



AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, March 2, 2021 at 2:00 p.m.

HEALTH AND SAFETY PROTOCOLS FOR IN-PERSON PUBLIC MEETINGS AND HEARINGS

Consistent with the Governor of Florida's Executive Order No. 20-51 and 20-52, as extended, modified, or amended, under the authority granted by the City of St. Augustine's Charter, Article IV, Division 4, and pursuant to Resolution 2020-10, the City Manager, or the Assistant City Manager as designated by the City Charter, or their designee, may make administrative orders and rules that have the full force and effect of local law during the pendency of a federal, state or local emergency or public health emergency. All existing laws, ordinances, and rules inconsistent with the provisions of sections 252.31-252.90, Florida Statutes, or identified as inconsistent with the directives of the State Health Officer and Surgeon General pursuant to their authority under Chapter 381, Florida Statutes, shall be suspended during the period of time and to the extent that such conflict exists. The City Manager, Assistant City Manager, or their designee, may issue administrative orders in support of these public health emergency directives to provide more efficient and orderly preparedness and recovery. Consistent with public health emergency directives of the State of Florida, the City Manager or designee may waive the procedures and formalities otherwise required, when reasonably necessary to preserve the health and welfare of the public.

Consistent with City of St. Augustine Resolutions 2020-20, 2020-21, and 2020-39 the City Manager, or their designee, specifically authorizes the following health and safety protocols:

- 1) All meeting rooms will be configured to maintain the 6-foot social distancing radius recommended by the CDC.
- 2) All meeting rooms will be sanitized by wiping all flat surfaces and chairs prior to each meeting.
- 3) All members of the public, City Commission, staff, and appointed boards or committees are required to wear a face covering over the nose and mouth at all times while in the meeting room.
- 4) Face masks and hand sanitizer will be made available as needed prior to entry.
- 5) Face coverings include a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands.

Types of coverings include a face mask, homemade mask, or other covering, such as a scarf, bandana, handkerchief, or other similar cloth covering or full-face shields.

- 6) Participants requesting accommodation due to a disability which prevents the use of face coverings may use alternative face coverings. Alternative face coverings include scarves, other loose face covering, or full-face shield.
- 7) Participants unable or unwilling to wear a face covering will be required to remain outside of the meeting hall where they may audibly observe the meeting or hearing.
- 8) Participants unable or unwilling to wear a face covering will be allowed to participate in any public comment period from a microphone outside the meeting room and audible to the Commission or Board.
- 9) Capacity for physical attendance within the Alcazar Room will be reduced based on the 6-foot social distancing and air flow requirements. Physical attendance will be prioritized as follows until maximum capacity is reached:
 - a. Commission Members
 - b. City Attorney
 - c. City Manager
 - d. City Clerk
 - e. Necessary staff
 - f. Applicants (one at a time)
 - g. Public participants
- 10) Applicants appearing before a board for hearing will be asked to queue outside the meeting room and enter with any witnesses or agents upon the calling of their application for hearing.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in public meetings should contact the City not later than seven (7) days prior to the meeting.

Regular Agenda

1. **Roll Call**
2. **General Public Comments for Items Not on the Agenda**
3. **Approval of Minutes**
 - a. Regular Meeting Minutes from February 2, 2021.
4. **Variance**
 - a. 2021-0019

Glen Powers – Applicant & Owner
[68 Fullerwood Drive](#)
 To approve a variance to the required front yard and side yard setbacks for a carport within Residential, Single family-one (RS-1) zoning district.

- b. 2021-0022 Sander Kaplan – Applicant & Owner
[19 Joiner Street](#)
 To approve a variance for reduced side and rear yard setback for a guest house within Residential, Single family-one (RS-1) zoning district.

- c. 2021-0023 Alexander & Faith Corley – Applicants & Owners
[195 Cabeza Street](#)
 To approve a variance to the maximum fence height within Residential, Single family-two (RS-2) zoning.

- d. 2021-0024 Mike Davis – Applicant
 c/o A.D. Davis Construction
 Clint & Martha Porter - Owner
[76 Lighthouse Avenue](#)
 To approve a variance to the maximum lot coverage within Residential, Single family-two (RS-2) zoning.

5. Use by Exception

- a. 2021-0001 Jeremiah Mulligan – Applicant
 c/o Coquina Law Group, P.A.
 Billboard Baby, LLC - Owner
[N Ponce de Leon Blvd – PID #190200-0000](#)
 To approve a use by exception for a single-family home, per RG-1, within Commercial, medium-two (CM-2) zoning district.

- b. 2021-0017 Emanuel Manusuthakis – Applicant
 Vista Hotels IV, LLC – Owner
 c/o Kanti Patel – Owner
[1860 N. Ponce De Leon Blvd](#)
 To approve a use by exception for auto sales within Commercial, Medium-two (CM-2) zoning.

- c. 2021-0020 Stephanie K. Rousselle - Applicant
 78 Abbott, LLC – Owner
[78 Abbott Street](#)
 To approve a use by exception for off-site parking within the municipal garage for a short term rental.

- d. 2021-0021 Ashley Thomas Adams – Applicant
JJMRN Properties, LLC - Owner
[100 N. Matanzas Blvd](#)
To approve a use by exception for a home occupation providing music lessons within Residential, Single family-two (RS-2) zoning.
- e. 2021-0025 James Whitehouse – Applicant
c/o St. Johns Law Group
Pauline & Geoffrey Webb – Owners
[74 Osceola Street](#)
To approve a use by exception for off-site parking within the municipal garage for a short term rental.

6. Conservation Overlay Zone Development

- ~~a. 2021-0004 Ryan Carter – Applicant
(continued February 2, 2021) c/o Carter Environmental Services
GP Salt Run, LLC – Owner
[435 Flagler Blvd](#)
To approve the construction of a six foot (6') wide by six hundred twelve (612') foot long dock with three (3) boat lifts and a twenty seven (27') foot access gangway to a thirteen (13') foot by forty (40') foot floating dock, for an overall length of 645', within Conservation Overlay Zone 1.~~

7. Other Business

- a. Review and recommendation related to the proposed updates and revisions to Chapter 3 Sign Code of the City of St. Augustine Land Development Code.

8. Adjournment

Notices: In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person 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 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

Please note that one or more members of the City Commission or its appointed boards or committees may attend this meeting and participate, however they may not engage in a discussion or debate amongst themselves on any issue that will likely come before their respective elected or appointed body.

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.

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting
February 2, 2021

The Planning and Zoning Board met in formal session Tuesday, February 2, 2021, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Jon DePreter, Chairperson and the following were present:

1. Roll Call:

Jon DePreter, Chairperson
Christina Opsahl, Vice-Chairperson
Grant Misterly
Sarah Ryan
Mike Davis
Carl Blow
William Masson

City Staff:

David Birchim, Director, Planning & Building Department
Amy Skinner, Deputy Director, Planning & Building Department
Patrick Doty, Senior Development Review Planner
Denise May, City Attorney
Candice Seymour, Recording Secretary

2. General Public hearings for Items Not on the Agenda

The Board heard from the following members of the public:

- B.J. Kalaidi

3. Approval of Minutes

MOTION

Ms. Ryan **MOVED** to **APPROVED** the January 5, 2021 minutes as presented. The motion was **SECONDED** by Mr. Blow.

VOTE ON MOTION:

AYES: Ryan, Blow, Masson, Davis, Misterly, Opsahl, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Variance

4. (a) 2021-0005 – Don Crichlow – Applicant

91 Oneida, LLC – Owner
93 Oneida St

To approve a variance to the required front and side yard setbacks within Residential, Single family-two (RS-2) zoning district.

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 the required front and side yard setbacks in Residential, single-family-two (RS-2) zoning at **93 Oneida St / PIN 208010-0000**.

Don Crichlow reviewed the application.

Ex Parte Communication:

23 certified notices were sent, 3 were returned in favor, 2 returned opposed and 2 had comments.

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

The Board discussed:

- Square footage of the structure would remain unchanged
- Request was an improvement to the current situation and would save the historic building
- Move would not meet front yard setback to save a tree and allow for parking at the rear of the property as well as matching setback of existing structures along the streetscape
- Concern for opposing letter which indicated financial harm

MOTION

Mr. Masson MOVED to APPROVE application 2021-0005 for a variance to the required front and side yard setbacks within Residential, Single family-two (RS-2) zoning district. The motion was SECONDED by Mr. Misterly.

VOTE ON MOTION:

AYES: Masson, Misterly, Blow, Davis, Ryan, Opsahl, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Use by Exception

5. (a) 2021-0001 – Jeremiah Mulligan, Coquina Law Group, P.A. – Applicant Elite Hospitality, LLC – Owner N Ponce de Leon Blvd – PID #190200-0000

To approve a use by exception for a single-family home, per RG-1, within Commercial, medium-two (CM-2) zoning district.

