
8 alignment. And the gangway and floating dock was
9 built outside of any approval. So there is a
10 couple different things going on.

11 I will continue with some different exhibits.
12 So this, again, is where the dock is approximately
13 now. The area in red is the gangway and the
14 floating dock that we originally were seeking and
15 we still are seeking approval for.

16 One of the other questions that could be asked
17 is about the riparian right-of-way. So you could
18 see that the riparian right-of-way was previously
19 roughly perpendicular from the outside upland
20 boundaries roughly perpendicular to the channel.
21 There was an update by the DEP, which I have a copy
22 of, it allowed you to do some different changes,
23 which is about equally apportioning the riparian
24 limits that I could show you kind of how -- why we
25 did that and how we did that and how that's okay.

1 This is -- this is the dock here and you can see
2 everybody has equally apportioned riparian lines.
3 These are the neighbors to the south that were
4 concerned and they have plenty of riparian lines as
5 well.

6 Let's see, other issues this is the mooring
7 field and that's when as noted by staff there
8 was -- this is actually roughly where the property
9 is and that mooring buoys 24, 25 and 26, it's very
10 near there.

11 Now when we obtained approval in the previous
12 alignment, which I will show you a very close up,
13 and I am sorry that these are blurry, I do have a
14 thumb drive I can stick in the computer, but it's
15 one of -- let me pull back this. This exhibit was
16 downloaded from the City of St. Augustine's mooring
17 field. There is a link to this. We downloaded
18 this and we geo-rectified it over an exhibit. What
19 that means is essentially rubber sheeting if you
20 remember what that means with a light table. We
21 can do it digitally. So we did it digitally. And
22 that's what -- that's what this shows. So the
23 green is where we approved the dock in March. It
24 was outside of the 50-foot mooring ball swing,
25 which was an accepted setback at that time in

1 March. It's inside the mooring field, but you
2 could see that the way that this is geo-rectified
3 some of the 50-foot swing is outside of the field
4 as well. So we are getting some GIS data from the
5 city to try to tighten that up better. But just to
6 get an idea this is not -- when you are talking
7 about five feet, it could be five feet off in any
8 way.

9 Then you have the dock as it was actually
10 constructed further to the south in separate
11 alignment and it does get a little closer to the
12 mooring, the 50 foot swing area as well. So -- and
13 I even have it even closer, which gets even
14 blurrier, but kind of gets you an idea. So the
15 area in red is approximately right here is where
16 the mooring ball 25 is. This is the dock today.
17 This is where it was approved. And, again, it was
18 approved without the gangway and the floating dock.

19 So our current request is still for the
20 gangway and the floating dock, but now we need, I
21 guess, I don't know how we approve, retroactively
22 approve a dock that's built. It's in the ground.
23 And I don't know how we do that. But that's what
24 we discovered.

25 So obviously I am here to entertain any

1 questions. I worked really hard on putting
2 together these exhibits to sort of outline the few
3 problems that are presented.

4 CHAIR ZANDER: Thank you, Mr. Carter. Let's
5 tackle ex partes first. Are there any ex partes?

6 MS. RYAN: I did receive e-mails that I
7 forwarded to Patrick and I also spoke on the phone
8 with Jane West about the neighbor's concerns and
9 the dock placement.

10 MR. DAVIS: I received e-mails and I forwarded
11 those on to the City staff.

12 CHAIR ZANDER: I had e-mails and letters
13 opposing from Pilar Belmonte Hartmann, Thomas M.
14 Hartmann, M.D., Sara Belmonte Walters and David
15 Belmonte. I spoke with Ryan Carter about the
16 application and I spoke with Jane West regarding
17 her client's opposition to the dock application as
18 presented.

19 MR. DePRETER: It's around the corner from me.
20 I went to the site. When I was there I encountered
21 the homeowner and talked to him.

22 MR. MISTERLY: I received some e-mails on this
23 and then also spoke with Mr. Carter regarding the
24 mooring field issue.

25 CHAIR ZANDER: Thank you.

1 MR. DePRETER: I also got the same e-mails
2 everybody got and the same letters.

3 CHAIR ZANDER: Thank you.

4 Let's do board questions of the applicant
5 before we go to public comment.

6 MR. MISTERLY: I will start obviously. I
7 think we probably all have a whole lot of questions
8 and recognize this is a difficult situation where
9 you've got a dock that was built in a different
10 alignment than it was supposed to be. There were
11 features added on to it that were not supposed to
12 be added. There was no building permit and on top
13 of that it's built into the City's mooring field.
14 So there is quite a few issues in front of us.

15 I get -- I sense that you have kind of laid
16 all those issues out for us very well. You did a
17 nice job presenting it with different figures, but
18 I am not exactly sure what you are asking for. To
19 me -- when I think I got my packet it seemed like
20 you were asking for approval of what's there. But
21 in my mind this issue with the mooring field almost
22 trumps that request in that what do you do with the
23 dock that's now built in the way of the mooring
24 field. I almost feel that's the first question
25 that needs to be answered before we tackle what to

1 do with the dock that is built in the wrong
2 alignment and has features that were not supposed
3 to be there.

4 CHAIR ZANDER: And I remember, Mr. Misterly,
5 that you had that concern about the mooring field
6 when this came before us, you raised that concern.

7 MR. MISTERLY: Well, and to just remind
8 everyone I was involved in the design of the
9 mooring field back when it was first built and was
10 concerned about that.

11 CHAIR ZANDER: You were very concerned.

12 MR. MISTERLY: And that's why we put that item
13 in the motion to approve it was that be reviewed
14 and then when it came back before us I still didn't
15 feel like it was right. So I went back and checked
16 some of the original records and contacted
17 Mr. Carter when I saw it.

18 CHAIR ZANDER: Thank you.

19 MR. CARTER: Yes. So and it's been kind of a
20 fire alarm, because -- we continue -- I wasn't able
21 to be at the last PZB that's why it was continued.
22 It was -- I got notified shortly and I wasn't able
23 to be there and we continued it and, of course, I
24 put it on my list and I procrastinated it and it
25 was last week and Thanksgiving. So when we finally

1 did the drone imagery and realized that there were
2 these other issues it was how are we going fill all
3 these other issues. Obviously in our
4 correspondence yesterday I did reach out after we
5 spoke to the director of general services as well
6 as the harbor master and sent them the same
7 exhibits that you see and copied staff. And this
8 morning they called me back and presented an
9 option. The option was now that the proximity of
10 the dock in its current configuration is this much
11 closer to the 50-foot swing area -- previously it
12 was about eleven or twelve feet off and this was
13 the previous approved alignment. And that would
14 have been okay. But now you are even closer, they
15 feel that they would like to be compensated for the
16 loss of this mooring buoy, which is 25.

17 So they sent me an e-mail this morning, which
18 is right here, which essentially says that they
19 would like the dock owner, the property owner,
20 which is Mr. Little and Mr. McMandon to compensate
21 the City of around \$1280 a year.

22 CHAIR ZANDER: And so I will ask you -- do you
23 mind if I ask a question on this, Grant.

24 MR. BIRCHIM: Before -- I want to clarify
25 that, that he is not compensating us. He is

1 renting that mooring dock.

2 MR. MISTERLY: Excuse me. Yes, it does say
3 that. You are right. Thank you.

4 CHAIR ZANDER: Do you mind if I --

5 MR. MISTERLY: Yeah.

6 CHAIR ZANDER: So you are not deeding this to
7 the dock owner, correct, he is leasing it. So in
8 the future this owner sells the property there is
9 no deeded mooring ball, and then we are right back
10 in the same situation because what's forcing the
11 next property owner to do the same thing.

12 MR. MISTERLY: And I think there is probably
13 some conceptual questions that, I mean, the mooring
14 field is there for a certain benefit to the
15 community and to the environment and you've
16 degraded that somewhat by just perpetually renting
17 a mooring ball. And then, you know, did the City
18 receive funds from fines to construct the mooring
19 field. And so, I mean, I think there is some more
20 issues that probably would needed to be delved
21 into.

22 MR. DePRETER: Right. I don't think -- I
23 don't think it's a good permit. You did have
24 option two was to -- could you put that back up for
25 us -- was to move it back, right?

1 MR. CARTER: Yeah. Right. Right. Yep. And
2 then one of the other -- one of the other
3 constraints is -- and we could have the dock
4 builder come up and talk about it. I mean, the
5 reality was it was constructed in the wrong
6 location. So an easy solution would say to the
7 dock builder, you need to rebuild it. But that's
8 not so easy. And I don't, you know -- John, if you
9 would care to come up and talk about that I would
10 be happy to have you up. Because I want the board
11 to understand the constraints that this property
12 owner is now dealing with. This is John. You will
13 have to swear yourself in with Maritime
14 Construction.

15 (Thereupon, John Gobler was duly sworn in by
16 the Clerk.)

17 MR. GOBLER: I do.

18 CLERK: Name and address for the record,
19 please.

20 MR. GOBLER: John Gobler. 100 Lambert Avenue,
21 Flagler Beach.

22 As we know I built the dock. I assumed that
23 the customer had pulled that permit. They had
24 gotten the Army Corp. We pull permits and I
25 honestly did not realize I was building without it.

1 Of course I should have. Normally I will have my
2 permit box out there. I will look at it. I had a
3 project manager. Since then we got rid of him. We
4 were very busy. I did, I guess you could say,
5 build it illegal.

6 It's a tremendous feat to move that dock.

7 CHAIR ZANDER: May I ask you, sir.

8 MR. GOBLER: Yes, ma'am.

9 CHAIR ZANDER: You not only did you not get a
10 city permit, you didn't get any permits?

11 MR. GOBLER: In St. Johns County they don't --
12 okay. I am used to working in St. Johns County.
13 And there are no permitted docks except for a
14 neighborhood in Treasure Beach now. And so in
15 general a dock builder we have a Army Corps permit,
16 DEP and you can go ahead and build. That's what we
17 do. No local permit. But when it comes into the
18 city, I don't believe there is inspections, but
19 there is -- I've only built one other one in the
20 city and the customer got the city -- through the
21 planning and stuff.

22 CHAIR ZANDER: Okay. That's my question was I
23 know you didn't get a city permit, did you get any
24 permit? Did you get a Corps permit?

25 MR. GOBLER: I did not. They did.

1 MR. CARTER: We have DEP and Corps permits.

2 CHAIR ZANDER: Thank you.

3 MR. CARTER: And we obviously have planning
4 and zoning board approval. And we have -- we've
5 modified the DEP and the Corps permits to add the
6 gangway and the floating dock.

7 CHAIR ZANDER: Thank you, Mr. Carter.

8 MR. CARTER: In the previous location because
9 we didn't realize it had been moved until Tuesday
10 of last week.

11 CHAIR ZANDER: Thank you, Mr. Carter.

12 MR. MISTERLY: How do you -- I mean, stuff
13 happens and we are in a situation now we need to
14 figure out the best way for all of us to get out of
15 it. But I am curious how normally you would
16 construct a dock to make sure it's built in the
17 right location. Like on land you would have survey
18 points that you would build a building to. When
19 you are building a dock, how do you typically, if
20 you have an approved set of plans showing where it
21 should be, how do you make sure that it gets built
22 in that location and what happens here.

23 MR. GOBLER: Well, your surveyor does the X, Y
24 coordinates can leave you a mark on land and you
25 can measure out from there. What I did on this

1 instance I looked at that, the mooring, the round
2 ball. I didn't -- I didn't know that there was a
3 square field. I looked at -- and there was a
4 question, you know, making sure that we took our
5 time, you know, thinking we are doing it, you know,
6 correct, because it could be a problem and then we
7 came up, of course, a true 29 and it all seemed to
8 fit correctly. But I was not aware that there was
9 an actual field, just a round circle.

10 MR. MISTERLY: Okay. You said it is a
11 tremendous feat to move the dock. You have got a
12 floating platform out there and that's probably
13 pretty easy to move. The rest of it is a deck
14 supported by pilings. Is it more complicated than
15 just removing that deck and floating it back 50
16 feet and attaching it?

17 MR. GOBLER: It is a bit more complicated.
18 Those are twelve inch poles out there. And we set
19 them and get good sets and then we cut them off and
20 then to move it we set them to get deep sets so
21 when a big storm comes above that we don't lose the
22 dock. So we reset them and they start to go -- and
23 we get even a better set in, you know, a different
24 location, because soil might change a little bit,
25 then they are going lower. So in reality I would

1 need to go ahead and get all new poles, take all
2 those away, you know, cut them up, take them to the
3 dump. You know, it's a lot.

4 MR. MISTERLY: Okay.

5 MR. DePRETER: I have a couple. May I?

6 CHAIR ZANDER: Sure.

7 MR. DePRETER: So first thing I see, unless am
8 I misunderstanding, did you say that the City has
9 determined that this is in the mooring field or
10 close? Because I'm hearing from Mr. Ryan it's not,
11 it's on the edge and then I think I heard from you
12 say it is.

13 MR. DOTY: Per the graphics that the applicant
14 provided it is within the mooring field.

15 MR. DePRETER: It is within the mooring field?

16 MR. CARTER: Sorry. Let me add to that.
17 Distinction there is the mooring 50 foot radius
18 outside the ball and then there is the field. And,
19 again, I geo-rectified things. So it's not
20 perfect.

21 MR. DePRETER: I'm not trying -- I am just
22 wanting to make sure I am hearing the right thing.

23 And, second of all, the riparian rights, your
24 green and your red lines, what constituted those
25 changing?

1 MR. CARTER: There was a -- there was a
2 release that we -- that was released in February
3 26th, this was an updated release and it talks
4 about equitable apportionment. And it talks a
5 little bit about the standard is perpendicular from
6 the upland riparian lines so -- from the channel.
7 So from the channel to -- but sometimes that
8 doesn't exactly fit when you have an undulating
9 shoreline. So we -- this was updated recently.
10 And they talk about equitable apportionment. So we
11 shifted things, some of those riparian lines around
12 as it relates to its intersection with the channel
13 and everybody still has plenty of riparian rights.
14 But that's what -- that's why we ended up -- we
15 were able to do that.

16 MR. DePRETER: So were the riparian lines
17 redrawn after the deck -- dock was put up or
18 before?

19 MR. CARTER: Yes.

20 MR. DePRETER: After?

21 MR. CARTER: Yes. Sunday night or Monday.
22 Yeah.

23 MR. DePRETER: Okay.

24 CHAIR ZANDER: As a result?

25 MR. DePRETER: Yes.

1 MR. CARTER: Yes.

2 MR. MISTERLY: This is painting the target
3 around the area.

4 MR. DePRETER: That's what I was trying to get
5 to. Yeah. Okay. Wow.

6 CHAIR ZANDER: Do you have anything more,
7 Mr. DePreter?

8 MR. DePRETER: Well, I don't know what to say.
9 I am sympathetic to the land owner. I mean, I
10 don't think he caused any of this. But I don't
11 know for me I break it down a couple of ways. I
12 think that Grant got it right. It's really where
13 this sits with the mooring field and its
14 orientation. I thought that the conflict was going
15 to be the floating part of this. I don't know -- I
16 guess my thought is what looks better to me from
17 what I have seen so far is not renting out the
18 ball, I think as we all pointed out that's
19 something that's not enforceable over a period of
20 time. Pulling the dock back --

21 So what I am battling for myself is pulling
22 the dock back out of the mooring field would I then
23 be okay with the location of the dock being
24 different than what it was proposed, but it's out
25 of the mooring field, which leaves just a question

1 of the floating dock.

2 So that's kind of where I am at. My minimum
3 is pulling it back. My question is what's
4 different if we realignment it, I think we have
5 kind of changed the red and green lines in a
6 convenient way for this.

7 So I am open to a discussion about pulling it
8 back from the mooring field, leaving it in the same
9 location and then having a discussion on the
10 floating dock which was put on without a permit.
11 That's pretty much what I would like to discuss.

12 CHAIR ZANDER: I am going to hold my comments.
13 I would like to hear from Ms. Ryan and Mr. Davis.

14 MR. DAVIS: Go ahead.

15 MS. RYAN: Sure. Ryan, can you pull up the
16 riparian rights map you were showing us. I want to
17 make sure I understand that map.

18 MR. CARTER: That's kind of a larger -- that's
19 a scaled out version. Here is another one. Is
20 that the one you were thinking of?

21 MS. RYAN: Actually the scaled out one with
22 the neighbor. So the green are the riparian rights
23 for each neighbor?

24 MR. CARTER: Right. Right. According to the
25 updated exhibit. That's why I generated this so

1 you get an idea. Everybody -- they call it equal
2 apportionment.