Mr. Doty advised that the application had a change of ownership after having been advertised and staff recommended a continuance until the new owner authorized the applicant to proceed and provided accurate information regarding ownership of the property.

Mr. Blow asked a question regarding the non-conforming status of the lot which staff confirmed was a buildable lot.

MOTION

Mr. Blow MOVED to CONTINUE application 2021-0001 to the March 2, 2021 meeting. The motion was SECONDED by Mr. DePreter

VOTE ON MOTION:

AYES: Blow, DePreter, Masson, Davis, Ryan, Misterly, Opsahl

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (b) 2021-0006 – Blake Souder – Applicant and Owner 78 Dumas St

To approve a use by exception for off-site parking within the municipal parking garage for a short term rental.

Mr. Doty read the staff report and said based on a review of Section 28-29 & 28-151, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for off-site parking within the municipal parking garage for a two-bedroom short term rental at **78 Dumas St / PIN 207360-0000**.

Blake Souder reviewed the application.

The Board provided their ex parte communications.

25 certified notices were sent, 9 were returned in favor, and 1 had comments.

Public hearing was opened.

Alexandra Daugherty spoke in favor of the application stating that Mr. Souder was a good neighbor.

Charles Pappas asked that staff make clear how many parking garage permits had been given for businesses to use.

B.J. Kalaidi spoke against the application citing that the city garage was not the only option for parking.

Public hearing was closed.

The Board discussed:

- Neighboring vacant lot that could be used for parking would need to be converted into a commercial parking lot to allow for use by vacation rental property
- Renters previously parked along the street
- First Baptist Church parking was located across the street from the subject property
- Utilizing the vacant lot as parking was a violation of City Code and enforcement would be driven by complaint
- Parking garage passes did not guarantee a parking spot in the garage

MOTION

Ms. Opsahl MOVED to APPROVE Use by Exception application 2021-0006 for off-site parking within the municipal parking garage for a two-bedroom short term rental. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

AYES: Opsahl, Masson, Blow, Davis, Ryan, Misterly, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Conservation Zone Development

6. (a) 2021-0002 – Ryan Carter, Carter Environmental Services – Applicant Erik Worthmann – Owner 134 Pelican Reef Dr

To approve a reconfiguration of an existing dock and terminal platform to

extend the access pier, add three (3) boatlifts, and a ten (10') foot by twenty (20') foot floating dock accessed by a gangway within Conservation Overlay Zone 1. To approve the construction of a vinyl sheet pile retaining wall the width of the property landward of the mean high water line within Conservation Overlay Zone 2.

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 reconfiguration of an existing dock and terminal platform to extend the access pier, add three (3) boatlifts, and floating dock accessed by a gangway within Conservation Overlay Zone 1 and to approve the construction of a vinyl sheet pile retaining wall the width of the property landward of the mean high water line within Conservation Overlay Zone 2 at **134 Pelican Reef Drive / PIN 158571-4060.**

Ryan Carter reviewed the application.

The Board provided their ex parte communications.

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

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

The Board discussed:

- Request was not unreasonable based upon the surrounding docks as shown by the applicant
- Vinyl sheet-pile retaining wall would be landward of existing rock and would cause minimal impacts
- No retaining wall on neighboring properties as of the time of application
- Concern that the dock was too large and did not meet all criteria for approval

- Changes to the dock may require additional Board approval
- There was sufficient room for navigation around the docks
- Dock to the south was approximately 2,000 square feet
- Dock improvement would cause slight increase in tax assessment

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Zone Development 1 and 2 application 2021-0002. The motion was SECONDED by Mr. Masson.

Mr. Misterly clarified that while he did support the bulkhead portion of the application, he would not support the motion due to the size of the dock.

VOTE ON MOTION:

AYES: Blow, Masson, Davis, Ryan, Opsahl, DePreter

NAYES: Misterly

MOTION CARRIED 6/1

6. (b) 2021-0003 – Ryan Carter, Carter Environmental Services – Applicant Alan Stevenson, Sta Beach Investments, LLC – Owner 34 N. St. Augustine Blvd

To increase the size of a boat lift from 12' x 12' to 16' x 16' within Conservation Overlay Zone 1.

Ms. Ryan recused herself from hearing the application.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 16' x 16' jet ski lift within Conservation Overlay Zone 1 at **34 N. St. Augustine Blvd. / PIN 213510-0000.**

¹ Form attached to original minutes

Ryan Carter reviewed the application.

The Board provided their ex parte communications.

22 certified notices were sent; however, none were returned.

Public hearing was opened.

B.J. Kalaidi was concerned for the setting of precedent should the application be approved. She also encouraged the Board members to speak louder into their microphones.

Charles Pappas encouraged the Board to speak into the microphones.

Public hearing was closed.

The Board discussed:

- Not enough material difference from the previous approval to deny the application
- Dock would not be longer, only difference from previous approval was the jet-ski lift size
- Typical size of modern jet-skis was larger than in the past

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development application 2021-0003 with the rationale that the extension of the dock from 12 x 12 feet to 16 x 16 feet does not make enough material difference to the previous approval to meet any criteria for denial. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

AYES: DePreter, Masson, Blow, Davis, Misterly, Opsahl

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (c) 2021-0004 – Ryan Carter, Carter Environmental Services – Applicant
GP Salt Run, LLC – Owner
435 Flagler Blvd

To approve the construction of a six foot (6') wide by six hundred twelve (612') foot long dock with three (3) boat lifts and a twenty seven (27') foot access gangway to a thirteen (13') foot by forty (40') foot floating dock, for an overall length of 645', 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 **CONTINUE** a six foot (6') wide by six hundred twelve (612') foot long dock with three (3) boat lifts and a twenty seven (27') foot access gangway to a thirteen (13') foot by forty (40') foot floating dock within Conservation Overlay Zone 1 at **435 Flagler Blvd / PIN 218480-0000** based on the aforementioned concerns with the proposed design and configuration of the dock.

Ryan Carter reviewed the application.

The Board provided their ex parte communications.

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

Public hearing was opened.

Clyde Murphree, representing Corona del Mar, stated he had no objection to the application.

B.J. Kalaidi spoke against the application stating the dock was too long.

Cindy Wasserbauer stated the dock was too long and impeded the scenic vistas for surrounding residents on the water. She asked that the Board consider that commercial boats may use such docks as well.

Scott Patreau, an owner of the subject property, noted that the proposed dock was shorter than the one immediately adjacent at the Cortez development. He noted that the zoning of the property was RG-1 which provided for multi-family use by-right. He added that he worked with the neighboring property owners and the City to find a solution that would fit everyone's need.

Public hearing was closed.

The Board discussed:

- Existing license agreement with the City to cross the right-of-way
- Length of the dock was predicated on the agreed-upon 95 foot setback from Corona del Mar's dock
- Neighboring property owners in favor of the request
- Potential to shorten the dock approximately 90 feet
- Agreement with Corona de Mar for 95 foot setback
- No public access to the propose dock
- Riparian lines to the south were based upon that dock's approved permits
- Right-of-way to the east of the property had never been vacated
- Desire to know more about the license agreement with the City to cross eastern right-of-way
- Distance with the neighbor that appeared to be bottlenecked was adequate for passage between the proposed and existing adjacent docks
- Recommendation to turn the docks 90 degrees to face east/west to try to shorten the dock
- Desire to see the shortest possible dock
- Possibility of turning the terminal end 90 degrees to mitigate length and width concerns

MOTION

Mr. DePreter **MOVED** to **CONTINUE** Conservation Overlay Zone Development application 2021-0004 to the March 2, 2021 meeting with the intent and goal to consider options to shorten the pier as discussed. The motion was **SECONDED** by Ms. Ryan.

VOTE ON MOTION:

AYES: DePreter, Ryan, Masson, Blow, Davis, Misterly, Opsahl

NAYES: NONE

MOTION CARRIED UNANIMOUSLY²

7. Rezoning, Use by Exception & Conservation Overlay Zone Development

7. (a) 2020-0127 – Ellen Avery-Smith, Rogers Towers, P.A. and Ryan Carter, Carter Environmental Services – Applicant Patris YC, LLC – Owner 110 Carver St E

To rezone the subject property from Residential Single Family-one (RS-1) to Residential Single family-two (RS-2). To approve a use by exception to allow for a neighborhood recreational facility. To approve the construction of a six foot (6') wide by three hundred one (301') foot long dock with a twenty foot (20') long access gangway to a twenty five (25') foot by eighty five (85') foot long dock within Conservation Overlay Zone 1. To approve the construction of a bulkhead within Conservation Overlay Zone 2.

Mr. Doty read the staff report and said staff does not make a recommendation regarding the rezoning of land; and, the requested use by exception for a neighborhood recreation facility and conservation overlay zone development for a bulkhead, pier and floating dock are a condition of the rezoning, therefore staff will not make a recommendation on these requests.

The Board discussed concerns regarding narrative changes that came after the deadline for submittal to be included in the meeting packet and that while the Board may not consider those changes, the Board would continue with the hearing to allow for public comment.

Ellen Avery-Smith, Stanley Paris, and Ryan Carter reviewed the application.

The Board provided their ex parte communications.

7 certified notices were sent, 0 were returned in favor, 2 returned opposed and 1 had comments. Additional e-mailed responses were included with the response packet and consisted of 58 in favor, 11 opposed and one e-mail from Chuck Meide detailing the historical significance for the site.

Public hearing was opened.

Justin Muller, Commodore of the Yacht club, spoke in favor of the application citing the positive influences of sailing.

Jeffery Black spoke in opposition to the application, cited poor experiences with the Yacht Club as a neighboring property owner, and was concerned with the Yacht Club gaining more property to manage.

Chuck Meide, director of the Lighthouse Archeological Maritime Program (LAMP), detailed the historical and archeological significance of the site surrounding the proposed dock. He was concerned with pilings and heavy equipment and recommended that there be archeological mitigation to prevent damage to the site.

Duffy Stedman was concerned with the commercialization of the Lighthouse Park area. He felt that additional traffic was a concern, though he was in favor of moving the kids off the beach and away from the existing boat ramp. He was concerned with access to the property, proposed to be

² Brief recess from 4:40p.m. to 4:50p.m.

through the Yacht Club parking lot, which may not always be available.

Anthony Boldt spoke in favor of the application stating that the application addressed a safety issue. He added that he was the committee chair for the youth sailing program and asked for the Board's support.

Roy Jaeger, who helped start the youth sailing program, spoke in favor of the application saying that youth sailors needed a safer location to launch boats and their activities would be compatible with the archeological site in the area.

Jeremiah Mulligan, representing the Black Family who lived adjacent to the subject property, felt that the use and conservation overlay zone applications should not have been included as they were predicated on approval of the rezoning. He noted that the owner of the property did not intend to operate the sailing center use but rather lease the property to the Yacht Club. He added that the rezoning allowed for additional density and was not appropriate in the neighborhood.

George Anthony Hill, II spoke in opposition to the application asking the Board to consider adjacent property owners.

Marrisa Burrier, Sail Director at the St. Augustine Yacht Club, spoke in favor of the application, citing the safety issues of the kids launching boats at the public boat ramp.

Patricia Walker spoke in favor of the application citing benefits to the children who participate in the youth sailing program.

John Granis spoke in favor of the application citing the benefits of yacht club sailing programs.

Debbie Wicker was against the rezoning and did not feel that the neighborhood recreation facility designation was not

appropriate for the proposed use as a youth sailing center. She gave a brief history of the property. She was concerned with lack of oversight on the property should the rezoning be approved. She suggested that the Yacht Club work with St. Johns County on a youth sailing program in another public location.

Dave Sweetak opposed the rezoning application, and was concerned with the new information submitted by the applicant after the deadline. He added that the use was not a community center but an extension of a private yacht club. He was concerned with traffic and parking congestion and that the use could harm his property values.

Cindy Wasserbauer was opposed to the rezoning as it increased the density of the property. She was concerned with the property reverting back to the Paris family with the new zoning. She was also concerned with the final plans for the property because no clear design had been presented to the neighborhood.

Barbara Dolan, former Commodore of the Yacht Club noted the benefits that Lighthouse Park residents enjoyed that were provided by the Yacht Club. She understood that the residents did not want boats parked on the right-of-way although the residents parked in the right-of-way due to limited parking throughout the neighborhood. She added that the Yacht Club parking lot was often used by residents as well and encouragement of residents to participate in Yacht club activities had not been well-received. She concluded that the Yacht Club had tried to be good neighbors to the Lighthouse Park Community.

B.J. Kalaidi stated the application should not be heard since procedure had not been followed. She spoke against the rezoning.

James Gajewski, President of the St. Augustine Yacht Club, addressed concerns made by the public. He added that he had

67 signatures from supporters of the application. He noted measures taken by Mr. Paris to ensure that the property was safe at the request of neighboring property owners. He addressed concerns regarding the changes in leadership of the Yacht Club with its yearly leadership changes. He said the proposed building would not become an adult club. He felt the request was the best and highest use of the property.

Charles Pappas noted that rezoning was permanent and that was his only concern. He believed there were other ways to achieve the proposed use, but rezoning was not an appropriate option.

Public hearing was closed.

Ms. Avery-Smith responded to public comments noting the following:

- Youth Sailing Program at Lighthouse Park had been operational since 2010
- The rezoning and use by exception could run with conditions that ensured that neighborhood concerns were addressed
- The property had a right to a dock regardless of use due to riparian rights
- Proposed dock would follow the same footprint as previously existing dock
- Applicant was willing to work with LAMP to mitigate threats to archeological resources
- Previous agreement between the City, Yacht Club, and Dr. Paris was dissolved between the parties equally
- St. Augustine Yacht Club was not a commercial enterprise and the goal was to remove the youth sailing program out of the Lighthouse Park boat ramp
- Request for rezoning was predicated on the fact that the current zoning did not allow a use

by exception for a neighborhood recreational facility

Ms. May noted that conditions could not be placed on a straight rezoning as applied-for. She added that a use by exception could have conditions; however, several of the proposed conditions were not rationally related to the proposed use as a neighborhood recreational facility and could not be conditioned and enforced.

Mr. Doty noted that should the building be demolished in part or whole, it would require review and approval by HARB since the building was over 50 years old.

Ms. May continued that the narrative provided by the applicant sounded more like a Planned Unit Development (PUD) narrative than a Use by Exception.

There was discussion regarding whether a PUD could have a sunset clause that would revert the PUD back to the previous zoning if the sailing school closed.

Mr. Birchim noted that the rezoning included non-conforming setbacks that would need to be addressed through a development agreement.

The Board discussed:

- There was no way, through a straight rezoning, to condition a reverter clause
- Applicant did not decide to rezone to a PUD because it was simpler and cheaper to apply for a straight rezoning
- Applicant would have to consider whether a PUD would be feasible for them
- Information submitted late had been presented by the applicant in the course of their presentation
- Lack of other options for the sailing school from those who object to the proposed location

- Concern for archeological impacts
- Neighborhood mistrust of the Yacht Club
- Traffic generated in the Lighthouse Park neighborhood was from tourists visiting the lighthouse, and use of public spaces such as the tennis courts and boat ramp
- History of the old lighthouse which may have been dismantled for materials in the past
- Proposed dock would likely not impact the archeological resources as it was proposed to follow previously existing dock footprint
- Safety for youth sailors was a concern at the boat ramp
- Sailing School was not a significant traffic generator
- Previous offer by the property owner to donate the property to the City for use by the Yacht Club
- The Black family's concern carried the most weight as being the most affected by the project
- Other suitable locations in the county could be problematic with limited public access to the water
- Desire to see a site and operational plan for the Use by Exception
- RS-2 zoning may not be too dense for the area based on existing conditions
- Desire to see more research regarding the archeological site
- A private youth sailing school did not meet the definition of a neighborhood recreational facility
- Most neighborhood concern was for the increased intensity of the zoning category
- Need and justification of the change was the safety of the children at the boat ramp, though there had been no reported accidents
- Desire to see how the request related to the existing fishing pier
- Program operated while school was out of session during the summer and on weekends

- Concern that big boats could utilize the proposed dock in the future which Yacht Club staff clarified was not possible due to the lightweight nature of the floating dock
- Dock size was related to the need to store the youth boats on the dock when not in use
- Cost to join the sailing camp
- Property was not intended for use as an events space
- Four uses a year by the neighborhood association did not make the use a recreation center for the community
- Majority of the neighborhood preferred that the property remain a residence
- Late information was in response to neighborhood concerns
- Neighborhood Association met in the current Yacht Club building as agreed-upon in the lease agreement with the City
- Recommendation that LAMP be engaged in the construction of a future dock to ensure the safety of any archeological resources
- Drawings submitted were sufficient in rationalizing the proposed size of the dock
- Concern for stretching the definition of the proposed use to justify intensifying the zoning