3 MS. RYAN: Right.

4 MR. CARTER: Everybody has plenty of riparian
5 rights towards the channel.

6 MS. RYAN: And then so the red coming out is
7 where it was built or proposed?

8 MR. CARTER: No, this red is adjacent property
9 owners approved dock.

10 MR. LITTLE: Around the corner. The
11 Andersons. That's the Andersons.

12 MR. CARTER: It hasn't been built yet.

13 MS. RYAN: Okay.

14 MR. CARTER: Just to give you the idea that it
15 even following the new apportionment is within the
16 riparian rights as well.

17 MS. RYAN: So the one south of that --

18 MR. CARTER: This is --

19 MS. RYAN: -- where the one red that's where
20 it has been built currently?

21 MR. CARTER: Correct. Yeah, the red is the
22 actual gangway.

23 MS. RYAN: Is the gangway?

24 MR. CARTER: Yeah.

25 MS. RYAN: So it's basically been centered on

1 the riparian lines?

2 MR. CARTER: Correct.

3 MS. RYAN: Okay. I just wanted to understand
4 that map. But I also want to hear public comments
5 after Mike's comments.

6 MR. BIRCHIM: Can I ask -- can I stop for one
7 second and get a clarification. Does that graphic
8 represent a change to the riparian lanes of other
9 people's properties not just your client's
10 properties?

11 CHAIR ZANDER: That is exactly my question.
12 It seems as though you now are changing the deed.

13 MR. CARTER: I am simply -- this is -- no, the
14 problem is there is no deed. And you could -- I
15 mean, if you would like to read through this. This
16 is the deed. They call it the guideline for
17 allocation of riparian rights. And they talk about
18 the University of Florida studies and they talk
19 about the case law and they basically, you will see
20 here, conclusions of literature study. And the
21 modifications that were made were referencing our
22 riparian rights. Of course, but I would assume
23 that the board would ask, well, how does that
24 affect others. We are not stating, we are not
25 claiming others, but how does that affect others

1 and that's what that exhibit is showing. This just
2 shows the way that we have modified our riparian
3 rights compared to this. Because this is more
4 perpendicular to the channel and this is more the
5 equal, what they call equal apportionment.

6 CHAIR ZANDER: But does that not also show
7 your modification and then other modifications as
8 well? Aren't you modifying other properties
9 riparian rights on that property?

10 MR. CARTER: I'm just using it as an example.
11 That if we change this, this is what we depicted
12 previously as perpendicular and if we change it or,
13 excuse me, in green, and if we changed it to red,
14 then how does that affect the other properties.
15 Because here where we are now. That's all I am
16 alluding to that everybody else has, what they
17 call, equally apportioned riparian lines when we
18 change.

19 MR. MISTERLY: I can give a little more
20 background. Years ago the City sent the planning
21 and zoning members to a course, I think Sid
22 Ansbacher taught it about riparian rights, and kind
23 of my take away from that is that they are really
24 complicated and basically what riparian rights is
25 it entitles you to access to a navigable waterway.

1 It's not so much a line as it is drawn there. You
2 know, legally you can determine lines, but with
3 undulating properties along waterways those lines
4 can vary like you've shown there. Pretty much
5 riparian lines get defined if somebody challenges
6 that you've built a dock in their space.

7 CHAIR ZANDER: I can tell you from -- I would
8 have a different perspective in my day-to-day.

9 MR. MISTERLY: So I think -- I think what
10 Mr. Carter has done is he has produced a visual
11 concept of what riparian rights or what riparian
12 lines could be for properties, but I don't think
13 that's a fixed correct thing.

14 MR. CARTER: Exactly.

15 MR. BIRCHIM: I just want -- before we leave
16 this topic, staff does not represent or claim or
17 define the riparian rights of any party.

18 CHAIR ZANDER: So thank you.

19 MR. CARY: Nor can this board by the way.

20 CHAIR ZANDER: That was something I wanted you
21 to weigh in on Mr. Cary, please.

22 MR. CARY: Yeah, the board doesn't have that
23 authority.

24 CHAIR ZANDER: Thank you.

25 Mike.

1 MR. DAVIS: Mr. Carter, so you've got the
2 necessary permits before. Now that the dock is in
3 the wrong place, do you have permits from Army
4 Corps of Engineers and DEP or are you reapplying
5 for those because the dock -- you kind of were
6 vague on that answer.

7 MR. CARTER: Yeah.

8 MR. DAVIS: Do you have a permit for where the
9 dock is currently located?

10 MR. CARTER: We didn't discover the dock was
11 in different alignment until Tuesday of last week.
12 So we would do a permit modification to show -- to
13 the DEP and Corps permits to show the DEP and the
14 Corps it wasn't in this alignment, it was in this
15 alignment.

16 CHAIR ZANDER: Do you also have to show the
17 different, what you constructed is different than
18 what you had originally?

19 MR. CARTER: Well, we did that. So I didn't
20 know that the alignment had changed until Tuesday
21 day. But prior to this meeting we had modified the
22 DEP and Corps permit to add the gangway and the
23 floating dock. So now we would modify it to change
24 the alignment, the gangway and the floating dock
25 and the footprint is exactly the same.

1 MR. DAVIS: But has those agencies approved
2 that modification?

3 MR. CARTER: To the change in the alignment?

4 MR. DAVIS: Yeah.

5 MR. CARTER: No, because we just discovered
6 it.

7 MR. DAVIS: You have changed that.

8 MR. CARTER: No. They did approve the
9 addition of the gangway and the floating dock.

10 MR. DAVIS: Okay.

11 CHAIR ZANDER: All right. Let's go to public
12 comment. Is there anyone in the audience who would
13 like to come forward and address this application
14 and please state your name and address for the
15 record. Be sworn in and you will have three
16 minutes.

17 MR. WILSON: I'm Jim Wilson and I am an
18 attorney with Coquina Law Group. We don't normally
19 swear ourselves in. We don't testify, but I will
20 if you would like me to.

21 Okay. Just I'm here for Jane West. She
22 couldn't make it today. And when I took this on
23 this morning about 10:00 o'clock this morning, I
24 wasn't really sure what I was going to argue here
25 and I didn't expect what I got today.

1 CHAIR ZANDER: May I ask you are you
2 representing a property owner?

3 MR. WILSON: I'm representing -- Jane was
4 representing Tom and Pilar Hartmann who live at 7
5 Lighthouse, which is immediately south of this
6 property. Their house is the house that would be
7 most affected by the riparian lines, which I know
8 you guys don't enforce, but it is also most
9 affected by the additional unpermitted floating
10 dock which sits directly in front of their home now
11 and blocks their scenic vista of Salt Run and the
12 area beyond that.

13 So what they asked me to do is to protest the
14 dock, the floating dock and at the very least asked
15 that it be moved to the northern part of this
16 property rather than the southern part so it would
17 no longer block their scenic vista at the very
18 minimum. Understand they are still very opposed to
19 this dock and they are opposed to this dock to
20 begin with, but I understand you live there you
21 have a right to build a dock.

22 But now I am finding out that not only was the
23 dock infringing on the mooring field, which your
24 order specifically said that it was not to do. So
25 it is in violation of your initial order to begin

1 with. It's not built in the place where it was
2 supposed to be built to begin with, not built in
3 the approved location. It was constructed without
4 a building permit from your building department.
5 And now they've added a floating dock which wasn't
6 shown on the plans to begin with and never
7 considered until as far as today as far as I know.

8 Now, as a couple of you may know here I sat in
9 that seat there for twelve years doing this and I
10 was involved in a lot of dock applications. I was
11 also involved in a fairly ugly lawsuit between two
12 property owners that involved riparian rights issue
13 and ultimately the City didn't have to litigate
14 that. But if you look at a dock just to the north
15 of this it's property formerly owned by
16 Mr. Rackovitz (phonetic), you will see a dock
17 starts going out and then its direction changes to
18 become perpendicular to the channel, instead of
19 perpendicular from the original land that it was
20 taken off of. That dock was fully built and had to
21 be moved after construction because of the improper
22 location.

23 And at this point I don't know what else you
24 can do but tell them to move the dock and put it
25 where it is supposed to be and at the very least

1 and force them if you will allow that floating dock
2 to put it on the north side so it doesn't interfere
3 with the scenic view.

4 You have got a Salt Run area where children
5 are out there learning how to sail boats. We have
6 got a mooring field area that's importance for the
7 community and importance for everybody and it's now
8 being infringed on. They violated direct order of
9 both with location and with the infringement on the
10 mooring field. I don't see anything you can do
11 here but deny this permit and enforce them to get
12 back and get it repermited in the proper fashion.

13 You don't even have a permit application
14 before you to relocate the dock at this point. I
15 understand they just found out about it. I found
16 out about it about fifteen minutes ago.

17 So at this point on behalf of my clients and
18 all the other people that complained about this we
19 would ask you deny the permit, enforce them to
20 resubmit plans and come back before you and do this
21 the right way.

22 If you have any questions, we will be happy to
23 answer them. I think my time is up.

24 CHAIR ZANDER: Thank you.

25 MR. PAPPAS: Charles Pappas, 3015 Aqua Vista

1 Lane.

2 (Thereupon, Charles Pappas was duly sworn in
3 by the Clerk.)

4 MR. PAPPAS: I do.

5 There is absolutely nothing of this dock that
6 was built right beside the addition, beside the
7 wrong place, there is nothing. And sitting through
8 the first hearing of this it was a lot of
9 discussion about the mooring field, about whether
10 or not they were within the circles and the
11 right-of-ways. Being a former business owner for
12 40 years, I always bought errors and omissions
13 insurance. Never had to use it. But this is the
14 reason why. So I'd assume a licensed contractor he
15 has his insurance. So I don't understand why this
16 is before this board. At this point I think the
17 land owner and the contractor need to get together
18 and see if they can fix it first, because I'm sure
19 this is an economic issue as opposed to it's just
20 hard to move it. It's not just hard to move it.
21 It's expensive to move it. I will correct that,
22 but I just do not see how this board at this point
23 even discuss shortening it, maybe taking away what
24 wasn't built right. It is just too many mistakes
25 on this. So I would ask that you would just deny

1 this and they go back and put it where it is
2 supposed to. Thank you.

3 CHAIR ZANDER: Thank you.

4 MR. SLAVIN: I agree. Ed Slavin, Box 3084,
5 City of St. Augustine, (unintelligible). And under
6 the Martin County Case you could order demolition
7 and it would be enforced by the court of appeals,
8 which is something we raised when Mr. O'Brian built
9 one of his mansions illegally in violation of his
10 conditional use permit in St. Augustine Beach. But
11 I haven't heard any signs of repentance from the
12 applicant, any kind of apology, any kind of
13 explanation of all the errors that were made,
14 working without permits, working illegally. This
15 is just wrong. So please deny the application.
16 Thank you.

17 CHAIR ZANDER: Thank you. Anyone else wishing
18 to speak on this item?

19 Seeing none, public hearing is closed.

20 Mr. Carter, would you like to address anything
21 brought up in public comments, sir?

22 MR. CARTER: The only thing that I want to
23 address on a broader picture, Mr. Little lost his
24 wife last year. Her name was Nancy Little. Some
25 of you may have known her. She was a former

1 principal. Then after that happened Brian came
2 back from Nicaragua. You could ask -- you are more
3 than welcome, we could ask them up here to talk
4 about what happened. In the process they, of
5 course, hired a contractor as I stated before, and
6 then they thought, you know, things were taken care
7 of. And apparently they weren't.

8 I think that the applicant -- and Brian or any
9 of you want to say anything -- I think that it
10 would have been preferred that it didn't go this
11 way. That's not what they envisioned. That wasn't
12 their intent. And we just discovered this last
13 week as far as the alignment issue. But with the
14 confusion that was going on and Brian recently
15 coming back and now lives there, they live there
16 together, they weren't keeping as close of tabs as
17 they should have on what was taking place and I am
18 sure they would have liked it another way. But
19 this is the way that it ended up and I am not
20 saying there -- that's the right way. This is
21 where we are at.

22 So that's all I have to say. I am obviously
23 here for any questions.

24 CHAIR ZANDER: Mr. Carter, I appreciate that
25 every time you come before us you provide good

1 materials and I don't -- I don't ever get the
2 impression that you are not being anything but
3 forthright. So I appreciate that from an
4 applicant.

5 From my perspective I think this is a terrible
6 situation for the property owner. And I will
7 disagree with you a little bit. I don't think that
8 it's on the property owner to make sure that their
9 dock is being built in the right place and with the
10 right type of construction. I think when you hire
11 a contractor licensed that there is some
12 expectation that that's the contractor's oversight.
13 So I don't necessarily put this on the owner. I
14 think it's a terrible situation for them frankly.

15 But I have a question for staff as well. If
16 we were to deny this is -- does this dock just sit
17 there or is there some expectation that it will be
18 removed? How does that work, if we were to deny?

19 MR. BIRCHIM: If you were to deny it they
20 would have 30 days to appeal that decision to the
21 City Commission. If they choose not to exercise
22 that appeal we would take them to the code
23 enforcement board, the code enforcement board would
24 have their own hearing and then decide whether they
25 were to levy a fine against the property owner.

1 Also because the dock is located on city owned
2 bottom lands, I guess the possibility exists that
3 the city could remove the dock and lien the
4 property owner for the cost of that removal.

5 CHAIR ZANDER: So do you -- is the
6 expectation, if we were to deny this, is the
7 expectation that we would also address removal of
8 the dock, or is that best left to code enforcement
9 or some other entity?

10 MR. CARY: You don't have any authority under
11 the code to order removal of the dock.

12 CHAIR ZANDER: Okay. Thank you. Thank you.
13 That helps.

14 And do you have any concerns staff about the
15 fact that we now know that this is not located in
16 the right place and that was not part of this
17 advertised agenda item? To me that complicates
18 what we do here today.

19 MR. BIRCHIM: In general we are concerned
20 about the entire application.

21 CHAIR ZANDER: I guess specifically to that it
22 concerns me that we now know that it is not in the
23 right place, but that -- if we were to approve
24 this, that's a complication that we didn't
25 advertise, correct?

1 MR. BIRCHIM: Well, that's correct. But more
2 importantly this demonstrates that we never -- we
3 don't have an effective mechanism to determine when
4 a dock is being built how close it is to our
5 mooring field without some kind of aerial or drone
6 based area photograph and we had never taken into
7 consideration people would want to build a dock
8 that close to our mooring field. So in this case
9 they have penetrated our mooring field. But now we
10 have to think about how we can insure that the
11 documents that you receive are accurate and the
12 construction is accurate if future docks are close
13 to our mooring field.

14 CHAIR ZANDER: And I can appreciate that. To
15 me that's a different issue. I understand exactly
16 what you are saying.

17 I again go back to if we, if we vote to
18 approve this and placement of the dock in a
19 different area was never something that was
20 advertised, it wasn't advertised in the prior when
21 we gave the approval to build this, the location
22 where it's currently at was not at -- no one knew
23 of the location where it's currently at. Now we've
24 got it in this location and that location is not
25 part of what we are looking at today. So it seems

1 like we are missing part of this packet if we -- if
2 we were to approve. I think if we deny that's a
3 different situation. But if we approve we are
4 approving something that a portion of that was not
5 even part of our advertised packet.

6 MR. BIRCHIM: Well, I understand what you are
7 saying. We don't advertise the alignment of the
8 dock.

9 CHAIR ZANDER: But isn't there some sort of
10 variance.

11 MR. BIRCHIM: But we did not -- but we did not
12 publish that new alignment with this new
13 application.

14 CHAIR ZANDER: Exactly. That's my concern.
15 Do you see any issues with if we move to approve?

16 MR. BIRCHIM: Oh, potentially challengeable if
17 you approve it then the next door neighbor
18 represented by Mr. Wilson can challenge that before
19 the city commission.

20 CHAIR ZANDER: Would you like to weigh in at
21 all, Mr. Cary?

22 MR. CARY: I agree with David. I don't think
23 there is a notice problem in a statutory sense.
24 But certainly that would be something that could be
25 raised in front of an appellate body whether the

1 commission or court.

2 CHAIR ZANDER: Thank you.

3 MR. DePRETER: So is this considered a new
4 application? So, in others words, if, big if, if
5 this were to be approved and that would be the new
6 established location as if someone just came in now
7 and said here is where I want to put my dock, is
8 that --

9 MR. BIRCHIM: Well, it is a new case, but it
10 was approached as an after the fact approval. We
11 were not aware that there was a new alignment until
12 after we published all the staff reports and
13 documents.

14 MR. DePRETER: Okay.

15 CHAIR ZANDER: I don't know if that really
16 answers your question.

17 MR. DePRETER: No. Well, I don't know.

18 CHAIR ZANDER: Because there is issues. I
19 hear you.

20 MR. DePRETER: I mean, if there was a new
21 application and someone came in and they said this
22 is where they were going to put it and they
23 explained the riparian lines, because I feel this
24 in a way is a new application, but we do have the
25 complex factor.

1 MR. BIRCHIM: Well, with the realignment of
2 the dock and the potential change to riparian
3 lines, which we are not going to get into.

4 MR. DePRETER: Yeah.

5 MR. BIRCHIM: It certainly looks like a brand
6 new application, but it would be after the fact new
7 application. I am not sure if that goes far enough
8 to explain it.

9 MR. MISTERLY: And to me, I mean, I don't see
10 how this board could approve this, because it's
11 built in the mooring field. Like to me there is no
12 way we could approve it so we probably don't need
13 to worry about that avenue.

14 MR. DePRETER: Well, I guess I'm looking at --
15 I'm trying to look three different ways. One is
16 pulling it back from the mooring field in its
17 current alignment. To me that is number one.

18 Number two is moving the floating dock to the
19 north as the --

20 CHAIR ZANDER: Moving the currently built
21 structure, but flipping the --

22 MR. DePRETER: Flipping the -- pulling it back
23 from the mooring field, pulling the dock back,
24 flipping the floating dock to the north. So that
25 would only leave, because there is three things

1 here, the mooring field, the misalignment and the
2 floating dock. So if we pull it back we are out of
3 the mooring field. If we flip the dock to the
4 north side then that would be recognizing the
5 concern that the neighbor to the south has. That
6 leaves the misalignment of the dock. So that's why
7 I am asking if it's a new application if it would
8 be a problem and all. Now, that's just -- because
9 those are the three issues to me. And I think I
10 can separate them if we can do that legally here or
11 for anyone else.

12 CHAIR ZANDER: I think it's a new application.

13 MR. MISTERLY: I think they have submitted an
14 application for us to approve what's built and
15 there is no way -- I don't think this board can
16 approve it because it's in the mooring field. I
17 almost feel like it is a straight denial and then
18 they go back to the drawing board and figure out
19 what application they want to submit next.

20 MR. CARY: I would also point out that 7-93 of
21 the City Code provides that no person may place
22 private moorings or anchored facilities or any
23 obstruction to navigation or other obstruction of
24 any kind in the various locations of the Salt Run
25 and rivers or any submerged lands owned by the City

1 within the municipal boundaries. So just bear that
2 in mind. It would seem, and again this is new
3 information for me just as it is for you, that
4 by -- that you probably can't approve something
5 that would violate -- that would appear to violate
6 the city code.

7 MR. MISTERLY: Right. And so I think as you
8 pointed out there is various options in front of
9 them. But it staying where it is, as it is is not
10 one of those option.

11 CHAIR ZANDER: Well, I would agree. But I
12 think what Mr. DePreter is looking at is just
13 trying to come up with how he is going to approach
14 this, right?

15 MR. DePRETER: Right. I am just trying -- I
16 don't know the procedural way to do it. But this
17 is just something I'm throwing out for discussion.
18 And if I understand your point that we can't
19 approve it now, but that's a procedural problem but
20 maybe give the applicant some kind of guidance if
21 we deny it and they come back. I think that's what
22 I am trying to get to. Solve, try to put this
23 together in win-win somehow for the property owner
24 to the south.

25 MR. CARTER: And if I may, Mr. Little would

1 like to say something. I do want to add. Grant or
2 Mr. Misterly.

3 CHAIR ZANDER: It doesn't roll off the tongue
4 easy, does it?

5 MR. CARTER: This was the approval location of
6 the dock in green. So it was out -- and we knew
7 that and it was outside of the mooring. It was
8 actually 60 feet, 65 feet from the mooring field,
9 that 50 foot perimeter. So it was approved inside
10 the field.

11 MR. MISTERLY: Well, let me --

12 CHAIR ZANDER: We didn't know that and
13 Mr. Misterly raised those questions.

14 MR. MISTERLY: Yeah. I want to clarify it was
15 approved with the caveat that you confirmed it's
16 not interfering with the mooring field because I
17 was concerned about exactly what is shown in that
18 picture and --

19 CHAIR ZANDER: I remember specifically you
20 were very, very, very clear on that and you were
21 very concerned.

22 MR. CARTER: I thought it was within that
23 swing area. Now, I mean, it's obviously closer now
24 with the current alignment. So I just bring that
25 up. If you don't mind, this is the owner

1 Mr. Little if you could get sworn in. You want to
2 speak.

3 MR. LITTLE: Yeah, just a few words.

4 (Thereupon, Ernest Little was duly sworn in by
5 the Clerk.)

6 MR. LITTLE: I do.

7 CLERK: State your name and address for the
8 record, please.

9 MR. LITTLE: Ernest Little, 5 Lighthouse
10 Avenue, St. Augustine. I with my stepson and his
11 granddaughter, five generations have lived in that
12 house now. House was built in 1895 is the
13 original.

14 In terms of riparian rights I was -- you know,
15 I don't know which comes first. I was never
16 contacted. I have been the property owner since
17 before the mooring field was invented.

18 CHAIR ZANDER: Speak into the mic.

19 MR. LITTLE: Invented and put place. I was
20 never contacted about that. I was never -- it was
21 never explained to me what my riparian rights were
22 in conjunction with the City's, I won't say
23 encroaching, taking that space for dedicated
24 moorings. One of the problems with going with Salt
25 Run is it's filling in. So if you are coming off

1 of a bulk head, which I am, you need to go a
2 certain amount of distance to make sure you have
3 enough feet of water under you to float a boat,
4 which I consider to be part of the riparian issue.
5 But that having been said and again I don't know,
6 you know, which chicken or the egg, whose riparian
7 rights came first, the City of St. Augustine's or
8 mine. However, that's not what I am here to argue.
9 I'm not here to argue anything.

10 In response to the gentleman in the back, we
11 obviously apologize for the series of
12 misunderstandings that have taken place and we are
13 here in good faith to rectify it as best we can to
14 everybody's advantage.

15 The suggestion from one of the city people
16 that we lease the mooring ball ourselves. I guess
17 I could do that and I agreed actually when I was
18 contacted with that earlier this morning, I said,
19 well, okay, you know, since we made some errors
20 here that's what we would contribute to fixing the
21 situation since what we are really talking about
22 is, I believe, and somebody could correct me, but
23 my head is sort of swimming right now, we are
24 talking about the loss of income from a mooring
25 ball basically and whatever theoretical issues and

1 hypothetical issues we could argue later about
2 riparian rights. Yeah, I agreed to that. I said
3 we could do that. I don't know why that's not an
4 option still. But I would just like to reiterate
5 that I am more than willing to do that as part of
6 the solution to this issue.

7 And other than that, I am just leaving it up
8 to, you know, reasonable people to come up with a
9 reasonable solution to what's become a rather
10 complicated predicament for us.

11 Thank you very much for your time.

12 CHAIR ZANDER: Thank you, sir.

13 Okay. Mr. Cary, I would just like to give you
14 one last opportunity to make sure we covered this
15 board. Do you have anything that you would like to
16 address or guide us on before we perhaps make a
17 motion?

18 MR. CARY: Once again, you are here dealing
19 with a request that was made for conservation
20 overlay zone. And if that -- if the request meets
21 the criteria of the conservation -- conservation
22 overlay zone you may approve it. If you believe it
23 doesn't, then you may deny it. That's kind of the
24 limit of what you can do at this point.

25 If you deny it I think the city would have to

1 go back and work with the owners to see what the
2 next step is.

3 CHAIR ZANDER: Thank you.

4 MR. MISTERLY: Along those lines, Mr. DePreter
5 was kind of walking us through some potential
6 options and I see two avenues that this could go
7 down. One is an outright denial. One is a tabling
8 it to let the applicant figure out which option
9 they want to present to us. Is that really an
10 option or can they modify this application if we
11 continue it to come up with a different option that
12 they want to present or is it strictly we have the
13 application in front of us and we either approve it
14 or deny it?

15 MR. CARY: Well, the question there I think
16 would be if you vote to continue it would they be
17 able to fix this in a way that meets the --
18 modifies but also meets the original application
19 and would be able to find a solution that you would
20 be okay with. And I'm not sure that you can do
21 that, but if you think that you could, I mean,
22 that's an option for you.

23 CHAIR ZANDER: I personally would not be open
24 to continuing.

25 MR. MISTERLY: I was just -- Mr. DePreter was

1 thinking through the ways that you could break this
2 up. And to me the only -- the only way that
3 matters is that if it could be continued. But
4 other wise it's just a denial and they can go
5 figure out how to fix this unfortunate problem
6 that's occurred.

7 CHAIR ZANDER: Well, again, I don't think that
8 the property owner is at fault here and I feel very
9 badly for the property owner. But unfortunately I
10 don't think I can approve this application as we
11 see it today. There is just so many issues on
12 this. I think it's you were permitted something
13 and we had concerns at the time about that
14 application, but we did approve it. So that's what
15 I think should be built here.

16 MS. RYAN: Can I get clarity on just one item
17 that has to do with the mooring balls. But so the
18 rectangle is the area that we need to not built up
19 against?

20 MR. MISTERLY: So you have what's shown as the
21 red circle which is the swing radius.

22 MS. RYAN: Right.

23 MR. MISTERLY: So the mooring ball that they
24 are adjacent to is set up for a 30 foot boat. So a
25 30 foot boat attached to that mooring ball will

1 swing in a 50 foot radius. And outside of those
2 mooring balls is a perimeter that's called the
3 mooring field, which is basically a box around all
4 those mooring balls, which is the dashed line that
5 you see and that's marked with blinking channel
6 markers and I think that -- I don't know the
7 answer, I think that that box is called the mooring
8 field, which I don't think they can penetrate, but
9 that's an answer for --

10 MS. RYAN: So I don't believe that box was in
11 our initial application.

12 CHAIR ZANDER: It was not.

13 MS. RYAN: And you were very clean about that
14 in your motion. I remember that.

15 CHAIR ZANDER: It was not.

16 MS. RYAN: So the original one we would have
17 to pull back as well.

18 MR. MISTERLY: Right.

19 MS. RYAN: I mean, the original.

20 MR. MISTERLY: I don't think what was
21 approved, could have been built either because of
22 this mooring field.

23 CHAIR ZANDER: But I don't think we can
24 retroactively deny that at this point, correct? We
25 approved it.

1 MR. CARY: That's correct. And the map is in
2 the City of St. Augustine Harbor Management Plan
3 from 2009.

4 MS. RYAN: But the plan would change.

5 MR. CARY: But the plan would change.

6 MS. RYAN: The plan would change.

7 MR. BIRCHIM: Because the condition of the
8 approval was it wasn't going to penetrate the
9 mooring field.

10 MS. RYAN: Exactly.

11 MR. MISTERLY: Right.

12 CHAIR ZANDER: So we covered ourselves in that
13 regard. We can't say now you can't build what we
14 approved.

15 MS. RYAN: No. I agree with that. It's just
16 that the plan would shift whatever it is 20
17 landward.

18 MR. CARY: They certainly would have the
19 option to modify the dock in a way that conforms
20 with your earlier order.

21 CHAIR ZANDER: Of course.

22 So does anyone have a motion?

23 MR. CARTER: I want to mention one more thing.
24 One of the -- and I don't remember if I did mention
25 this. One of the reasons that the dock was, you

1 know, why did we want to go that far channel ward
2 and the answer is because we wanted to get the
3 negative four feet. The DEP always allows you to
4 get to negative four feet. The contradiction or
5 the conflict is where the mooring field wants deep
6 water, too, but they don't want to be in the
7 channel. So the dock owner, you know, is caught
8 between a rock and a hard place in essentially that
9 the property owner wanted to get to negative four
10 feet, but the mooring field is kind of on that
11 edge. So obviously the mooring field should have
12 been respected and we would have gone to negative
13 three and a half or negative three. And that's
14 what they would have been allowed. I just want to
15 mention that. That's why we went that far to get
16 to negative four and that negative four and that
17 limits of that mooring field were right in the same
18 place.

19 CHAIR ZANDER: Thank you, Mr. Carter.

20 Does someone want to make a motion?

21 MR. MISTERLY: I will make a motion to deny
22 Conservation Overlay Zone Developed -- Conservation
23 Overlay Zone One Development 2019-01 -- or 0101.

24 CHAIR ZANDER: I'll second.

25 CLERK: Grant Misterly?

1 MR. MISTERLY: Yes.

2 CLERK: Karen Zander?

3 CHAIR ZANDER: Yes.

4 CLERK: Mike Davis?

5 MR. DAVIS: Yes.

6 CLERK: Sarah Ryan?

7 MS. RYAN: Yes.

8 CLERK: Jon DePreter?

9 MR. DePRETER: Yes.

10 (Thereupon, the hearing concluded.)

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1 CERTIFICATE OF REPORTER

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3 STATE OF FLORIDA)

4 COUNTY OF ST. JOHNS)

5

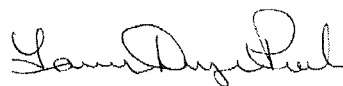
6 I, Laura Dwyer Pierle, RPR, do hereby certify
7 that the foregoing pages constitute a true and
8 complete transcript of the proceedings transcribed
9 via digital recording by me to the best of my
10 ability in the aforementioned cause at the time and
11 place herein set forth.

12 I further certify that I am not a
13 relative, employee, attorney, or counsel of any of
14 the parties, nor am I a relative or employee of any
15 of the parties' attorneys or counsel connected with
16 the action, nor am I financially interested in the
17 action.

18 Witness by hand this 30th day of December,
19 2019.

20

21



LAURA DWYER PIERLE, RPR
Notary Public - State of Florida
Commission No.:
Expires: October 26, 2020

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[READY **4** WORK]

REENTRY. RETRAIN. REINTEGRATE.

St. Johns County

AT OPERATION NEW HOPE, WE BELIEVE
SECOND CHANCES MATTER

Thank you for your generous support!

- City of St. Augustine
- Compassionate St. Augustine
- St. Paul AME Church
- More than 100 committed donors and stakeholders in the City and throughout St. Johns County

[READY⁴WORK]

[READY **4** WORK]

*"a model program not
only for Florida but for
the United States"*

- Vice President Mike Pence, July 26, 2019

City of Second Chances

OPERATION
NEW HOPE

Supporting Second Chances
since 1999

[READY**4**WORK]

- Employment Partners

[READY4**WORK]**

• Community Partners

[READY**4**WORK]

- Criminal Justice Partners

[READY**4**WORK]

- Elected Officials

[READY⁴WORK]

• Philanthropic Community

[READY4WORK]

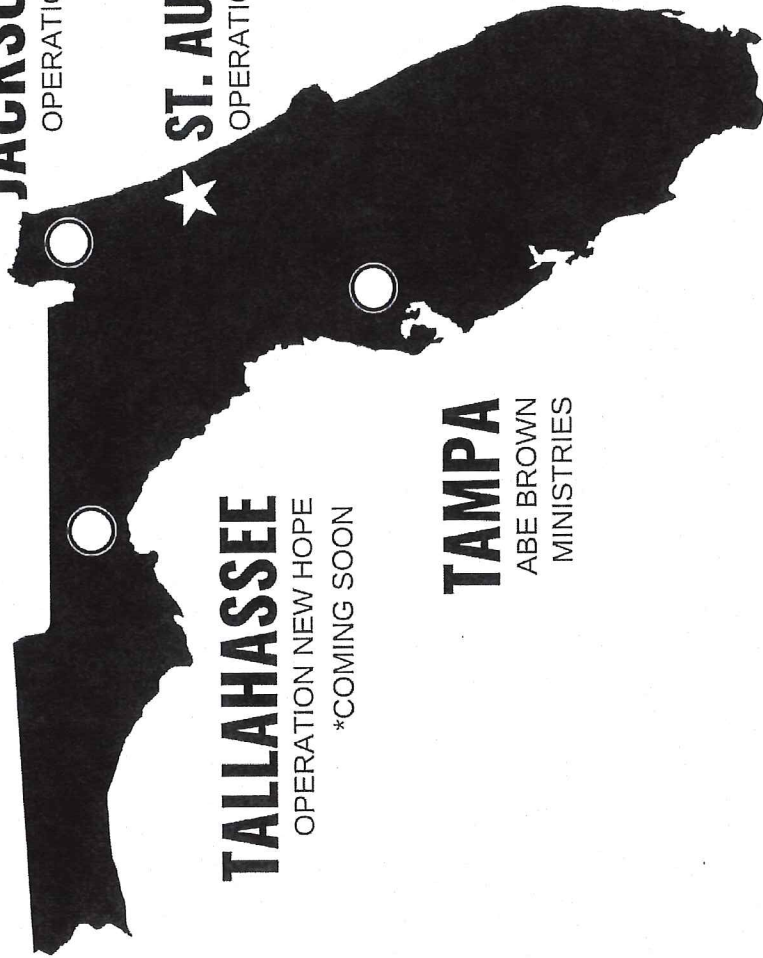
Program Locations

JACKSONVILLE
OPERATION NEW HOPE

ST. AUGUSTINE
OPERATION NEW HOPE
*NOW OPEN

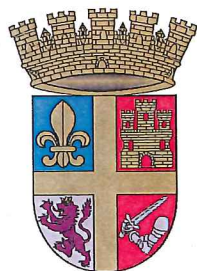
TALLAHASSEE
OPERATION NEW HOPE
*COMING SOON

TAMPA
ABE BROWN
MINISTRIES



THERE IS
HOPF

OPERATION **NEW | HOPE** **SECOND CHANCES MATTER!**



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

CERTIFICATE OF RECOGNITION

Whereas, Operation New Hope was founded in 1999 to address poverty, crime, homelessness, property disrepair, and drug addiction in Jacksonville, Florida, by CEO, Kevin Gay; and

Whereas, Operation New Hope's mission is to provide support, life and job skills training for people with a history of involvement with the criminal justice system and placing them in employment that offers a sustainable quality of life. Building stronger communities by creating opportunities to realize second chances and reduce recidivism through strategic partnerships with the Florida Department of Corrections, faith-based organizations, businesses, community partners, and the judicial system; and

Whereas, Operation New Hope implements a comprehensive 4-pronged approach (case management, supportive services, job training, and job placement assistance), in their Ready4Work reentry program to ensure each client succeeds. Participants are required to remain drug-free and attend a comprehensive 4-week job training program featuring life and employment skills; and

Whereas, the Ready4Work program reports a 3-year recidivism rate of 8.64%, compared to The Florida Department of Corrections of 24.5%, which saves millions of dollars by avoiding repeated costs of incarceration and lost tax revenue; and

Whereas, Operation New Hope Ready4Work has opened a new location here in St. Augustine at 83 Washington Street and is a welcomed addition to our community.