MOTION

Mr. Masson MOVED to RECOMMEND APPROVAL of application 2020-0127 to rezone the subject property from Residential Single Family-one (RS-1) to Residential Single family-two (RS-2). To approve a use by exception to allow for a neighborhood recreational facility. To approve the construction of a six foot (6') wide by three hundred one (301') foot long dock with a twenty foot (20') long access gangway to a twenty five (25') foot by eighty five (85') foot long dock within Conservation Overlay Zone 1. To

approve the construction of a bulkhead within Conservation Overlay Zone 2 as applied for. The motion was SECONDED by Mr. Blow

Discussion ensued regarding:

- Further information needed relating to the use by exception
- Preference to continue the application to work out details
- Clarifications of the approval, recommending approval of the rezoning, and approving the use and conservation overlay zone development pending Commission approval of the rezoning
- Most security to ensure the property remained a youth sailing school was through the original path of donating the property to the City

VOTE ON MOTION:

AYES: Masson,

NAYES: Blow, Davis, Ryan, Misterly,
Opsahl, DePreter

MOTION FAILED 1/6

MOTION

Mr. Misterly MOVED to RECOMMEND APPROVAL of application 2020-0127 to rezone the subject property from Residential Single Family-one (RS-1) to Residential Single family-two (RS-2). The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

AYES: Misterly, Masson, Ryan

NAYES: Blow, Davis, Opsahl, DePreter

MOTION FAILED 3/4

MOTION

Ms. Opsahl MOVED to RECOMMEND DENIAL of application 2020-0127 to rezone the subject property from Residential Single Family-one (RS-1) to Residential Single family-two (RS-2). The motion was SECONDED by Mr. DePreter.

There was a brief discussion regarding approving the Conservation Overlay Zone application, since a dock could be constructed on the property regardless. There was Board consensus not to consider it.

VOTE ON MOTION:

AYES: Opsahl, DePreter, Blow, Davis

NAYES: Masson, Ryan, Misterly

MOTION PASSED 4/3

There was continued discussion regarding approval of the dock, which staff clarified was not a residential dock and had ties directly to the sailing academy use.

8. Other Business

8. (a) Discussion related to updating prioritized Land Development Code sections.

Mr. Birchim reviewed the subject. He added that if the Board wished to change the order in which amendments were brought to the Board for review and recommendation that members should contact City Staff. In response to Board questions, he advised that amendments would start coming before the Board in the Spring.

9. Adjournment

Having no further business, Mr. DePreter adjourned the meeting at 7:54 P.M.³

Jon DePreter, Chairperson

³ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: March 2, 2021

RE: **VARIANCE #2021-0019**

AGENDA ITEM 4(a)

APPLICANT & OWNER Glen Powers

LOCATION 68 Fullerwood Drive / PIN 153290-0000

REQUEST To approve a variance to the required front yard and side yard setbacks for a carport within Residential, Single family-one (RS-1) zoning district.

ZONING Residential, Single-family-one (RS-1)

LAND USE Residential Low Density

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, **the Board shall not consider prospective financial loss or gain to the owner or applicant**, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-161. - Residential, single-family-one: RS-1

(6) *Minimum yard requirements.* All permitted or permissible uses and structures:

- a. Front, twenty (20) feet.
- b. Side, fifteen (10) feet.
- c. Rear, twenty (20) feet.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to the front yard setback to allow for a 12' by 15' carport. The carport was constructed within the front yard setback prior to a permit being obtained for construction resulting in the non-compliant location. Please reference the site plan, attachment 2, for the location of the carport and the overall site. In summary, this request is to allow a carport within the required front yard setback.

In particular, the applicant is proposing the following:

Requested Change to:	Code*	Proposed
Front Yard	20'	8'9"
Side yard	3'	1'11"

Staff interpretation of findings of fact in *italics*.

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity.

Staff believes there is a singular disadvantage in this situation. The property is listed as 40' wide on the provided survey (attachment 2) and city plat maps. The vast majority of lots within the area are 50' wide or larger, as such this lot is approximately 20% more narrow than other lots in the vicinity. The applicant states the existing tree drops branches and is the reason the carport was constructed, however most properties in the area contain mature canopy trees and likely experience a similar challenge.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

The owner is and has been able to make reasonable use of the property, the narrower lot does not diminish the owner's ability to use the property.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

The applicant constructed the carport in this location creating the conditions and need for a variance.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance may be contrary to the public interest since the location of the carport is not consistent with setbacks in the general area. There are no other carports located within the front yard setback along Fullerwood Drive. The spirit, intent, and purpose of the zoning district (RS-1) is to apply to neighborhoods designated for single-family dwellings and accessory uses, to create and maintain a low density residential character, the proposed variance is not consistent with the site development criteria of the zoning district used to maintain the character of neighborhood.

STAFF RECOMMENDATION

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 the required front yard and side yard setbacks for a carport within Residential, Single family-one (RS-1) zoning at **68 Fullerwood Drive / PIN 153290-0000**.

Attachments

Attachment 1 – Application & Supporting Information

Attachment 2 – Site Plan

Patrick Doty, AICP, CFM
Senior Development Review Planner
Planning and Building Department



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

FEB 01 2021

Application Fee: \$350.00 (plus advertising costs)

Project Number: 2020-0019 Planning / Building Dept.

Receipt Number: 2042075

Meeting Date: March 3, 2021

Advertising Costs: \$48.60

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: Glen Powers Contact Number: (904) 377-6122

Business (if applicable): _____

Address: 68 Fullerwood Dr. City: St. Augustine State: FL Zip: 32084

E-Mail Address: glenpowers312@gmail.com

2. NAME OF PROPERTY OWNER: Glen Powers Contact Number: (904) 377-6122

Business (if applicable): _____

Address: 68 Fullerwood Dr. City: St. Augustine State: FL Zip: 32084

E-Mail Address: glenpowers312@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 191

Block: 10

Subdivision: Fullerwood Park

Parcel Number: _____

4. PROJECT STREET ADDRESS: 68 Fullerwood Dr.

5. SPECIFIC PROPOSED USE: Carport

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☒ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Setbacks on street side of house

8. JUSTIFICATION FOR ACTION REQUESTED:

The carport is needed due to protect vehicle, the large tree (oak) on city property is located over the carport -

The tree drops branches which causes damage to any car not covered therefore requiring the carport.

Our lot is also one of the smaller lots in this area providing no other area to construct a cover- also long term street park is not permitted and residents are reported on this constantly by neighbors.

04/18/2019

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

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity:

As provided in question #8 our lot is one of the smallest with no area to protect our vehicle - the oak tree is located on city property.

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property:

Yes we can once again due to size of lot to provide carport and no street parking (long term)

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant:

Yes we can - it's due to smaller lot and a tree not placed by us but located on city property

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section:

Yes we can - The carport is in unity with structure of this neighborhood and besides complimenting the house it goes along with other structures around us with

10. PREVIOUS APPLICATIONS: Similar needs.

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

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

11. AGREEMENT:

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

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

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

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

<u>Glen Powers</u>	<u>1.29.21</u>
Signature of Applicant	Date
<u>Glen Powers</u>	<u>1.29.21</u>
Signature of Property Owner	Date



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

[2020 TRIM Notice \(PDF\)](#)

2019 TRIM Notice

[2019 TRIM Notice \(PDF\)](#)

Summary

Parcel ID 1532900000
 Location Address 68 FULLERWOOD DR
 SAINT AUGUSTINE 32084-0000
 Neighborhood Fullerwood Park (702)
 Tax Description* 2-18 FULLERWOOD PARK W 40FT OF LOT 191 BLK 10 OR4823/842
**The Description above is not to be used on legal documents.*
 Property Use Code Single Family (0100)
 Subdivision Fuller Wood Park Addition to St. Augusti
 Sec/Twp/Rng 7-7-30
 District City of St Augustine (District 452)
 Millage Rate 19.4926
 Acreage 0.140
 Homestead N

Owner Information

Owner Name Powers Glen A,Rhonda M 100%
[Powers Rhonda M](#) 100%
 Mailing Address 68 FULLERWOOD DR
 SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$82,880
Extra Features Value	\$0
Total Land Value	\$67,200
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$150,080
Total Deferred	\$0
Assessed Value	\$150,080
Total Exemptions	\$0
Taxable Value	\$150,080