***NOW THEREFORE,** the City Commission of the City of St. Augustine does hereby recognize **Operation New Hope Ready4Work** and expresses appreciation for the dedication and support in building stronger communities.*

***IN WITNESS WHEREOF** I hereunto set my hand and do cause the Seal of the City of St. Augustine, Florida, to be affixed this 9th day of March in the year of our Lord two thousand and twenty, in the four hundred and fifty-fourth year of the founding of St. Augustine, the Nation's Oldest City.*

2020-02CR

Tracy W. Upchurch, Mayor

"Most Loyal and Valorous"

Title conferred on the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

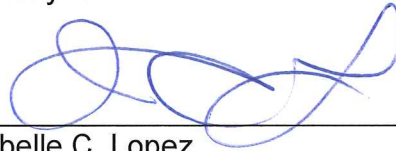
DATE: February 25, 2020

RE: **ORDINANCE 2020-10: COMMAND OF POLICE DEPARTMENT**

Please find attached Ordinance 2020-10. Consistent with the City Commission's direction to our office regarding the amendments to the City Charter, we are presenting an ordinance to remove the mayor's control of the police department during an emergency.

Please place Ordinance 2020-10 on the regular City Commission agenda for second reading on March 9, 2020.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

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

Agenda Title:

Charter update to Article X.5, Section 10.5.08 removing the mayor's control of the police department during an emergency.

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE X.5 OF THE CHARTER OF THE CITY OF ST. AUGUSTINE AMENDING SECTION 10.5.08 REMOVING THE MAYOR'S EMERGENCY CONTROL OF THE CHIEF OF POLICE; PROVIDING FOR CONSISTENCY WITH SECTION 4.09 AND SECTION 4.10; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; 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's Charter has not been thoroughly revised since 1925, and the City Commission determined at its April 3, 2019 public workshop that a revision of its Charter was overdue; and

WHEREAS, public comment was taken, and after presentation by staff and Commission deliberation, the City Commission directed the City Attorney to draft a revision of the Charter to amend sections identified as not consistent with state law or current city policy; and

WHEREAS, at its October 24, 2016 regular meeting, the City Commission adopted Resolution 2016-43 authorizing the City Manager to take all necessary administrative action pursuant to a declared federal, state or local state of emergency; and

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

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

Section 1. Amendment to Part 1, Article X.5, Section 10.5.08. Part I, Article X.5, Section 10.5.08 is hereby amended, as follows:

Sec. 10.5.08. – Command of police and fire departments.

The chief of police and fire departments of the city shall be in command of said police and fire departments and subject to the provisions of the City Charter relating to the duties and responsibilities of the city manager. ~~When the city commission of the city shall determine that an emergency exists, caused by riot, rebellion or public calamity, the mayor may be directed to take charge of said police department and command the same during the existence of said emergency only.~~

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

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, 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 5. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2020.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

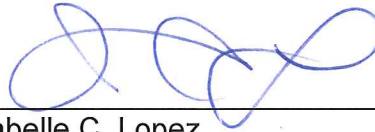
DATE: February 25, 2020

RE: **ORDINANCE 2020-15: MEMBERSHIP AND QUALIFICATION FOR CORRIDOR REVIEW COMMITTEE**

Please find attached Ordinance 2020-15 regarding amendments to the membership and minimum qualification criteria for the Corridor Review Committee.

Please place Ordinance 2020-15 on the regular City Commission agenda for second reading on March 9, 2020.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

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

Agenda Title:

Amending Sections 28-126 and 28-127 of the Code of the City of St. Augustine to modify the number of members and to revise the minimum qualification criteria for members of the Corridor Review Committee.

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, DIVISION 5, SECTION 28-127 OF THE CODE OF THE CITY OF ST. AUGUSTINE MODIFYING THE NUMBER OF MEMBERS OF THE CORRIDOR REVIEW COMMITTEE FROM FIVE TO THREE; REVISING THE MINIMUM QUALIFICATIONS FOR MEMBERS OF THE CORRIDOR REVIEW COMMITTEE BY REDUCING THE NUMBER OF SEATS DESIGNATED FOR PROPERTY OWNERS OR TENANTS OF PROPERTIES LOCATED WITHIN THE RESPECTIVE ENTRY CORRIDORS FROM THREE TO ONE; 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.

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

WHEREAS, the City has approved updates to its Design Standards for Entry Corridors (DSEC); and

WHEREAS, with the adoption of new DSEC regulations, a Corridor Review Committee should be tasked with its interpretation; and

WHEREAS, design standards rely on experienced professional interpretations to maintain consistent application of the rules; and

WHEREAS, the limited number of different property owners or tenants along the entry corridors has caused difficulty in obtaining a full membership panel; 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 sections be adopted;

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

Section 1. Amending Chapter 28, Article II, Division 5, Section 28-126. Chapter 28, Article II, Division 5, Section 28-126 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 28-126 – Created; Membership.

There is hereby created a Corridor Review Committee (CRC) consisting of ~~five (5)~~ three (3) members to be appointed by the City Commission from applications submitted on forms as from time to time promulgated by the City Manager and approved by the City Commission and shall serve at the pleasure of the City Commission. The initial

appointment of members shall be as follows: ~~two (2)~~ one (1) members of the board as established herein shall be appointed for a term of three (3) years; ~~two (2)~~ one (1) members for a term of two (2) years; and one (1) for a term of one (1) year. Thereafter all members shall be appointed for a three (3) year term.

Section 2. Amending Chapter 28, Article II, Division 5, Section 28-127. Chapter 28, Article II, Division 5, Section 28-127 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 28-127 – Minimum qualifications criteria.

Two (2) seats on the board shall be designated for a licensed, or retired, architect or landscape architect with preference given to those who are city residents or whose business is located within the city; and ~~three (3)~~ one (1) seats for property owners or tenants of properties located within the respective entry corridors as defined in the City's adopted design standards for entry corridors.

Section 3. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be 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 4. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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 6. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2020.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

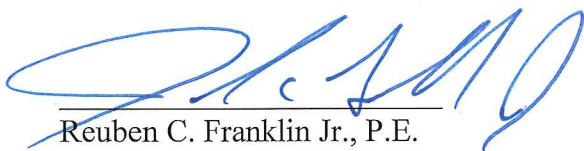
DATE: February 25, 2020

RE: Agenda Item for March 9, 2020 City Commission Meeting;
Ordinances – Second Reading; Ordinance 2020-16

The second reading of Ordinance No. 2020-16 is an ordinance of the City of St. Augustine, Florida, creating Section 22-166 of the Code of the City of St. Augustine, to provide for the renaming of San Juan Street Extension in Anastasia State Park between Santander Street and Anastasia Park Road as “Nona and Popa Road;” 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 an effective date.

This ordinance is necessary to keep City records current with an passed 2018 State Senate Bill No. 382 which provides honorary designations of certain transportation facilities in specified counties and identifies the renaming of this street segment as “Nona and Popa Road” in honor of all grandmothers and grandfathers who take their grandchildren to celebrate Florida’s state parks.

Please let me know if you have any questions or concerns regarding this agenda item.



Reuben C. Franklin Jr., P.E.
Public Works Director

cc: City Attorney & Department Heads

Attachment: Ordinance 2020-16

ORDINANCE NO. 2020-16

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 22-166 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO PROVIDE FOR THE RENAMING OF SAN JUAN STREET EXTENSION IN ANASTASIA STATE PARK BETWEEN SANTANDER STREET AND ANASTASIA PARK ROAD AS "NONA AND POPA ROAD;" 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 AN EFFECTIVE DATE.

WHEREAS, in 2018 the State of Florida passed Senate Bill No. 382, an act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; and

WHEREAS, Section 30 of Senate Bill No. 382 states, "That portion of the San Juan Street Extension in Anastasia State Park between Santander Street and Anastasia Park Road in St. Johns County as 'Nona and Popa Road'." Nona and Popa Road is in honor of all grandmothers and grandfathers who take their grandchildren to celebrate Florida's state parks; and

WHEREAS, the City desires to formally recognize San Juan Street Extension in Anastasia State Park as Nona and Popa Road in compliance with the legislative mandate.

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

Section 1. Creating City Code Section 22-166. Section 22-166 of the Code of the City of St. Augustine is hereby created, to read, in its entirety, as follows:

"Sec. 22-166. San Juan Street Extension renamed Nona and Popa Road."

San Juan Street Extension in Anastasia State Park between Santander Street and Anastasia Park Road in St. Augustine, Florida is hereby renamed Nona and Popa Road.

Section 2. Inclusion in Code. The provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine and the sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such inclusion.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, 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 5. 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 W. Upchurch Mayor-Commissioner

Darlene Galambos, City Clerk

Coding: Words underlined are additions; words ~~stricken~~ are deletions.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 26, 2020

RE: **ORDINANCE 2020-02: PARKS, PUBLIC SPACES, AND EVENTS**

Please find attached Ordinance 2020-02, which adds appropriate regulations to city parks and other public and semi-public venues. As it stands now, there is very little in the way of written regulations for our city parks and other public spaces. The intent of these regulations is to provide more clear guidance to both staff and city residents and visitors to avoid conflicting uses. This ordinance creates Article VII of Chapter 22, Sections 22-521 through 22-533 regulating city parks, venues, and facilities. It creates three types of public spaces: parks, which are generally open to the public; venues, which can be used for public or private events, with the proper permit; and other facilities that the city has an interest in, such as the Lightner Museum and surrounding areas, the VIC and surrounding areas, the Llambias House, the Peck Pena House, and other proprietary city facilities, which are not generally open to the public.

The ordinance provides that the City Manager may post park hours, and if he or she does, it is a misdemeanor to enter onto or remain in a park while it is closed. The ordinance also lists certain activities that are prohibited in parks, venues, and facilities.

The ordinance also limits large-scale group feedings (a term of art used in court cases to describe open-air communal dining), which is an event that is intended or likely to attract more than twenty-five (25) people for the purpose of feeding. This would include commercial and non-commercial feedings at a city park. Such feedings would be limited to eight (8) permits per month per group for each park. Certain parks are excluded, if the park would be inappropriate for a large group feeding. These provisions mirror similar ordinances that have been upheld in other cities.

Finally, the ordinance requires special event and assembly applicants to apply to the City Manager using designated forms. The City Manager may also revoke a permit during a public emergency, and finally, the ordinance provides an appeal process to the City Commission.

Please place Ordinance 2020-02 on the March 9, 2020, City Commission agenda for first reading.

Thank you.

/s/ John M. Cary

John M. Cary

Assistant City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Isabelle C. Lopez, City Attorney
Darlene Galambos, City Clerk

Agenda Title: Ordinance 2020-02 creates Article VII of Chapter 22, Sections 22-521 through 22-533 providing terms of use for city parks, venues, and facilities.

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING ARTICLE VII OF CHAPTER 22 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING DEFINITIONS; DESIGNATING CITY PARKS, VENUES, AND FACILITIES; PROVIDING TERMS OF USE; PROVIDING PENALTIES; PROVIDING THE CITY MANAGER THE AUTHORITY TO DECLARE SPECIAL CONDITIONS AND EMERGENCIES; LISTING PROHIBITED ACTIVITIES IN CITY PARKS, VENUES, AND FACILITIES. PROVIDING REGULATIONS FOR LARGE GROUP FEEDINGS IN PARKS; REQUIRING A PERMIT FOR CERTAIN EVENTS IN THE CITY; REQUIRING AN APPLICATION FOR CERTAIN EVENTS IN THE CITY; PROVIDING REQUIREMENTS FOR THE CITY MANAGER UPON APPROVAL OR DISAPPROVAL OF A PERMIT; PROVIDING A PROCEDURE FOR APPEAL; PROVIDING DUTIES FOR A PERMITTEE; PROVIDING AUTHORITY FOR THE CITY MANAGER TO REVOKE A PERMIT UNDER CERTAIN CONDITIONS; PROVIDING 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.

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

WHEREAS, St. Johns County receives over 6 million visitors per year, millions of which come to downtown St. Augustine; and

WHEREAS, the City of St. Augustine welcomes millions of visitors per year into a small and dense space with limited public space, parking, and mobility options; and

WHEREAS, the City of St. Augustine is a small city of approximately 14,000 residents with only 53 sworn police officers; and

WHEREAS, the City of St. Augustine has limited space on City rights-of-way; and

WHEREAS, the City of St. Augustine is committed to keeping the City accessible for the mobility-impaired; and

WHEREAS, the City of St. Augustine strives to keep the City rights-of-way compliant with the Americans with Disabilities Act (ADA) and other federal and state regulations; and

WHEREAS, the City committed to maintaining its historic constrained rights-of-way accessible for residents and visitors using ADA mobility devices in *Access Now Inc. v. City of St. Augustine* by keeping its infrastructure ADA accessible wherever possible; and

WHEREAS, the City of St. Augustine owns parks and public spaces and also has parks within its boundaries that are owned by other governmental authorities; and

WHEREAS, the City of St. Augustine has a public health, safety, and welfare interest in keeping the parks within its jurisdiction clean, safe, and available for use by the general public, including residents and visitors; and

WHEREAS, the City of St. Augustine has a compelling interest in protecting parks and other public spaces from damage due to overuse by large groups and/or events, including physical damage to the landscape and hardscape; and

WHEREAS, the City of St. Augustine has an esthetic interest in avoiding visual clutter (see, e.g., *Members of the City Council of City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984) and *Metromedia, Inc. v. San Diego*, 453 U.S. 490 (1981)); and

WHEREAS, the City of St. Augustine has a significant interest in keeping parks and other public spaces free from damage from digging, puncturing, or penetrating the landscape, or from traveling through or sitting or lying on shrubberies, flower beds, and other areas that can be damaged by the weight of a human, or from wear and tear due to heavy objects such as tables, chairs, and equipment that can damage grass; and

WHEREAS, the City of St. Augustine has a significant interest in ensuring the public safety and order and in promoting the free flow of pedestrian traffic in city parks, streets, and sidewalks. *Ayres v. City of Chicago*, 125 F. 3d 1010, 1015 (7th Cir. 1997); and

WHEREAS, certain parks are owned by the city or another governmental entity and are traditional parks, but others have a unique historical nature; and

WHEREAS, certain public spaces are not parks and are not generally open to the public, and should be preserved for their intended purposes, including as meeting spaces, public or private event spaces, proprietary governmental facilities, or otherwise; and

WHEREAS, the city may have an interest in certain public or private spaces that are owned and/or operated by a private entity; and

WHEREAS, the City of St. Augustine has a public health, safety, and welfare interest in enforcing limited park hours of operation; and

WHEREAS, the City of St. Augustine has a significant public health interest in preventing people from lying down on tables that are intended for serving and consuming food; and

WHEREAS, the City of St. Augustine has a significant interest in promoting the safety and convenience of its citizens on public parks, streets, and rights-of-way. *Madsen v. Women's Health Center*, 512 U.S. 753, 768 (1994); and

WHEREAS, the City of St. Augustine has a significant interest in the safety and convenience of citizens using public fora such as parks, streets, and sidewalks. *Heffron v. International Soc'y for Krishna Consciousness*, 452 U.S. 640, 650 (1981); and

WHEREAS, large group feedings may be a burden to parks and neighborhoods, and thus should be spread around to different parks in different areas of the city in order to spread the burden around, consistent with *First Vagabonds Church of God v. City of Orlando, Fla.*, 638 F.3d 756 (11th Cir. 2011); and

WHEREAS, such a restriction is a reasonable time, place, and manner restriction. *First Vagabonds Church of God v. City of Orlando, Fla.*, 638 F.3d 756 (11th Cir. 2011); and

WHEREAS, the large group feeding restrictions limit the number of large group feedings in each individual park, but still allow for a large group feeding during each day of the month in the City of St. Augustine; and

WHEREAS, the City of St. Augustine has a significant public interest in requiring a permit to use city property for special events, so long as the regulations are necessary to serve a compelling state interest, content neutral, narrowly tailored to serve a significant government interest, and keep open ample alternative channels of communication. *U.S. v. Gilbert*, 130 F.3d 1458 (11th Cir. 1997); and

WHEREAS, the City of St. Augustine has a compelling government interest in ensuring that large public events are held in locations and spaces suitable for such events, and keeps traffic flowing freely in the City, and ensuring that the event has the proper government personnel, services, and physical facilities necessary to keep the event safe and sanitary for both eventgoers and members of the general public; and

WHEREAS, certain events require law enforcement personnel and/or the closure of public spaces and/or rights-of-way, which can be coordinated in advance through the permitting process; and

WHEREAS, certain areas of the city, due to the historical character or the area, the narrow streets and rights-of-way, or the sensitivity of the physical landscape and hardscape, are not appropriate for large public events; and

WHEREAS, the City of St. Augustine has made many areas of the City open to special events that are appropriate alternative channels of communication; and

WHEREAS, the City of St. Augustine does not base its decision-making process on the content of the event, but rather considers only content-neutral factors outlined in the Terms of Use for Public Property Manual; and

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

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

Section 1. Creating Chapter 22, Article VII, Sections 22-521 through 22-533. Chapter 22, Article VII, Sections 22-521 through 22-533 are hereby created, as follows:

ARTICLE VII. – Parks and public events.

Sec. 22-521 - Definitions

The following words and phrases, when used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them in this section.

- (a) Assembly is any celebration, gathering, ceremony, show, exhibition, concert, pageant, rally, demonstration, or assembly of any kind, which is, (a) calculated to attract at any one time the physical attendance or attention of over fifty (50) persons, and (b) is held in or on any street, sidewalk, or right-of-way, or is held on other property which impacts adjacent streets, sidewalks, or rights-of-way to the extent that closure is necessary in order to assure the safety of vehicular and/or pedestrian movement in the area. For purposes of this article, a parade which meets the definition of section 24-126 is not considered an Assembly.
- (b) Bathe means to wash oneself or another while fully or partially nude, as defined by section 15-4 of the Code of Ordinances.
- (c) Facility refers to city-owned or controlled properties as listed and described in section 22-522(c) that are neither Parks nor Venues, but are sometimes open to the public for use or enjoyment. This definition, for the purposes of this Article, does not include city-

owned or operated locations used for public works or public services, such as lift stations, wastewater treatment plants, police or fire stations, internal offices of City Hall, or other similar locations that are not typically open to the public for the purpose of use or enjoyment.

(d) *Hardscape* is defined as an improved Sidewalk surface area, including, but not limited to, concrete, brick, pavers, tile, or other masonry materials, and statuary, memorials, or other decorative elements.

(e) *Landscape* is defined as an improved area of ground specifically intended to grow various plant materials, which may consist of turf, lawn, grass, trees, tree wells, shrubs, hedges, flowers, flowering plants (annuals and perennials), planter beds, planter pots, planter bowls, hanging baskets, and all plant materials contained therein.

(f) *Large Group Feeding* is defined as an event intended to attract, attracting, or likely to attract twenty-five (25) or more people, including distributors and servers, in a park owned or controlled by the City, including adjacent Sidewalks and rights-of-way in the City, for the delivery or service of free or nominally priced food. Excluded from this definition are activities of City licensed or contracted concessionaires, lessees, or licensees.

(g) *Manual* means the Terms of Use for Public Property Manual, as updated from time to time.

(h) *Parade* is defined as it is in section 24-106.

(i) *Parks* are those areas owned or controlled by the City or another governmental entity, which are generally open to the public as a public space, not including areas that are normally used for mobility, such as highways, Streets, Sidewalks or other walking paths (other than those Sidewalks that are part of the hardscape of a park), and other similar rights-of-way.

(j) *Park Grounds* are the real property, including Landscape and Hardscape upon which parks are located and any and all buildings, structures, trees, shrubbery, flowers, leaves, grasses, plants, fruit, dirt and rocks located above, on, or under said property.

(k) *Person* is any individual person, or any firm, partnership, association, corporation, company, or organization of any kind, or any combination of such persons.

(l) *Protest* has the same meaning as it does in section 22-4 and is consistent with case law and common usage.

(m) *Public Use* is any lawful utilization of Park, Park Grounds, Venues, and Facilities which is not prohibited by any applicable regulation, ordinance, or law and which does not in fact interfere with, or tend to interfere with or obstruct the use of the Park, Park Grounds, Venues, or Facilities by the general public or by any other person or person previously authorized to utilize the same.

(n) *Sidewalk* is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

(o) *Street* is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

(q) *Venues* are those locations that are owned and/or operated by the City of St. Augustine and may be permitted by the City for the purpose of holding public, semi-public, or private events.

Sec. 22-522 – Parks, Venues, and Facilities.

(a) The following are designated as city Parks solely for the purposes of administration of this Article and this subsection is not intended to be exhaustive nor is it otherwise intended to limit the City Commission or City Manager from designating other areas as Parks of the city:

1. Dr. Robert B. Hayling Freedom Park.
2. Zora Neale Hurston Memorial Park.
3. Davenport Park.
4. Hamilton Upchurch Neighborhood Park.
5. Eddie Vickers Park.
6. Lighthouse Park/J. Edward “Red” Cox Recreational Facility.
7. Nelmar Terrace Park.
8. Joe Pomar, Jr. Park.
9. Project SWING.
10. Twine Park.
11. Gibbs Park.
12. Parque de Menendez.
13. Fish Island Park.
14. Coquina Park.
15. Any Park Landscape owned by another governmental entity, along with any interior or adjacent Hardscape. However, if another governmental entity controls public access to some or all of the Park Grounds, including enforcing its own terms of use and Park hours, it is not a park for the purposes of this article.
16. The areas of the Plaza de la Constitucion that do not otherwise require a permit to use. The Plaza is listed as a Park solely for the purposes of administration of this article; there is no intention by the City of St. Augustine to in any way alter the historical character or nature of the Plaza or to provide any additional rights or benefits to the public with respect to the Plaza by listing it in this section. Nor is this ordinance intended to supersede sections 22-4, 22-6, or any other provision from another chapter, article, or section of this Code that regulates activity in the Plaza.

(b) The following are Venues and are explicitly not Parks for the purposes of this article:

1. Francis Field.
2. The Willie Galimore Center.
3. The Plaza de la Constitucion’s Gazebo.
4. The St. Augustine Municipal Marina.
5. The Lightner Museum Courtyard.

(c) The city may have some property interest in the following Facilities, but they are neither Parks nor Venues, nor are they traditional public fora:

1. The Lightner Museum and surrounding areas to the east and west, including the courtyard, gardens, loggias, balcony, porch, staircase, and fountains.

2. The Visitor Information Center, Historic Downtown Parking Facility, and the promenade area between the VIC and the Parking Facility.
3. The Llambias House Garden and St. Francis Park.
4. Pena Peck House – Woman’s Exchange.
5. Other properties that the city holds in trust, or that are held in trust on behalf of the City of St. Augustine, including properties subsequently acquired for the use and enjoyment of the public that do not meet the definition of Parks or Venues.
6. Other proprietary city Facilities not otherwise listed in this section that are sometimes open for the use or enjoyment of the public.

Sec. 22-523 – Park hours; penalty.

- (a) All Park, Venue, and Facility hours shall be as posted by the City Manager or his or her designee, except for the skate park at Hamilton Upchurch Neighborhood Park, which is closed for use from 8 p.m. until 9 a.m. between April 1 and September 30, and from 6 p.m. through 10 a.m. from October 1 through March 31, though the City Manager may post and enforce hours that are more restrictive.
- (b) Any Park, Venue, or Facility that has athletic fields, courts, or surface areas that are significantly and purposefully illuminated by the city or another governmental entity for nighttime use of such area shall be considered open while illuminated, regardless of normal or posted hours.
- (c) It shall be unlawful for any person to willfully enter upon and remain within any of the Parks, Venues, or Facilities listed above during such hours as the Parks, Venues, or Facilities are closed to public use. Such presence shall be punished as provided in section 1-8 of this Code.

Sec. 22-524 – City Manager authority.

The City Manager has the authority to:

- (a) Close or restrict the hours of operation for designated city Parks, Venues, and Facilities if, in his or her discretion, said closure or alteration is in the best interest of the public health, safety, and welfare and upon the erection of appropriate signs giving notice thereof.
- (b) Enforce regulations to cover emergency, hazardous, or special conditions and place and maintain appropriate signs to warn the public.
- (c) Make temporary rules regulating the use of listed Parks, Venues, or Facilities if such measures are deemed by the City Manager to be in the best interest of the public health, safety, and welfare. Such temporary rules shall not remain in effect for more than ninety (90) days without approval by City Commission, nor shall any such rule be binding upon the public unless indicated by appropriate signs.
- (d) Determine the terms of use for any city property, or property held in trust for the benefit of the city, to the extent allowed by law, charter, or ordinance, by publishing such terms of use, in which case, the City Manager’s terms of use shall be controlling. Terms of use published by the City Manager must be consistent with any specific instrument that provides terms of use for an individual Venue and may not prevail over the specific instrument, in the event of a conflict. Penalties and remedies for violations of the terms of use shall be in accordance with section 22-533 of this Code, unless the instrument

provides penalties for that Park, Venue, or Facility. Additionally, the city may elect to pursue any penalty or remedy otherwise available at law.

Sec. 22-525 – Prohibited activities.

Except for activities of a governmental agency within the scope of its governmental authority, or unless specifically permitted to do so by a permit or approval issued pursuant to this Chapter, a person is not allowed to do any one or more of the following in a Park, Venue, or Facility owned or controlled by the City. These prohibited activities shall be enforced consistent with section 22-12 of this code, and state and federal law as interpreted by the courts.

- (a) Lie or otherwise be in a horizontal position on a table or where prohibited by signs.
- (b) Affix any hammock to any tree, light pole, sign, post, monument, or any other similar object, whether natural or man-made.
- (c) Sleep or otherwise be or remain in any bushes, shrubs, or other foliage.
- (d) Construct any hut, shanty, or other shelter.
- (e) Leave personal property unattended.
- (f) Cook foodstuffs except where grills or other food preparation areas are provided by the City.
- (g) Set or stoke a fire except where appropriate fire pits are provided by the City.
- (h) Discharge or deposit human wastes, except in toilets provided by the City. This provision does not prohibit discarding soiled diapers in a waste receptacle.
- (i) Drive stakes or posts, dig holes, or otherwise penetrate or disturb the natural surface of the ground. This does not apply to permitted events on Francis Field except as dictated by the Terms of Use for Public Property Manual or the event permit.
- (j) Arrange or place commercially rented or otherwise commercially provided chairs in conjunction with a permitted event, except for permitted events in the Lightner Courtyard or if specifically approved in the event permit.
- (k) Place tables, chairs, canopies, tents, and other obstructions on Landscape or rights-of-way without a permit.
- (l) Pick flowers or damage or remove plants, trees, shrubs, or any part of the park grounds.
- (m) Erect signs or affix signs to any tree, light pole, existing park sign, post or Park Grounds, except for signs containing government speech posted by the City Manager or his or her designee, unless otherwise allowed by the Terms of Use for Public Property Manual or the event permit.
- (n) Throwing, batting, hurling, or otherwise causing the flight of sharp or hard projectiles, except for in areas clearly intended for such purpose, such as a baseball field or tennis court, for example.
- (o) Kill, injure, harm, capture, chase, poison, or remove any wildlife, animal, or bird, or touch, break, remove, or relocate any animal, nest, or egg located above, upon, or under Park, Venue, or Facility grounds.
- (p) Write, paint, or draw on, or otherwise deface, damage, remove, or destroy any part of a Park or Park Grounds.
- (q) Use public restrooms to shave, bathe, shampoo hair, shower, or wash clothes to the extent that a person is nude, as defined by Section 15-4 of this Code. This provision

is not intended to restrict the intended use of baby changing stations found in a restroom.

- (r) Bathe or otherwise be or remain in a water fountain and/or reservoir.
- (s) Climb, scale, stand, sit, or lie in or on any trash receptacles, monuments or memorials, light fixtures, chains, fences, railings, pavilions, planters, or newspaper dispensers provided for public use.
- (t) Fail to remove any excreta deposited upon public property including City Parks, Venues, Facilities, Landscapes, Hardscapes, Sidewalks, and rights-of-way by any animal within the care, custody, ownership, or control of such person.
- (u) Amplify sound or music without either a special permit, as described in section 11-92, or a notation that amplified sound or music is allowed on a permit issued under this Article. However, any permit for amplified sound or music at Hamilton Upchurch Neighborhood Park must be approved by the City Commission, notwithstanding the City Manager's approval authority for other types of permits. In evaluating noise permit requests for the Hamilton Upchurch Neighborhood Park, the City Commission shall only approve amplification of sound in a westerly direction, and the permit must include decibel compliance checks prior to the commencement of the permit period as well as continual monitoring throughout the event, to ensure adherence to the maximum permissible sound limitations in chapter 11, article IV of the Code.
- (v) Tie or chain an animal to any Hardscape or Landscape feature.
- (w) Add or install any temporary or permanent Hardscape, ramps, pipes, rails, or other similar modifications or noise-producing elements at the Hamilton Upchurch Neighborhood Park, without prior approval by the City Commission.

Sec. 22-526 – Large Group Feeding in Parks

Unless conducted as part of the city's government speech or specifically permitted to do so by a permit approval issued pursuant to this article:

- (a) It is unlawful to knowingly sponsor, conduct, or participate in the distribution or service of food at a Large Group Feeding at a Park, Venue, or Facility owned or controlled by the City of St. Augustine without a Large Group Feeding Permit issued by the City Manager or his or her designee.
- (b) It is unlawful to fail to produce and display the Large Group Feeding Permit during or after a large group feeding, while still on the site, to a law enforcement officer upon demand. It is an affirmative defense to this violation if the offender can later produce, to the City Attorney or the Court, a Large Group Feeding Permit issued to him/her, or the group, which was valid at the time of the event.
- (c) The City Manager or his or her designee, shall issue a Large Group Feeding Permit upon application and payment of the application fee as established by the City. Not more than eight (8) Large Group Feeding Permits shall be issued to the same person, group, or organization for large group feedings for the same Park during the same calendar month.
- (d) The City Manager shall not issue a Large Group Feeding Permit for any Venue or Facility or for any of the following Parks:
 - 1. The Plaza de la Constitucion.
 - 2. Zora Neale Hurston Memorial Park.
 - 3. Davenport Park.

4. Hamilton Upchurch Neighborhood Park.
5. Project SWING.
6. Coquina Park.
7. Fish Island Park.
8. Any unnamed Park.

(e) Any applicant shall have the right to appeal the denial of a Large Group Feeding Permit pursuant to appeal procedure in Section 22-528, with written notice to the City Manager and with a copy to the City Clerk.

(f) Exceptions:

(1) Any corporation, person, or other legal entity that holds a valid lease or licensing agreement with the city for use of the Park, Venue, or Facility is exempt from the requirements of this section to the extent that the lease or licensing agreement allows for Large Group Feedings, and the terms of the lease or licensing agreement are controlling. For Facilities, the lease or licensing agreement need not specifically address Large Group Feedings. It is sufficient that the lease or licensing agreement gives the corporation, person, or other legal entity control over the operations of the Facility.

(2) Any Park under the direct control of another governmental entity is exempt from the requirements of this section.