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
2020	\$84,048	\$0	\$67,200	\$0	\$0	\$151,248	\$151,248	\$0	\$151,248
2019	\$76,707	\$0	\$67,200	\$0	\$0	\$143,907	\$141,007	\$2,900	\$141,007
2018	\$77,788	\$0	\$50,400	\$0	\$0	\$128,188	\$128,188	\$0	\$128,188
2017	\$72,545	\$99	\$50,400	\$0	\$0	\$123,044	\$123,044	\$0	\$123,044
2016	\$73,525	\$109	\$50,400	\$0	\$0	\$124,034	\$114,444	\$9,590	\$114,444
2015	\$62,342	\$118	\$41,580	\$0	\$0	\$104,040	\$104,040	\$0	\$104,040
2014	\$59,446	\$128	\$41,580	\$0	\$0	\$101,154	\$101,154	\$0	\$101,154
2013	\$50,578	\$138	\$41,580	\$0	\$0	\$92,296	\$92,296	\$0	\$92,296
2012	\$37,972	\$0	\$41,580	\$0	\$0	\$79,552	\$79,552	\$0	\$79,552
2011	\$40,646	\$0	\$41,580	\$0	\$0	\$82,226	\$82,226	\$0	\$82,226
2010	\$41,334	\$0	\$46,200	\$0	\$0	\$87,534	\$87,534	\$0	\$87,534

Building Information

Building 1
 Actual Area 1240
 Conditioned Area 1010
 Actual Year Built 1925
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Wood
 Roof Structure Gable Hip

Roof Structure Gable Hip
 Roof Cover Metal
 Interior Flooring Pine Wood, Sheet Vinyl
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms 2
 Baths 1

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Sheet Vinyl	20%
Interior Flooring	Pine Wood	80%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	5 Fixtures	100%
Electrical	Average	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
BASE AREA	1010	1010
FINISHED OPEN PORCH	0	33
FINISHED DECK	0	77
FINISHED OPEN PORCH	0	120
Total SqFt	1010	1240

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Residential Fence	0	0	0	0	15

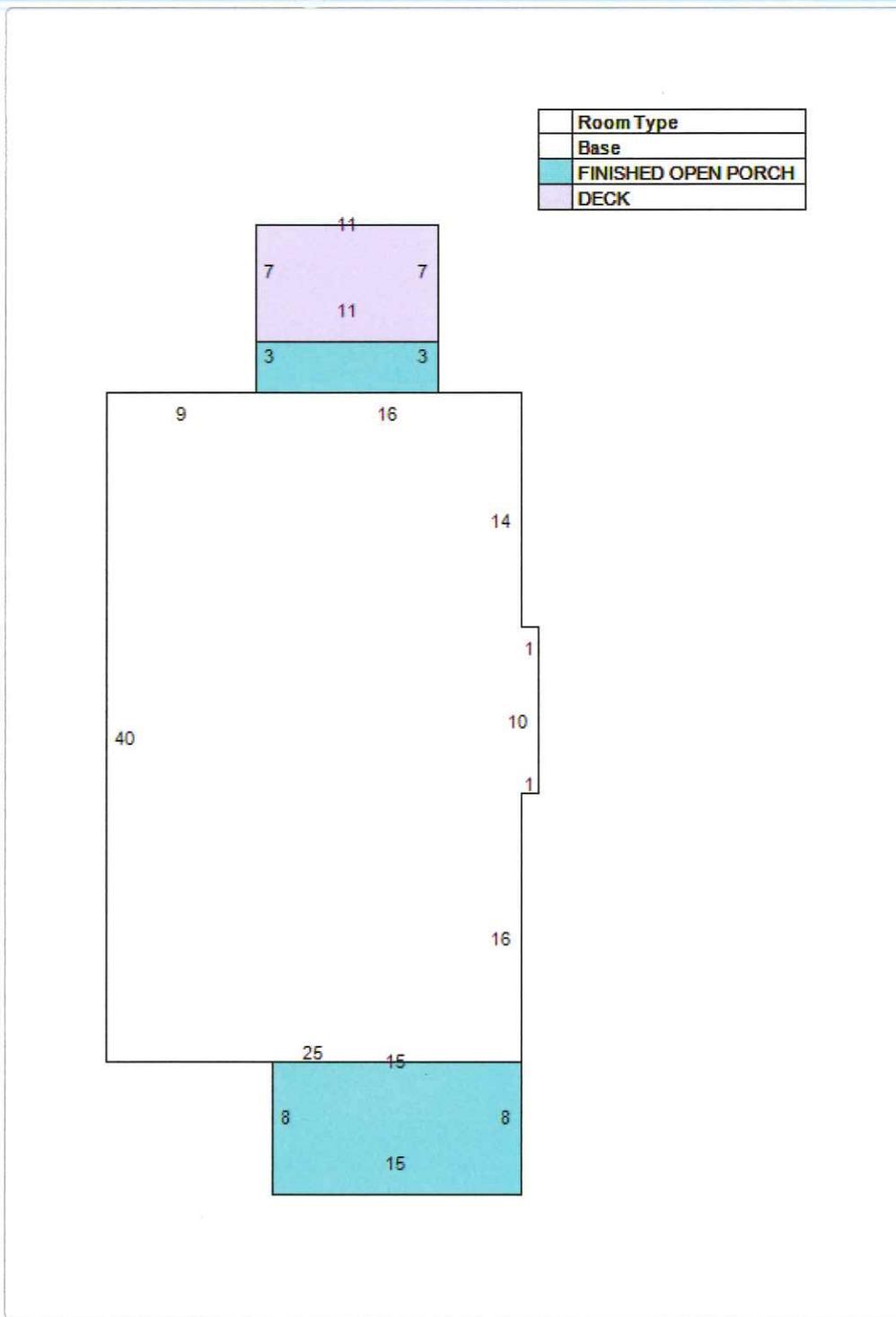
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	40	140	40	EF	\$67,200

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
10/31/2019	10/31/2019	\$179,000.00	WARRANTY DEED	4823	842	Q	I	DELL JOHN E, LAURA P	POWERS GLEN A, RHONDA M
5/7/2012	5/4/2012	\$100,000.00	WARRANTY DEED	3557	1754	Q	I	SHEETS JOYCE ANN	DELL JOHN E, LAURA P
	8/3/1995	\$0.00	FINAL JUDGMENT	1123	755	U	I	BADGER JOYCE & JOHN F	SHEETS JOYCE ANN

Sketch Information



No data available for the following modules: Exemption Information.

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

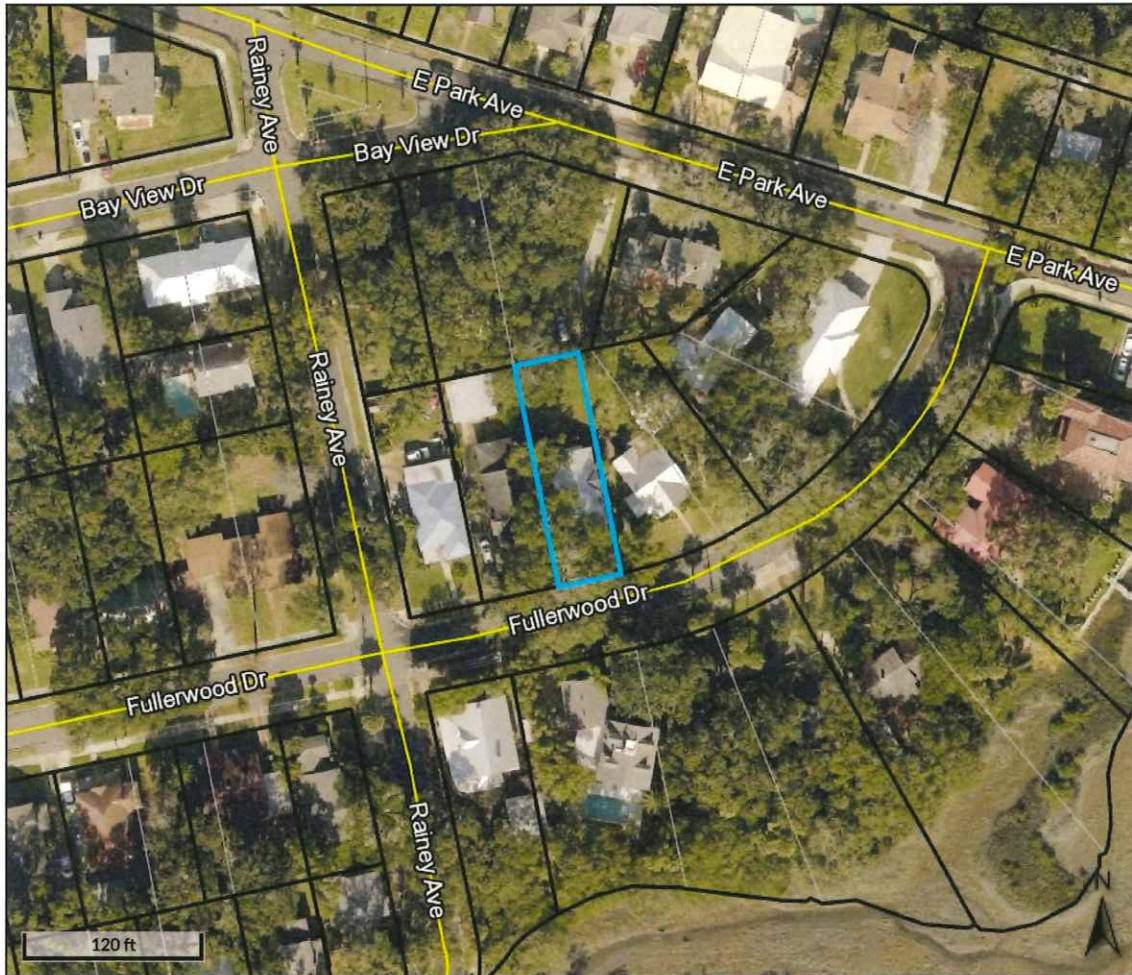
[User Privacy Policy](#)
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Last Data Upload: 2/3/2021, 12:45:24 AM