Sec. 22-527 – Permit required

(a) A permit is required to conduct an Assembly on the rights-of-way of the City of St. Augustine or any Park or Venue.

(b) The issuance of such a permit from the City Manager shall not relieve any person from the duty to secure other permits or approvals as may be required by the City Code or other governmental agencies.

Sec. 22-528 – Application for event permit

Any person seeking the issuance of an event permit shall file an application as specified by the Terms of Use for Public Property Manual on forms provided by the City. All permits must be considered for approval by the City Manager or his or her designee. Applicants must adhere to a specific instrument governing terms of use at a particular Facility and the Manual All applications must be completed on forms provided by the City in order to be considered.

Sec. 22-529 – Approval or disapproval of event permit

The City Manager or his or her designee shall approve or disapprove a timely filed, fully completed application for a permit. If the City Manager disapproves the application, the applicant shall be promptly notified in writing and the notice shall set forth the reasons for the denial of the permit.

Sec. 22-530 – Appeal procedure

Any applicant for a permit under this article shall have the right to appeal the disapproval of a permit by appealing the decision to the City Commission within 30 days of the date of the notice of disapproval. If the 30th day falls on a weekend or city holiday, or the appeal

is delivered after 5 p.m. on the 30th day, no additional time shall be granted. The appeal to the City Commission shall be made by the applicant by filing a written appeal with the City Manager. The City Commission shall consider the appeal at the earliest practical regularly scheduled meeting following receipt by the City Manager of the appeal. The City Commission shall review the appeal, application, and the notice of disapproval with testimony from the applicant, if requested by the applicant. The City Commission shall direct the City Manager to issue a permit if the applicant has met the criteria set forth in this article and/or the Terms of Use for Public Property Manual for issuance of a permit. The City Commission's decision constitutes final administrative action.

Sec. 22-531 – Duties of permittee

- (a) A permittee hereunder shall comply with all permit directions and conditions, and with all applicable laws and ordinances, and with any requirements contained in the Terms of Use for Public Property Manual.
- (b) The applicant or other person heading or leading such event shall carry the permit upon his or her person during the event and shall display the permit upon demand by a city official.

Sec. 22-532 – Revocation of event permit

The City Manager or his or her designee may revoke a permit issued hereunder immediately upon violation of any provision of this Code, or a condition or requirement of the permit. The City Manager or his or her designee may revoke a permit when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.

Sec. 22-533 – Penalties

- (a) It shall be unlawful for any Person to stage, present, or conduct any Assembly, including a Large Group Feeding, in a public Park, Venue, or Facility without first having obtained permits therefor as herein provided, if required.
- (b) It shall be unlawful for any Person knowingly to participate in an Assembly or Large Group Feeding for which permits have not been granted if a permit is required.
- (c) It shall be unlawful for any person in charge of or responsible for the conduct of a duly licensed assembly or event to knowingly fail to comply with any condition of a permit.
- (d) Unless otherwise designated within a specific section, violations of this article shall be punishable as non-criminal infractions of city ordinances. Fines shall not exceed \$250.

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

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. In the event that any section, subsection, sentence, clause, phrase, word, term or provision of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly invalid, unconstitutional or unenforceable or involved for any reason whatsoever, any such invalidity, unconstitutionality, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, unconstitutional, illegal, or unenforceable section, subsection, sentence, clause, phrase, word, term or provision did not exist.

Section 5. Effective Date. This Ordinance shall become effective immediately upon passage, 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

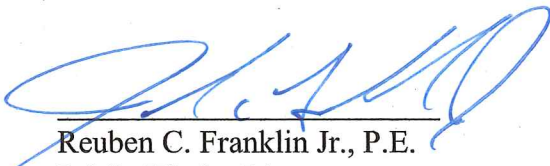
DATE: February 26, 2020

RE: Agenda Item for March 9, 2020 City Commission Meeting;
Ordinances – First Reading; Ordinance 2020-17

The first reading of Ordinance No. 2020-17 is an ordinance of the City of St. Augustine, Florida, creating Section 22-167 of the Code of the City of St. Augustine, to provide for the renaming of Bravo Street between Riberia Street and Sanford Street as “Carrie Johnson Way”; 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 an effective date.

This ordinance honors Miss Carrie Johnson, a St. Augustine native resident who was known as “The Voice of Lincolnvillle;” among her many volunteer activities during her life, Ms. Carrie, organized an annual Christmas Caroling Galore beginning in 1995, established The Miss Carrie Foundation for Homeless Students, assisted with establishing the Lincolnvillle 150th anniversary celebration, and helped found the Anniversary to Commemorate the Civil Rights Demonstrations, or ACCORD organization and served as vice president of the Fort Mose Historical Society.

Please let me know if you have any questions or concerns regarding this agenda item.



Reuben C. Franklin Jr., P.E.
Public Works Director

cc: City Attorney & Department Heads

Attachment: Ordinance 2020-16

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 22-167 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO PROVIDE FOR THE RENAMING OF BRAVO STREET AS "CARRIE JOHNSON WAY;" 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 AN EFFECTIVE DATE.

WHEREAS, Miss Carrie Johnson was born in the historic neighborhood of Lincolnvile, St. Augustine, Florida, on February 20, 1935. She attended Excelsior High School and Florida Normal College, and attended Edward Waters College in Jacksonville on a chorus scholarship; and

WHEREAS, after raising a family in Miami and traveling the Northeast, she returned to St. Augustine and made it her life's mission to let people know they are loved; and

WHEREAS, Miss Carrie Johnson was a St. Augustine native resident who was known as "The Voice of Lincolnvile;" and

WHEREAS, among her many volunteer activities during her life, Ms. Carrie, organized an annual Christmas Caroling Galore beginning in 1995, established The Miss Carrie Foundation for Homeless Students, assisted with establishing the Lincolnvile 150th anniversary celebration, and helped found the Anniversary to Commemorate the Civil Rights Demonstrations, or ACCORD organization and served as vice president of the Fort Mose Historical Society.; and

WHEREAS, the City of St. Augustine desires to recognize formally Bravo Street as Carrie Johnson Way;

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

Section 1. Creating City Code Section 22-167. Section 22-167 of the Code of the City of St. Augustine is hereby created, to read, in its entirety, as follows:

"Sec. 22-167. Bravo Street renamed Carrie Johnson Way.

Bravo Street, bounded on the west by Riberia Street and the east by Sanford Street, is hereby renamed Carrie Johnson Way

Section 2. Inclusion in Code. The provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine and the sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such inclusion.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, 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 5. 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 W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

Coding: Words underlined are additions; words ~~stricken~~ are deletions.

CITY OF ST. AUGUSTINE

MEMORANDUM

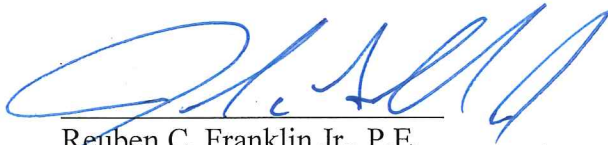
TO: John Regan, P.E.
City Manager

DATE: February 25, 2020

RE: Agenda Item for March 9, 2020 City Commission Meeting;
Resolutions – Resolution No. 2020-09

This resolution is in support and required by the Florida Department of Transportation (FDOT) as part of the process to rename transportation facilities to provide an honorary designation. This resolution supports 2018 State Senate Bill No. 382 which provides honorary designations of certain transportation facilities in specified counties and identifies the renaming of this street segment as “Nona and Popa Road” in honor of all grandmothers and grandfathers who take their grandchildren to celebrate Florida’s state parks.

Please let me know if you have any questions or concerns regarding this agenda item.



Reuben C. Franklin Jr., P.E.
Public Works Director

cc: City Attorney & Department Heads

Attachment: Resolution 2020-09
Senate Bill No. 382

RESOLUTION NO. 2020-09

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, RENAMING THE SAN JUAN STREET EXTENSION IN ANASTASIA STATE PARK BETWEEN SANTANDER STREET AND ANASTASIA PARK ROAD AS "NONA AND POPA ROAD;"AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, in 2018 the State of Florida passed Senate Bill No. 382, an act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; and

WHEREAS, Section 30 of Senate Bill No. 382 states, "That portion of the San Juan Street Extension in Anastasia State Park between Santander Street and Anastasia Park Road in St. Johns County as 'Nona and Popa Road'." Nona and Popa Road is in honor of all grandmothers and grandfathers who take their grandchildren to celebrate Florida's state parks; and

WHEREAS, the City desires to formally recognize San Juan Street Extension in Anastasia State Park as Nona and Popa Road in compliance with the legislative mandate.

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

Section 1. The City Commission of the City of St. Augustine supports Section 30 of Florida Senate Bill No. 382.

Section 2. That portion of the San Juan Street Extension located in Anastasia State Park between Santander Street and Anastasia Park Road in St. Augustine, Florida shall be known as Nona and Popa Road.

ADOPTED by the City Commission of the City of St. Augustine, Florida in regular session, this 24th day of February 2020.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk

(S E A L)

CHAPTER 2018-161

Committee Substitute for Senate Bill No. 382

An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; amending chapter 2017-193, Laws of Florida; providing for "The Hope and Healing Highway" designation, notwithstanding a specified provision; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.—

(1) That portion of I-595 between S.W. 136th Avenue and S.R. 823/Flamingo Road in Broward County is designated as "Deputy Ryan Seguin Memorial Highway."

(2) That portion of I-75/Alligator Alley between mile marker 24 and mile marker 26 in Broward County is designated as "Trooper Stephen G. Rouse Memorial Highway."

(3) The Minneola interchange on S.R. 91/Florida's Turnpike at N. Hancock Road in Lake County is designated as "Tera Ross Memorial Interchange."

(4) That portion of U.S. 90/S.R. 10 between Chaires Cross Road and S.R. 59 in Leon County and Jefferson County is designated as "Deputy Christopher Smith Memorial Highway."

(5) The pedestrian bridge over S.R. 436/Semoran Boulevard (75003000) at Abercorn Drive in Orange County is designated as "Elias 'Rico' Piccard Memorial Overpass."

(6) Bridge number 105503 on W. Laurel Street over the Hillsborough River in Hillsborough County is designated as "Fortune Taylor Bridge."

(7) That portion of N.W. 133rd Avenue between N.W. 11th Street and N.W. 12th Street in Broward County is designated as "Patricia Angella Barrett Lewis and Charlton Pernell Lewis Avenue."

(8) That portion of 5th Street between Euclid Avenue and Lenox Avenue in Miami-Dade County is designated as "Joseph Emmanuel 'Manno' Charlemagne Street."

(9) The bridge on Peninsula Corp Drive over I-95 in Palm Beach County is designated as "Richard Jason Randolph Memorial Bridge."

(10) That portion of I-75/S.R. 93 (03175000) between mile marker 110 and the Broward County line in Collier County is designated as "Submarine Veterans Memorial Highway."

(11) That portion of S.R. 4 between Munson Highway and S.R. 189 in Santa Rosa and Okaloosa Counties is designated as "Senator Greg Evers Memorial Highway."

(12) That portion of U.S. 90/S.R. 10 between S.R. 285 and N. 9th Street/S.R. 83 N. in Walton County is designated as "Lieutenant Ewart T. Sconiers Highway."

(13) That portion of S.R. 9336/S.W. 344th Street/W. Palm Drive between S.W. 192nd Avenue/Tower Road and S.W. 177th Avenue/S. Krome Avenue in Miami-Dade County is designated as "Steve Mainster Memorial Drive."

(14) Upon completion of construction, the pedestrian bridge over S.R. 390 at Kentucky Avenue and Mowat School Road in Bay County is designated as "Harold Haynes Memorial Pedestrian Bridge."

(15) That portion of S.R. 109/University Boulevard between Clifton Avenue and Fort Caroline Road in Duval County is designated as "Jim Tullis Memorial Boulevard."

(16) That portion of S.R. 46 between International Parkway and S.R. 431/Orange Boulevard in Seminole County is designated as "Dr. R.C. Sproul Way."

(17) That portion of S.R. 190/Valparaiso Parkway between S.R. 85/Government Avenue and S.R. 397/John Sims Parkway in Okaloosa County is designated as "John B. Arnold, Jr., Memorial Highway."

(18) Bridge number 570018 on S.R. 85/Eglin Parkway over Garnier Bayou in Okaloosa County is designated as "Deputies Tony Forgione and Bill Myers Memorial Bridge."

(19) That portion of S.R. 85 between College Boulevard and Colonel Greg Malloy Road in Okaloosa County is designated as "SFC William Kelly Lacey Memorial Highway."

(20) That portion of S.R. 414/Maitland Boulevard between Magnolia Homes Road and S.R. 434/Forest City Road in Seminole County is designated as "Deputy Matt Miller Memorial Boulevard."

(21) That portion of S.R. 464/Maricamp Road between S.E. 25th Avenue and S.E. 24th Street in Marion County is designated as "Nelle W. Needham Memorial Highway."

(22) Bridge numbers 150202 and 150203 on S.R. 580/Main Street in Pinellas County are designated as "Gold Star Family Memorial Bridge, dedicated to U.S. Army CPL Frank R. Gross."

(23) That portion of U.S. 17-92 between Wisconsin Avenue and Saxon Boulevard in Volusia County is designated as "Amos Walter Atchley Memorial Highway."

(24) That portion of S.R. 415 between Acorn Lake Road and Reed Ellis Road in Volusia County is designated as "David G. Ledgerwood Memorial Highway."

(25) That portion of E. 9th Avenue between N. 13th Street and N. 14th Street in Hillsborough County is designated as "Nick Capitano Memorial Road."

(26) That portion of C.R. 574/7th Avenue between N. 20th Street and 22nd Street in Hillsborough County is designated as "Gonzmart Memorial Road."

(27) That portion of S.R. 583/56th Street between S.R. 574/E. Dr. Martin Luther King, Jr., Boulevard and Harney Road in Hillsborough County is designated as "Pepin Memorial Road."

(28) That portion of Port Avenue between McCloskey Boulevard and Shoreline Avenue in Hillsborough County is designated as "Barkett Memorial Road."

(29) That portion of N. MacDill Avenue between W. Woodlawn Avenue and S.R. 574 in Hillsborough County is designated as "Jim Holmes Memorial Road."

(30) That portion of the San Juan Street Extension in Anastasia State Park between Santander Street and Anastasia Park Road in St. Johns County is designated as "Nona and Popa Road."

(31) That portion of U.S. 90 between Main Avenue and Martin Luther King, Jr., Avenue in Jefferson County is designated as "Lance Corporal Clemon 'Clyde' Alexander Memorial Drive."

(32) That portion of S.R. 115/Southside Boulevard between Geiger Road and Leahy Road in Duval County is designated as "Benolken Parkway."

(33) That portion of U.S. 90 between the Shoal River Bridge and the Walton County line in Okaloosa County is designated as "Deputies Skip York and Burt Lopez Memorial Highway."

(34) That portion of S.R. 19 between Lane Park Cutoff Road and U.S. 441 in Lake County is designated as "Sheriff Chris Daniels Memorial Highway."

(35) That portion of Hoagland Boulevard between Old Tampa Highway and Pershing Street in Osceola County is designated as "Officer Matthew Baxter and Sergeant Richard Sam Howard, III Boulevard."

(36) That portion of Bruce B. Downs Boulevard between Cypress Preserve Drive and Amberly Drive in Hillsborough County is designated as "Stevie LaDue Giving Hope Highway."

(37) That portion of E. 4th Avenue between 21st Street and 25th Street in Miami-Dade County is designated as "John J. Brunetti, Sr., Avenue."

(38) That portion of State Road 371/373/Orange Avenue between State Road 263/Capital Circle Southwest and State Road 61/Monroe Street in Leon County is designated as "CK Steele Memorial Highway."

(39) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.

Section 2. Subsection (35) of section 1 of chapter 2017-193, Laws of Florida, is amended to read:

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.—

(35) Notwithstanding s. 334.071(3), that portion of U.S. 1 between Broward Boulevard and Sunrise Boulevard, in Broward County, is designated as "The Hope and Healing Highway."

Section 3. This act shall take effect July 1, 2018.

Approved by the Governor March 23, 2018.

Filed in Office Secretary of State March 23, 2018.

2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING

Information provided by
City Attorney's Office
2/28/2020 9:19 AM

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 public lodging establishments, including vacation rentals, or public food service establishments; 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.	Favorable by Innovation, Industry, and Technology on 1/13, 8-2 vote; CS by Commerce and Tourism on 2/11, 3-2 vote	In Rules
HB 1011	Vacation Rentals	Fischer	Vacation Rentals; Preempts regulation of vacation rentals & advertising platforms to state; prohibits local law, ordinance, or regulation from allowing or requiring inspections or licensing of public lodging establishments, including vacation rentals, or public food service establishments; expands exemption to allow local law, ordinance, or regulation adopted on or before specified date to be amended to be less restrictive; requires licenses issued by Division of Hotels & Restaurants of DBPR to be displayed conspicuously to public inside licensed establishment; provides requirements for owner or operator of vacation rentals & advertising platforms.	Favorable by Workforce Development and Tourism on 1/21, 10-5 vote; CS by Government Operations and Technology Appropriations on 2/4, 8-5 vote; CS by Commerce on 2/20, 14-9 vote	Placed on House calendar
HB 3	Preemption of Local Occupational Licensing	Grant, M.	Preemption of Local Occupational Licensing; Preempts licensing of occupations to state; prohibits local governments from imposing or modifying certain licensing requirements; specifies certain local licensing may not be enforced; specifies 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 journeyman licenses.	CS by Business and Professions on 1/15, 12-2 vote; Favorable by Commerce on 1/30, 14-5 vote	Passed full House on 2/20, 78-40 vote
SB 1336	Preemption of Local Occupational Licensing	Perry	Preemption of Local Occupational Licensing; Preempting licensing of occupations to the state; providing exceptions; 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.	CS by Community Affairs on 2/3, 4-0 vote	On Innovation, Industry, and Technology agenda on 2/17
HB 1161	Local Licensing	Plakon	Local Licensing; Provides individuals who hold valid, active local licenses may work within scope of such licenses in any local government jurisdiction without needing to meet additional licensing requirements; provides that local governments have disciplinary jurisdiction over such licensees; requires local governments to forward any disciplinary orders to licensee's original licensing jurisdiction for further action; requires DBPR to create & maintain local licensing information system.	Favorable by Business and Professions on 2/4, 10-3 vote; Favorable by Government Operations and Technology Appropriations on 2/11, 10-2 vote	In State Affairs
SB 890	Local Licensing	Perry	Local Licensing; Providing that individuals who hold valid, active local licenses may work within the scope of such licenses in any local government jurisdiction without needing to meet certain additional licensing requirements; requiring licensees to provide consumers with certain information; providing that local governments have disciplinary jurisdiction over such licensees, etc.	Favorable by Innovation, Industry, and Technology on 1/27, 6-3 vote	In Community Affairs

2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING

Information provided by
City Attorney's Office
2/28/2020 9:19 AM

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 459	Building Design	Overdorf	Building Design; Provides that regulations relating to building design elements may not be applied to certain structures; authorizes substantially affected person to file petition with Florida Building Commission to review local government regulations; provides requirements for such petition; provides requirements for commission when considering petition; requires commission to issue nonbinding advisory opinion within specified timeframe. **The House committee adopted an amendment that will protect HARB review for our HP districts**	CS by Business and Professions on 1/15, 13-0 vote; Favorable by Government Operations and Technology Appropriations on 1/28, 9-2 vote; CS by Commerce on 2/6, 22-0 vote	Placed on House calendar
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.		In Community Affairs
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; authorizes property owners to bring claims against governmental entities in certain circumstances; authorizes property owners to bring actions to declare prohibited exactions invalid; provides for resolution of disputes concerning comprehensive plan amendments under Florida Land Use & Environmental Dispute Resolution Act; requires DOT to afford right of first refusal to previous property owner before disposing of property in certain circumstances.	CS by Civil Justice on 1/16, 10-5 vote; Favorable by Commerce on 1/30, 13-8 vote; Favorable by Judiciary on 2/6, 11-5 vote	
SB 1766	Growth Management	Lee	Growth Management; Revising notice of claim requirements for property owners; specifying that property owners retain the option to have a court determine awards of compensation; authorizing property owners to bring actions to declare prohibited exactions invalid; 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.	CS by Judiciary on 2/4, 6-0 vote; Favorable by Community Affairs on 2/10, 5-0 vote	In Rules
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.	Favorable by Business and Professions on 11/6, 12-0 vote; Favorable by Oversight, Transparency and Public Management on 12/12, 12-0 vote; CS by Commerce on 1/16, 22-0 vote	Passed full house on 1/22, 118-1 vote; on 3rd reading in Senate
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.	CS by Governmental Oversight and Accountability on 10/14, 5-0 vote; Favorable by Community Affairs on 11/4, 4-0 vote; Favorable by Appropriations on 2/5, 20-0 vote	Laid on table: see HB 101

2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING

Information provided by
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2/28/2020 9:19 AM

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
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.	Favorable by Environment and Natural Resources on 11/13, 4-0 vote; Favorable by Judiciary on 12/10, 6-0 vote	In Rules
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.		In Community Affairs
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.		In Business and Professions
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.	CS by Local, Federal and Veterans Affairs on 10/23, 9-5 vote; CS by Commerce on 2/13, 16-6 vote	On State Affairs agenda on 2/25
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.	CS by Community Affairs on 1/27, 5-0 vote; Favorable by Judiciary on 2/11, 5-1 vote	In Rules
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.		In Community Affairs
HB 6019	Development Orders	Casello	Development Orders; Removes provision allowing prevailing party in certain development order challenges to recover specified fees & costs.		In Commerce
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.		In Local, Federal and Veterans Affairs

2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING

Information provided by
City Attorney's Office
2/28/2020 9:19 AM

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 537	Home-Based Businesses	Donalds	Home-based Businesses; Specifies conditions under which a business is considered home-based business; authorizes home-based business to operate in residential zone; prohibits local government from certain actions relating to licensure & regulation of home-based businesses.	CS by Business and Professions on 2/4, 7-3 vote; Favorable by State Affairs on 2/20, 13-7 vote	On Commerce agenda on 2/27
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.		In Community Affairs
HB 587	Takings Claims Within Areas of Critical State Concern	Raschein	Florida Keys Area of Critical State Concern; Revises permanent resident hurricane evacuation clearance time for comprehensive plan amendments.	CS by Civil Justice on 1/29, 10-0 vote; CS by Judiciary Committee on 2/20, read 1st time -HJ 623	In Appropriations
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.	Favorable by Judiciary on 1/15, 5-0 vote; Favorable by Community Affairs on 1/27, 5-0 vote	In Appropriations
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.	CS by Local, Federal and Veterans Affairs on 1/15, 13-1 vote; CS by Ways and Means on 2/4, 12-2 vote; CS by State Affairs on 2/20, 20-0 vote	On House calendar
SB 1066	Impact Fees	Gruters	Impact Fees; Revising requirements for counties and municipalities that adopt, collect, or administer an impact fee by ordinance and for special districts that adopt, collect, and administer an impact fee by resolution; prohibiting new or increased impact fees from applying to certain applications; providing that impact fee credits are assignable and transferable under certain conditions; requiring certain counties and municipalities to establish impact fee review and advisory committees, etc.	CS by Community Affairs on 2/10, 5-0 vote; CS by Finance and Tax on 2/18, 7-1 vote	On Appropriations agenda on 2/27
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.		In Environment and Natural Resources

2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING

Information provided by
City Attorney's Office
2/28/2020 9:19 AM

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.		In Agriculture and Natural Resources
HB 707	Legislative Review of Occupational Regulations	Renner	Legislative Review of Occupational Regulations; Authorizes schedule for 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.	Favorable by Commerce on 1/16, 22-1 vote; CS by Health and Human Services on 2/6, 12-4 vote	On Special Order Calendar on 2/26
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 reversion 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.	CS by Governmental Oversight and Accountability on 2/17, 3-1 vote	In Appropriations
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.		In Ethics and Elections
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.		In Public Integrity and Ethics
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.	CS by Community Affairs on 1/13, 4-0 vote; CS by Infrastructure and Security on 2/17, 7-0 vote	In Appropriations

2020 FLORIDA LEGISLATIVE SESSION BILL TRACKING

Information provided by
City Attorney's Office
2/28/2020 9:19 AM

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 1339	Housing	Yarborough	Housing; Revises provisions addressing affordable housing; specifies sales tax rate for new mobile homes; exempts certain mobile home park & mobile home subdivision owners from regulation by Florida Public Service Commission relating to water & wastewater service; 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.	CS by Local, Federal and Veterans Affairs on 2/3, 12-0 vote	On Commerce agenda on 2/27
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.	CS by Agriculture and Natural Resources on 2/4, 12-0 vote; CS by Wans and Means on 2/11, 17-0 vote	In State Affairs
SB 1350	Brownfields	Baxley	Contamination; 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; revising available damages and exceptions to specified causes of action concerning certain discharges or other types of pollution resulting from certain discharges or pollution; revising the entities that may propose brownfield designations using specified criteria, etc.	CS by Environment and Natural Resources on 2/17, 4-0 vote	In Judiciary
SB 1152	Brownfield Site Rehabilitation	Broxson	Brownfield Site Rehabilitation; 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.	CS by Environment and Natural Resources on 2/3, 5-0 vote	In Finance and Tax
SB 1148	Electric Bicycles	Brandes	Electric Bicycles; Revising definitions relating to the Florida Uniform Traffic Control Law; authorizing a county or municipality to enact an ordinance regulating the operation of electric bicycles on sidewalks or sidewalk areas when such use is permissible under federal law; expanding exceptions to a prohibition on persons driving certain vehicles on sidewalks and bicycle paths; requiring electric bicycles to comply with specified provisions of law, etc.	CS by Infrastructure and Security on 2/3, 8-0 vote; Favorable by Community Affairs on 2/10, 5-0 vote	On Rules agenda on 2/26

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Information provided by
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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 specified 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.	CS by Transportation and Infrastrcture on 1/28, 12-0 vote; Favorable by Transportation and Tourism Appropriations on 2/3, 12-0 vote	In State Affairs
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.	Favorable by Local, Federal and Veterans Affairs on 1/21, 11-3 vote; Favorable by Ways and Means on 1/27, 11-4 vote; Favorable by State Affairs on 2/13, 15-6 vote	Placed on House calendar
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.		In Community Affairs
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		In Transportation and Infrastructure
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		In Infrastructure and Security
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.		In Judiciary

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Information provided by
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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 government agency to provide specified notice to residents concerning alternative methods of receiving legal notices.	CS by Local, Federal and Veterans Affairs on 1/15, 7-5 vote; CS by Judiciary on 1/30, 11-7 vote; Favorable by State Affairs on 2/6, 14-9 vote	Placed on House calendar
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.		In Community Affairs
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.		In Governmental Oversight and Accountability
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, & contracting.	CS by Public Integrity and Ethics on 1/23, 16-0 vote; Favorable by Appropriations on 2/11, 26-0 vote	On State Affairs agenda on 2/27

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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.		In Commerce and Tourism
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.		In Workforce Development and Tourism
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.		In Environment and Natural Resources
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.		In Agriculture and Natural Resources
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.		In Civil Justice
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.		In Community Affairs

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BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 1193	Deregulation of Profession and Occupations	Ingoglia	Deregulation of Professions and Occupations; Removes regulations on specified DBPR professions, including labor organizations, hair braiders, hair wrappers & body wrappers, & boxing timekeepers & announcers; revises certain requirements for barbers, nail specialists, business organizations that provide architecture services and interior design, landscape architects, & geologists; prohibits suspension or revocation of license for delinquency or default on payment of student loan or default on requirements of work-conditional scholarship.	Favorable by Business and Professions on 1/21, 12-3 vote; Favorable by Government Operations and Technology Appropriations on 10-2; CS by Commerce on 2/20, 23-0 vote	Placed on House calendar
SB 474	Deregulation of Profession and Occupations	Albritton	Deregulation of Professions and Occupations; Citing this act as the “Occupational Freedom and Opportunity Act”; requiring the Department of Highway Safety and Motor Vehicles to waive the requirement to pass the Commercial Driver License Skills Tests for certain servicemembers and veterans; deleting the requirement that a yacht broker maintain a separate license for each branch office; specifying that the failure to repay certain student loans is not considered a failure to perform a statutory or legal obligation for which certain disciplinary action can be taken; revising licensure requirements for engineers who hold specified licenses in another state, etc.	CS by Innovation, Industry and Technology on 1/21, 8-0 vote; CS by Commerce and Tourism on 2/4, 4-0 vote; CS by Appropriations on 2/20, 20-1 vote	
SB 1302	Sovereign Immunity	Flores	Sovereign Immunity; Designating the “Florida Fair Claims Act”; increasing the statutory limits on liability for tort claims against the state and its agencies and subdivisions; revising when a state and its agencies and subdivisions may agree to settle a claim or judgment without further action from the Legislature; requiring that the limitations on tort liability be adjusted every year after a specified date; prohibiting an insurance policy from conditioning the payment of benefits on the enactment of claim bills, etc.	CS by Judiciary on 1/21, 5-0 vote; Favorable by Community Affairs on 2/3, 4-1 vote	In Appropriations
HB 7043	Contingency Fees	Gregory	Contingency Fees; Prohibits local & regional governmental entities from entering into certain contingency fee contracts with private attorneys or law firms.		In Oversight, Transparency and Public Management
SB 1574	Contingency Fees	Baxley	Contingency Fees; Defining the term “local or regional governmental entity”; prohibiting local and regional governmental entities from entering into contingency fee contracts above specified limits with private attorneys and law firms, etc.		In Community Affairs
SB 1490	Public Officers and Employees	Bradley	Public Officers and Employees; Authorizing the giving, solicitation, and acceptance of gifts or compensation to be used toward costs incurred due to a serious bodily injury or the diagnosis of a serious disease or illness of specified reporting individuals, procurement employees, or a child thereof; revising provisions regarding prohibited lobbying expenditures in the legislative and executive branches to conform to changes made by the act, etc.	Favorable by Ethics and Elections on 1/21, 6-1 vote; CS by Governmental Oversight and Accountability on 2/3, 5-0 vote	On Special Order Calendar, 02/26
HB 1435	Public Officers and Employees	Williamson	Public Officers and Employees; Authorizes specified reporting individuals & procurement employees to accept gifts or compensation to be used toward costs incurred due to serious bodily injury or diagnosis of serious disease or illness of individual, employee, or child thereof; specifies limitations & requirements.	CS by Public Integrity and Ethics on 2/6, 14-0 vote	In State Affairs
SB 172	Florida Drug and Cosmetic Act	Bradley	Florida Drug and Cosmetic Act; Preempting the regulation of over-the-counter proprietary drugs or cosmetics to the state, etc.	Favorable by Community Affairs on 10/14, 3-1 vote; Favorable by Innovation, Industry, and Technology on 11/4, 8-2 vote; Favorable by Rules on 1/15, 12-4 vote	Passed Senate on 1/29, 25-14 vote; Sent to House in messages Page 280 of 291

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BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 113	Florida Drug and Cosmetic Act	Roach	Florida Drug and Cosmetic Act; Preempts regulation of over-the-counter proprietary drugs or cosmetics to state.	Favorable by Health Quality on 11/6, 8-5 vote; Favorable by Local, Federal and Veterans Affairs on 1/21, 9-6 vote; Favorable by Health and Human Services on 1/30, 10-6 vote	Placed on House calendar
HB 441	Public Procurement of Services	DiCeglie	Public Procurement of Services; Revises maximum dollar amount for continuing contracts for construction projects; revises term "continuing contract" to increase certain maximum dollar amounts for professional architectural, engineering, landscape architectural, & surveying & mapping services.	CS by Oversight, Transparency and Public Management on 12/12, 12-0 vote; Favorable by Government Operations and Technology Appropriations on 1/15, 10-0 vote; CS by State Affairs on 1/23, 24-0 vote	Passed House on 2/13, 117-0 vote; Sent to Senate in Messages
SB 506	Public Procurement of Services	Perry	Public Procurement of Services; Revising the maximum dollar amount for continuing contracts for construction projects; revising the term "continuing contract" to increase certain maximum dollar amounts for professional architectural, engineering, landscape architectural, and surveying and mapping services, etc.	CS by Government Oversight and Accountability on 1/13, 5-0 vote; Favorable by Agriculture, Environment, and General Government Appropriations on 1/22, 9-0 vote	In Appropriations
SB 504	Local Government Public Construction Works	Perry	Local Government Public Construction Works; Revising disclosure requirements for bidding documents and other requests for proposals issued for bids by a local governmental entity and public contracts entered into between local governmental entities and contractors; requiring the governing board of a local government to consider estimated costs of certain projects using generally accepted cost-accounting principles that account for specified costs when the board is making a specified determination, etc.	Favorable by Community Affairs on 12/9, 5-0 vote; CS by Governmental Oversight and Accountability on 1/13, 5-0 vote	In Rules
HB 279	Local Government Public Construction Works	Smith, D.	Local Government Public Construction Works; Revises amount at which specified entities must competitively award certain projects; requires local governing board to consider estimated costs of certain projects when making specified determination; requires local government that performs project using its own services, employees, & equipment to disclose costs of project after completion to Auditor General; requires Auditor General to review such disclosures as part of routine audits of local governments.	CS by Oversight, Transparency and Public Management on 1/29, 11-3 vote; Favorable by Business and Professions on 2/4, 8-2 vote	On State Affairs agenda on 2/27