Developed by



Version 2.3.104



Overview



Legend

□ Parcels

Parcel ID	1532900000	Physical Address	68 FULLERWOOD DR	Building Value	\$82,880	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE POWERS GLEN A,RHONDA M	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	68 FULLERWOOD DR SAINT AUGUSTINE FL 32084-0000	Total Land Value	\$67,200	10/31/2019	\$179000	01	Q
Acres	0.14			Just Value	\$150,080	5/4/2012	\$100000	03	Q
				Total Deferred	N/A				
				Assessed Value	\$150,080				
				Total	N/A				
				Exemptions					
				Taxable Value	\$150,080				

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

Date created: 2/3/2021

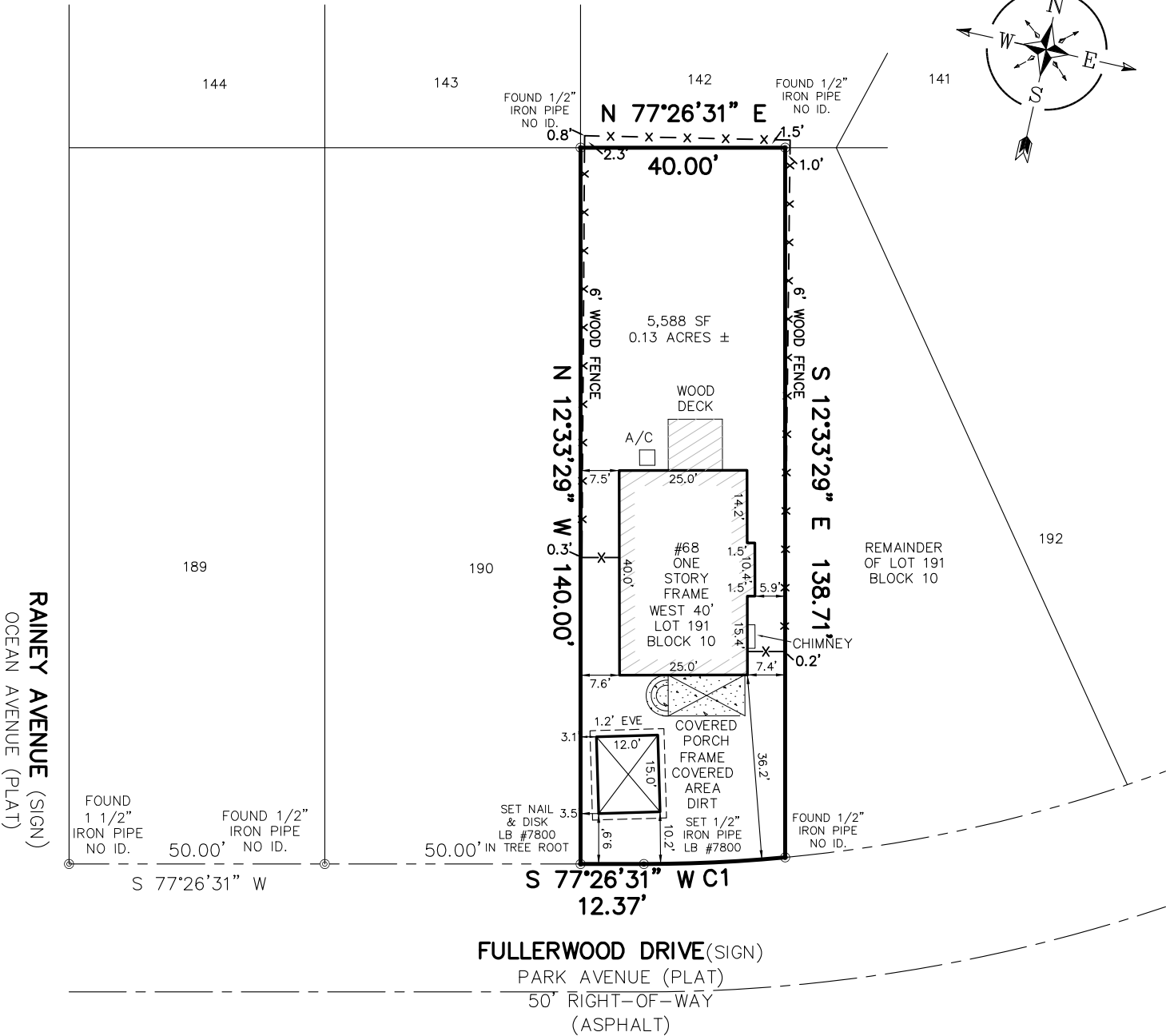
Last Data Uploaded: 2/3/2021 12:45:24 AM

Developed by  Schneider
GEOSPATIAL

MAP SHOWING BOUNDARY SURVEY OF

THE WEST 40 FEET OF LOT 191, BLOCK 10, FULLERWOOD PARK, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE(S) 18, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

CERTIFIED TO:
Glen A Powers, Rhonda M Powers

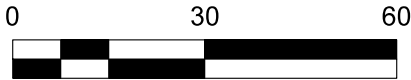


GENERAL NOTES

- THIS SURVEY MAP DOES NOT REFLECT OWNERSHIP.
- UNDERGROUND PORTION OF FOUNDATION/FOOTER NOT LOCATED.
- THERE MAY BE UNDERGROUND UTILITIES NOT SHOWN ON THIS SURVEY.
- UNLESS OTHERWISE NOTED, RECORD AND MEASURED DIMENSIONS AGREE.
- THE RELATIVE LINEAR DISTANCE ACCURACY FOR THIS SURVEY EXCEEDS 1:10,000.
- THIS SURVEY MAP AND/OR SURVEY REPORT AND THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE OF A LICENSED SURVEYOR AND MAPPER AND THE ORIGINAL RAISED SEAL.
- NO TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY HAVE BEEN PROVIDED. IT IS POSSIBLE THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES.
- NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN ON THE FACE THEREOF. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY, WITHOUT EXPRESS WRITTEN CONSENT OF SURVEYOR.

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	296.00'	27.67'	5°21'20"	N 74°45'51" E	27.66'

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

B. H. AND ASSOCIATES

PROFESSIONAL LAND SURVEYORS L.B. #7800

PROFESSIONAL LAND SURVEYORS L.B. #7800 21 Utility Drive Suite 21 B Palm Coast, Florida 32130 PHONE (904) 631-5484 EMAIL ghowatt@palmcoast.net

I HEREBY CERTIFY THAT THIS _____ BOUNDARY SURVEY _____ SURVEY, PERFORMED UNDER MY RESPONSIBLE DIRECTION, MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYORS IN ACCORDANCE WITH CHAPTER 5J-17, FLA. ADMINISTRATIVE CODE (PURSUANT TO SECTION 472.027, FLORIDA STATUTES.)

SURVEYED _____ AUGUST 25, 2020 _____

BEARING DATUM BASED ON _____ ASSUMED S 77°26'31" W NORTHERLY RIGHT-OF-WAY _____

FIELD BOOK NO.: DATA, PAGE(S) COLLECTED LEGAL: IN FILE WORK ORDER NO.:
COMPUTER FILE NAME: 080420 #68 FULLERWOOD .DWG SCALE: 1" = 30' FILE NO.: 080420

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: March 2, 2021

RE: **VARIANCE #2021-0022**

AGENDA ITEM 4(b)

APPLICANT & OWNER Sander Kaplan

LOCATION 19 Joiner St / PIN 194640-0000

REQUEST To approve a variance for reduced side and rear yard setback for a guest house within Residential, Single family-one (RS-1) zoning district.

ZONING Residential, Single-family-one (RS-1)

LAND USE Residential Low Density

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, **the Board shall not consider prospective financial loss or gain to the owner or applicant**, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Se. 28-2. – Definitions

Guest house means an attached or detached structure intended to be used by a guest for sleeping and sanitation purposes but not for cooking. A guest house is not a dwelling unit and is a maximum of five hundred (500) total square feet of gross floor area.

Sec. 28-119. – Nonconforming lots of record.

Notwithstanding limitations imposed by the provisions of this chapter, any single lot or lots of record which were so recorded on or before the effective date of adoption of this chapter [April 29, 1975] may be used in accordance with the following:

(6) The above uses are also subject to the following:

- a. No side yard shall be less than ten (10) percent of the width of the lot, provided such side yard is not less than four (4) feet.

Sec. 28-161. - Residential, single-family-one: RS-1

(6) *Minimum yard requirements.* All permitted or permissible uses and structures:

- a. Front, twenty (20) feet.
- b. Side, fifteen (10) feet.
- c. Rear, twenty (20) feet.

Sec. 28-348. - Accessory uses and structures.

Accessory uses and structures are permitted in all districts provided such uses and structures are of a nature customarily incidental and clearly subordinate to a permitted or permissible principal use or structure and, unless otherwise provided, are located on the same lot (or contiguous lot in the same ownership) as such principal use. Where a building or portion thereof is attached to a building or structure containing such principal use, such building or portion shall be considered as a part of a principal building and not an accessory building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located and shall be subject to the following:

- (1) Accessory uses and structures shall not be located in required front or side yards, or within three (3) feet of rear property lines, in any residential district except as follows:
 - b. Accessory structures for residential purposes such as guesthouses shall not be located in any required yard.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to the side and rear yard setback to allow for a guest house to be constructed above an existing oncoming garage on site. Please reference the site plan, attachment 2, for the location of the carport and the overall site. In summary, this request is to allow for the construction of a guest house, as defined above, above the existing garage structure on site. The applicant will construct the eaves to the setbacks requested below.

In particular, the applicant is proposing the following:

Requested Change to:	Code*	Proposed
Side Yard	6’*	1’ 1”
Rear yard	20’	1’ 2”

* - LDC Sec. 28-119 (6) – Side yard setback is 10% of lot width on nonconforming lots.

Staff interpretation of findings of fact in *italics*.

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity.

Staff believes there is no singular disadvantage with this property. The lots size, shape and configuration are similar to other lots in the vicinity. The smaller, nonconforming lots are all share similar disadvantages.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

The owner is and has been able to make reasonable use of the property as the site has been developed with a single family home and garage. The applicant states the existing home is too small for their needs and this cottage will provide additional space for his family to occupy.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

The applicant is proposing living space within the required rear and side yard setbacks resulting in the conditions for this variance request.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance would not likely be contrary to the public interest since the location of the garage has been established along with the nonconforming nature of structures in the vicinity. The spirit, intent, and purpose of the zoning district (RS-1) is to apply to neighborhoods designated for single-family dwellings and accessory uses, to create and maintain a low density residential character, this proposed variance may meet the spirit and intent of the code as well as the existing character of buildings in the area.

STAFF RECOMMENDATION

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 reduce the side and rear yard setbacks for a guest house within Residential, Single family-one (RS-1) zoning at **19 Joiner St / PIN 194640-0000**.

Attachments

Attachment 1 – Application & Supporting Information

Attachment 2 – Site Plan

Patrick Doty, AICP, CFM
Senior Development Review Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

FEB 01 2021

Application Fee: \$350 (plus advertising costs) Project Number: Planning / Building Dept
 Receipt Number: 2045417 Meeting Date: March 3, 2021
 Advertising Costs: \$ 52.65 Paid On: 2/22/22 Receipt Number: 2057208

1. NAME OF APPLICANT: Sander Kaplan Contact Number: 352-278-5799
 Business (if applicable): _____
 Address: 6916 W University Ave City: Gainesville State: FL Zip: 32607
 E-Mail Address: bksfac@bellsouth.net
2. NAME OF PROPERTY OWNER: Same as above Contact Number: _____
 Business (if applicable): _____
 Address: _____ City: _____ State: _____ Zip: _____
 E-Mail Address: _____
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: _____ Block: _____
 Subdivision: _____ Parcel Number: 194640 0000
4. PROJECT STREET ADDRESS: 19 Joiner St St. Augustine, FL 32084
5. SPECIFIC PROPOSED USE: Existing 1st floor garage, proposed 2nd fl guest cottage
6. ACTION REQUESTED:

☐ Conservation Zone Development	☐ Appeal of Staff Determination
☐ Exception	☐ Land Use Plan Amendment
☒ Variance	☐ Rezoning
☐ Other: _____	
7. DESCRIPTION OF ACTION REQUESTED: keeping 1st floor garage and new guest cottage above existing garage

8. JUSTIFICATION FOR ACTION REQUESTED: wanted to convert 1st floor garage to cottage suite. However it is below FEMA flood level so to achieve more habitable living space we are proposing to construct a second floor to provide us with more living space because our existing home built in the 1800's only provides 2 bedrooms

04/18/2019

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

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: The property is a non conforming site built in the 1800's. Not adding lot coverage, just building on top of an existing structure.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: 1800 structure, it is small and we are trying to provide more spaces for our daughters to live while attending Flagler college
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: This is an existing structure. see explanation in (a) above
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: Yes, attached is a letter from my immediate neighbor to the east,

10. PREVIOUS APPLICATIONS:

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

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

11. AGREEMENT:

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

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

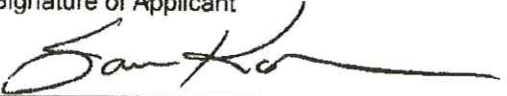
Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

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


Signature of Applicant

2-5-2021

Date


Signature of Property Owner

2-5-2021

Date

04/18/2019



**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 Chapter 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.

Sander Kaplan

Print name of applicant



Signature of applicant

1/18/2021

Date



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

[2020 TRIM Notice \(PDF\)](#)

2019 TRIM Notice

[2019 TRIM Notice \(PDF\)](#)

Summary

Parcel ID	1946400000
Location Address	19 JOINER ST SAINT AUGUSTINE 32084-0000
Neighborhood	Abbott Tract (606)
Tax Description*	ABBOTT TRACT CITY E12FT OF N 1/2 OF LOT 3 & ALL LOT 4 BLK B OR4951/1745 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Abbott Tract
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.120
Homestead	Y

Owner Information

Owner Name	Kaplan Bella Cherie Et AL 100% Kaplan Sander K Lynne G 100% Kaplan Lynne G 100%
Mailing Address	19 JOINER ST SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$162,592
Extra Features Value	\$0
Total Land Value	\$216,070
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$378,662
Total Deferred	\$0
Assessed Value	\$378,662
Total Exemptions	\$50,000
Taxable Value	\$328,662

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
2020	\$172,926	\$0	\$216,070	\$0	\$0	\$388,996	\$225,213	\$214,783	\$174,213
2019	\$161,135	\$0	\$216,070	\$0	\$0	\$377,205	\$220,150	\$208,055	\$169,150
2018	\$163,405	\$0	\$216,070	\$0	\$0	\$379,475	\$216,045	\$214,430	\$165,045
2017	\$80,037	\$948	\$172,856	\$0	\$0	\$253,841	\$160,877	\$143,964	\$109,877
2016	\$155,211	\$1,044	\$157,604	\$0	\$0	\$313,859	\$217,255	\$147,604	\$166,255
2015	\$131,592	\$1,140	\$125,829	\$0	\$0	\$258,561	\$215,745	\$93,816	\$164,745
2014	\$114,811	\$1,236	\$114,390	\$0	\$0	\$230,437	\$214,033	\$67,404	\$163,033
2013	\$111,311	\$1,332	\$114,390	\$0	\$0	\$227,033	\$210,870	\$67,163	\$159,870
2012	\$103,566	\$828	\$102,951	\$0	\$0	\$207,345	\$207,345	\$51,000	\$156,345
2011	\$104,966	\$828	\$114,390	\$0	\$0	\$220,184	\$219,764	\$51,420	\$168,764
2010	\$101,298	\$828	\$114,390	\$0	\$0	\$216,516	\$216,516	\$51,000	\$165,516

Exemption Information

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

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	1893	Roof Cover	Metal
Conditioned Area	1463	Interior Flooring	Hardwood
Actual Year Built	1880	Interior Wall	Plaster
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	2
Exterior Wall	Wood	Baths	2.5
Roof Structure	Gable Hip		