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BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 1113	Fiduciary Duty of Care for Appointed Public Officials and Executive Officers	Beltran	Fiduciary Duty of Care for Appointed Public Officials and Executive Officers; Establishes standards for fiduciary duty of care for appointed public officials & executive officers of specified governmental entities; requires training on board governance; requires DBPR to contract for or approve such training programs or publish list of approved training providers; specifies requirements for such training; authorizes training to be provided by in-house counsel for certain governmental entities; requires appointed public officials & executive officers to certify their completion of annual training; requires department to adopt rules; provides exception to training requirement; specifies requirements for appointment of executive officers & general counsels of governmental entities; specifies standards for legal counsel.	Favorable by Public Integrity and Ethics on 2/6, 9-6 vote	In Government Operations and Technology Appropriations
SB 1270	Fiduciary Duty of Care for Appointed Public Officials and Executive Officers	Lee	Fiduciary Duty of Care for Appointed Public Officials and Executive Officers; Establishing standards for the fiduciary duty of care for appointed public officials and executive officers of specified governmental entities; requiring training on board governance beginning on a specified date; requiring the Department of Business and Professional Regulation to contract for or approve such training programs or publish a list of approved training providers; specifying requirements for the appointment of executive officers and general counsels of governmental entities, etc.	CS by Governmental Oversight and Accountability on 2/10, 5-0 vote; CS by Community Affairs on 2/17, 5-0 vote	In Rules
SB 620	Firefighters' Bill of Rights	Hooper	Firefighters' Bill of Rights; Specifying application of certain rights of firefighters to informal inquiries; requiring that witnesses be interviewed and certain information be provided to a firefighter subjected to interrogation before an interrogation is conducted; prohibiting a firefighter from being threatened with certain disciplinary action; requiring that a firefighter be notified and provided certain information before certain disciplinary actions are taken; requiring that a firefighter be given the opportunity to address certain findings; requiring that certain information be kept confidential and exempt in accordance with existing law, etc.	Favorable by Commiunity Affaris on 12/9, 5-0 vote, CS by Governmental Oversight and Accountability on 1/13	In Rules
HB 215	Firefighters' Bill of Rights	Casello	Firefighters' Bill of Rights; Requires witnesses be interviewed & information be provided to firefighter before interrogation is conducted; authorizes firefighter to provide voluntary statement at any time after being informed of certain right; prohibits firefighter from being threatened during interrogation; requires copy of interrogation be provided to firefighter within specified timeframe, upon request; requires that firefighter be notified & provided certain information before certain disciplinary actions are taken & given opportunity to address certain findings.		In Oversight, Transparency and Public Management
SB 140	Fireworks	Hutson	Fireworks; Defining the term “designated holiday”; providing an exemption for the use of fireworks solely and exclusively during a designated holiday, etc.	CS by Community Affairs on 11/4, 4-0 vote; CS by Banking and Insuranace on 12/10, 6-0 vote; CS by Rules on 1/15, 16-0 vote	On Senate calendar
HB 65	Fireworks	Rodriguez, A.M.	Fireworks; Provides exemption for purchase, sale, or use of fireworks used or to be used solely & exclusively during designated holiday; provides age requirement to purchase; provides affirmative defense for certain retailers.	CS by Business and Professions on 11/6, 7-5 vote; CS by Local, Federal and Veterans Affairs on 12/11, 10-1 vote	On Commerce agenda on 2/27

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BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 73	Environmental Regulation	Overdorf	Environmental Regulation; Specifies requirements for contracts between residential recycling collectors or recovered materials processing facilities & counties or municipalities for collecting, transporting, & processing residential recycling material & contaminated recyclable material; prohibits local governments from requiring further verification from DEP for certain projects; revises types of dock & pier replacements & repairs that are exempt from such verification & certain permitting requirements.	Favorable by Agriculture and Natural Resources on 10/16, 14-0 vote; Favorable by Agriculture and Natural Resources Appropriations on 12/11, 10-0 vote; CS by State Affairs on 1/16, 23-0 vote	Passed full Hosue on 1/2, 119-0 vote; Sent to Senate in messages
SB 326	Environmental Regulation	Perry	Environmental Regulation; Specifying requirements for contracts between residential recycling collectors or recovered materials processing facilities and counties or municipalities for the collection or processing of residential recycling material; providing that a residential recycling collector or recovered materials processing facility is not required to collect, transport, or process contaminated recyclable material except pursuant to specified contractual requirements after a contract is executed; prohibiting local governments from requiring further verification from the Department of Environmental Protection for certain projects, etc.	CS by Environment and Natural Resources on 11/4, 5-0 vote; Favorable by Community Affairs on 12/9, 5-0 vote; Favorable by Rules on 2/5, 15-0 vote	Laid on table: see HB 73
HB 2671	St. Augustine Wastewater Treatment Plant Resiliency Armoring	Stevenson	St. Augustine Wastewater Treatment Plant Resiliency Armoring; Provides an appropriation for the St. Augustine Wastewater Treatment Plant Resiliency Armoring. APPROPRIATION: \$1,825,000	Favorable by Agriculture and Natural Resources on 12/11, 9-0 vote;	In Appropriations
HB 2673	St. Augustine Flood Resiliency Master Plan Implementation	Stevenson	St. Augustine Flood Resiliency Master Plan Implementation; Provides an appropriation for the St. Augustine Flood Resiliency Master Plan Implementation. APPROPRIATION: \$2,340,305	Favorable by Agriculture and Natural Resources on 12/9, 10-0 vote	In Appropriations
HB 2675	St. Augustine West Augustine Septic to Sewer 2020	Stevenson	St. Augustine West Augustine Septic to Sewer 2020; Provides an appropriation for the St. Augustine West Augustine Septic to Sewer 2020. APPROPRIATION: \$450,000	Favorable by Agriculture and Natural Resources on 12/9, 10-0 vote	In Appropriations
HB 1217	Surrendered Newborn Infants	Beltran	Authorizes hospitals, emergency medical services stations, & fire stations to use newborn safety devices to accept surrendered newborn infants under certain circumstances; requires such entities to visually check & test device within specified timeframes; adds locations under which prohibition on initiation of criminal investigations based solely on surrendering of newborn infant applies.	Favorable by Health Market Reform on 2/4, 12-0 vote; Favorable by Health Care Appropriations on 2/11, 8-1 vote; Favorable by Health and Human Services on 2/18, 15-0 vote	On House Calendar
SB 864	Surrendered Newborn Infants	Baxley	Authorizes hospitals, emergency medical services stations, & fire stations to use newborn safety devices to accept surrendered newborn infants under certain circumstances; requires such entities to visually check & test device within specified timeframes; adds locations under which prohibition on initiation of criminal investigations based solely on surrendering of newborn infant applies.	CS by Health Policy on 1/14, 7-3 vote	In Children, Families, and Elder Affairs
HB 7069	Local Government Reporting	Ingoglia	Local Government Reporting; Requires each county & municipality to annually report specified fiscal & economic information to DFS; requires DFS to establish certain website; specifies information to be included on department's website; requires DFS to annually generate & distribute to residents specified local government report; authorizes DFS to select contractors for certain purposes.		On Appropriations agenda on 2/25

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BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
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.	Favorable by Community Affairs on 2/10, 5-0 vote	In Agriculture, Environment, and General Government Appropriations

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: March 9, 2020

RE: Reminder of upcoming Board appointments

- Historic Architecture Review Board (HARB)

Notification was previously made to the Commission relevant to one vacancy and one term expiration on the Code Enforcement Adjustments and Appeals Board, in addition to the creation of the Corridor Review Committee. Appointments are tentatively scheduled for the next Commission meeting on March 23, 2020.

Advertisements requesting applications was be placed in the St. Augustine Record on in accordance with board advertising policies and posted on the City website. The deadline to submit applications is Wednesday, March 11, 2020.

Attached are the current Board rosters, along with a profile of the qualifications, duties and responsibilities as by ordinance.



Darlene Galambos
City Clerk

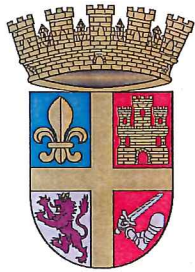
HISTORIC ARCHITECTURAL REVIEW BOARD

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

Board Member	Contact information	Appointment	3-Year Terms Expire
Gaere MacDonald Contractor	23 Water Street, 32084 904-814-7799 gmdconstruction@aol.com	03/25/19 1 st full term	3/28/2022
Jon Benoit Contractor	900-D Anastasia Blvd, 32080 904-540-3065 jonbenoit@behstbuilders.com	03/26/18 1 st full term	3/28/2021
Catherine Duncan CHAIR Architect	5 Althea St, 32084 904-824-4673 catherinedunc@aol.com	11/09/15 fill vacancy 3/26/18 1 st full term	3/28/2021
Barbara Wingo VICE-CHAIR Attorney/Historian	17 Saragossa St. 32084 <u>PO Box 497, 32085 (preferred)</u> 824-5146; cell 352-214-1214 bcwingo@gmail.com	02/22/16 1 st full term 03/25/19 2 nd full term	3/28/2022
Paul Weaver, III Professional Preservation Consultant	5 Milton St, 32084 160 Vilano Rd, Ste 7 824-5178 – 347-6090 hpa007@aol.com	06/25/18 1 st full term	3/28/2020
H. Randal Roark Architect/Planner <u>Alternate</u>	50 E. Park Ave., 32084 829-8929 randalroark@bellsouth.net	05/14/18 fill vacancy	3/28/2020
Antoinette Wallace Archaeologist <u>Alternate</u>	104 Lincoln Street, 32084 904-501-9449 ab_wallace@bellsouth.net	05/13/19 fill vacancy	03/28/2022

HISTORIC ARCHITECTURAL REVIEW BOARD

Authorization:	Code of Ordinances, Chapter 28, Article II, Division 3 and Ordinance 2005-15.
Number of Members:	Five (5) Regular Members and Two (2) Alternates
Terms of Office:	Three (3) years, expiring on March 28 th - Original terms staggered; no member appointed for more than two full consecutive terms.
Appointment:	By City Commission.
Qualifications:	While preference shall be given to current City residents, City Commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified. All members of the historic architectural review board shall have either thorough training and/or experience in: 1 history or related fields; 2 archaeology; 3 architectural history; 4 historic architecture; and 5 art history. Alternates shall be appointed for a three (3) year term, and shall have previously served as regular members and shall comply with all local and state requirements of office. Alternates will only be called upon to participate and vote at meetings in the event of an anticipated lack of quorum or bare minimum quorum of the regular members. See Section 28-82 for the criteria required in order to be appointed to the Board.
Duties:	Act on applications for Certificates of Appropriateness in HP-1 through HP-5; act on applications for building permits on property abutting HP-1 through HP-3; act on all applications for demolition permits for structures 50 years old or older within the City limits; cooperate with governments in planning proposed and future projects reflecting concerns and policies and assist as a consultant in development of future land use plans; advise property owners & government agencies concerning maintenance, protection, enhancement and preservation of historic resources; advise the City Commission concerning effects of local governmental actions on resources designated under the ordinance; recommend issuance of stop work order when not in compliance; develop rules and procedures necessary to implement powers and duties of the HARB consistent with ordinance; conduct regular public meetings and call special meetings; and designate historical landmarks.
Attendance:	Failure to attend two 2 of three 3 consecutive meetings without approval of the chair shall be considered a resignation of the position. Sec 28-85
Meetings:	Third Thursday of each month, 1 P.M. the Alcazar Room, City Hall.



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

PROCLAMATION

WHEREAS, the Rotary Club of St. Augustine, founded on April 10, 1920, in Saint Augustine, Florida is one of our City's oldest and largest non-profit humanitarian organizations; and

WHEREAS, there are over one hundred Club Members comprised of professional and business leaders in our community; and

WHEREAS, the Rotary motto of "Service Above Self" inspires members to provide humanitarian service, encourage high ethical standards, and promote good will and peace in the world; and

WHEREAS, the Rotary Club of St. Augustine will be celebrating one hundred years of community service the citizens of the City of Saint Augustine and our surrounding areas; and

WHEREAS, the Rotary Club of St. Augustine funds projects and sponsors volunteers with community expertise to provide health care, clean water, food production, job training, and education both locally and internationally to millions in need; and

NOW, THEREFORE, the City Commission of the City of St. Augustine hereby proclaims March 23, 2020 as "Rotary Day", and encourages all citizens to join in recognizing the Rotary Club of St. Augustine for its 100 years of service to improving the human condition in local communities around the world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of St. Augustine to be affixed this 23rd day of March in the year of our Lord two thousand and twenty and the four hundred and fifty-fourth year of the founding of St. Augustine, the Nation's Oldest City.

Tracy W. Upchurch, Mayor

2020-04

"Most Loyal and Valorous"

Title conferred on the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715

THE ST. AUGUSTINE RECORD
Affidavit of Publication

CITY OF ST AUGUSTINE
PO BOX 210

SAINT AUGUSTINE, FL 32085

ACCT: 15560
AD# 0003257465-01

PO#

PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a **SA Legal Retail** in the matter of **SPECIAL ELECTION/PRIMARY 3/17/20** was published in said newspaper on **02/10/2020, 02/24/2020**.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

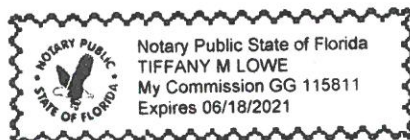
Sworn to (or affirmed) and subscribed before me by means of

☒ physical presence or
☐ online notarization

this _____ day of **FEB 24 2020**

by *Melissa Rhinehart* who is personally known to
me or who has produced as identification

Tiffany M. Lowe
(Signature of Notary Public)



Legal Ad Invoice

The St. Augustine Record

Send Payments to:
The St. Augustine Record
One News Place
St. Augustine, FL 32086

Acct: 15560	Name: CITY OF ST AUGUSTINE
Phone: 9048251005	Address: PO BOX 210
E-Mail:	
Client: CITY OF ST AUGUSTINE	City: SAINT AUGUSTINE
	State: FL
	Zip: 32085
Ad Number: 0003257465-01	Caller: DARLENE GALAMBOS
Start: 02/10/2020	Issues: 2
Placement: SA Legal Displays	Rep: Melissa Rhinehart
Copy Line:	Paytype: BILL
	Stop: 02/24/2020

Lines	1
Depth	10.75
Columns	3
Price	\$1,157.78



**CITY OF ST. AUGUSTINE
NOTICE OF SPECIAL ELECTION
MARCH 17, 2020**



**HELD IN CONJUNCTION WITH THE
PRESIDENTIAL PREFERENCE PRIMARY ELECTION**

CITY OF ST. AUGUSTINE CHARTER AMENDMENTS

Proposition 1

Extension of Civil Service Board Terms

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?

Extensión de los términos del Comité de Servicios Civiles

¿Deben ser modificados los Estatutos de la Ciudad de San Agustín para extender los términos de los representantes de la policía y el departamento de los bomberos del Comité de Servicios Civiles de uno a tres años para proveer una mayor continuidad y la capacidad de tratar y revisar asuntos que puedan requerir un contexto de múltiples años?

☐ Yes/Sí
☐ No

Proposition 2

Candidate Residency Requirements

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?

Requisitos de residencia del candidato

¿Deben ser modificados los Estatutos de la Ciudad de San Agustín para requerir que el candidato para ser elegido o nombrado a la Comisión de la Ciudad mantenga una residencia física continua y registro como elector en la Ciudad de San Agustín por un año previo a la calificación como candidato por elección o nombramiento y mantener residencia física continua y registro de votante en la Ciudad de San Agustín durante su mandato?

☐ Yes/Sí
☐ No

THESE QUESTIONS WILL APPEAR ON THE BALLOT OF THE MARCH 17, 2020 PRESIDENTIAL PREFERENCE PRIMARY ELECTION FOR ALL REGISTERED VOTERS WHO RESIDE WITHIN THE CITY LIMITS OF THE CITY OF ST. AUGUSTINE. PLEASE CONTACT THE CITY CLERK'S OFFICE AT (904) 825-1007 FOR MORE INFORMATION.

CONTACT THE SUPERVISOR OF ELECTIONS OFFICE FOR VOTER REGISTRATION AND ELECTION INFORMATION. CALL OR VISIT (904) 823-2238 OR WWW.VOTESJC.COM.

City Clerk, City of St. Augustine

0003257465 February 10, 24, 2020