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Plaster	100%
Interior Flooring	Hardwood	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	10 Fixtures	100%
Electrical	Average	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
FINISHED DECK	0	80
UNFINISHED GARAGE	0	480
BASE AREA	432	432
1.5 STORY	780	520
BASE AREA	51	51
FRAME ADDITION	200	200
FINISHED OPEN PORCH	0	10
FINISHED OPEN PORCH	0	120
Total SqFt	1463	1893

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Residential Fence	0	0	0	0	120
Residential Fence	0	0	0	0	146

Land Information

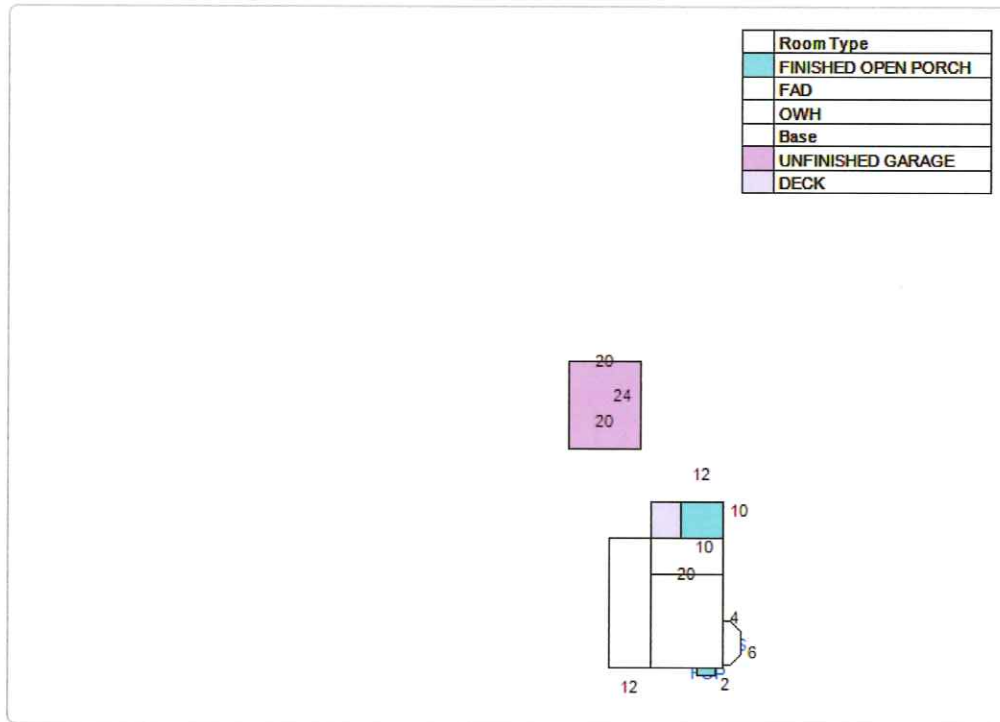
Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	62	80	62	EF	\$216,070

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
5/29/2020	5/29/2020	\$294,000.00	WARRANTY DEED	4951	1745	Q	I	ROTH JOAN K TRUST & ROTH KRISTINA LAUREN TRUST	KAPLAN SANDER K,LYNNE G
12/14/2010	12/8/2010	\$100.00	TRUSTEES DEED	3386	1678	U	I	ROTH JOAN K & AS GRDN OF ROTH KRISTINA LAUREN	ROTH JOAN K TRUST & ROTH KRISTINA LAUREN TRUST
	10/27/2009	\$283,800.00	WARRANTY DEED	3253	691	Q	I	TRICAT LLLP	ROTH JOAN K ETAL

11/24/2008	\$100.00	WARRANTY DEED	3142 1947	U	I	MERRITT TERESA R	TRICAT LLLP
12/27/2002	\$100.00	WARRANTY DEED	1872 669	U	I	MERRITT JAMES T & PATRICIA A TRUSTEES	MERRITT TERESA R
12/23/2002	\$100.00	WARRANTY DEED	1869 223	U	I	MERRITT JAMES T & PATRICIA A	MERRITT JAMES T & PATRICIA A TRUSTEES
9/21/2001	\$143,000.00	WARRANTY DEED	1655 1135	Q	I	LIEGEROT FLORENTINE P	MERRITT JAMES T & PATRICIA A
1/23/1992	\$57,000.00	WARRANTY DEED	922 1279	Q	I	CARUSO JAMES AMADEO ETAL	LIEGEROT FLORENTINE P
6/1/1991	\$0.00		899 430	U	I		CARUSO JAMES AMADEO ETAL

Sketch Information



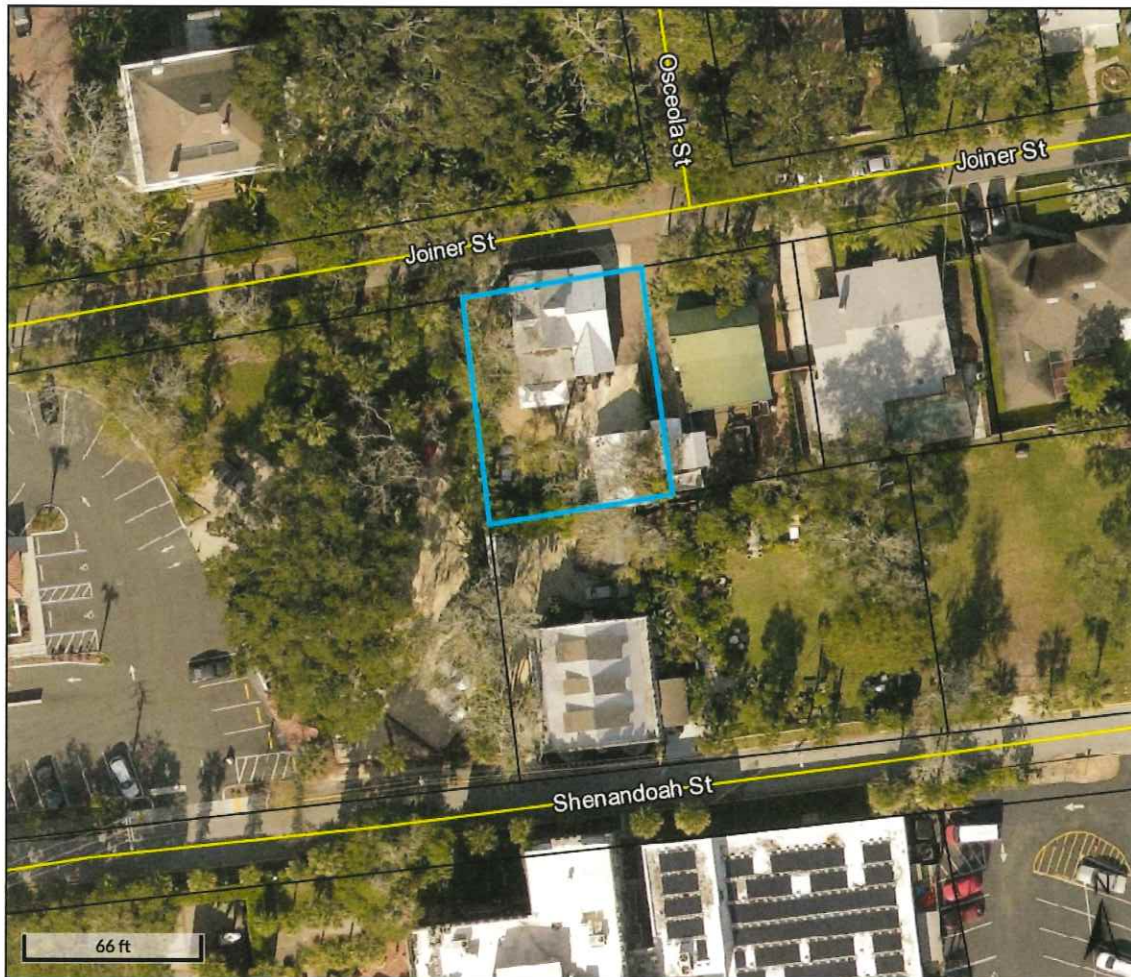
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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Last Data Upload: 2/5/2021, 12:39:49 AM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.105



Overview



Legend

□ Parcels

Parcel ID	1946400000	Physical Address	19 JOINER ST SAINT AUGUSTINE	Building Value	\$162,592	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	KAPLAN BELLA CHERIE ET AL	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	19 JOINER ST SAINT AUGUSTINE FL 32084-0000	Total Land Value	\$216,070	5/29/2020	\$294000	01	Q
Acres	0.12			Just Value	\$378,662	10/27/2009	\$283800	01	Q
				Total Deferred	N/A				
				Assessed Value	\$378,662				
				Total	\$50,000				
				Exemptions					
				Taxable Value	\$328,662				

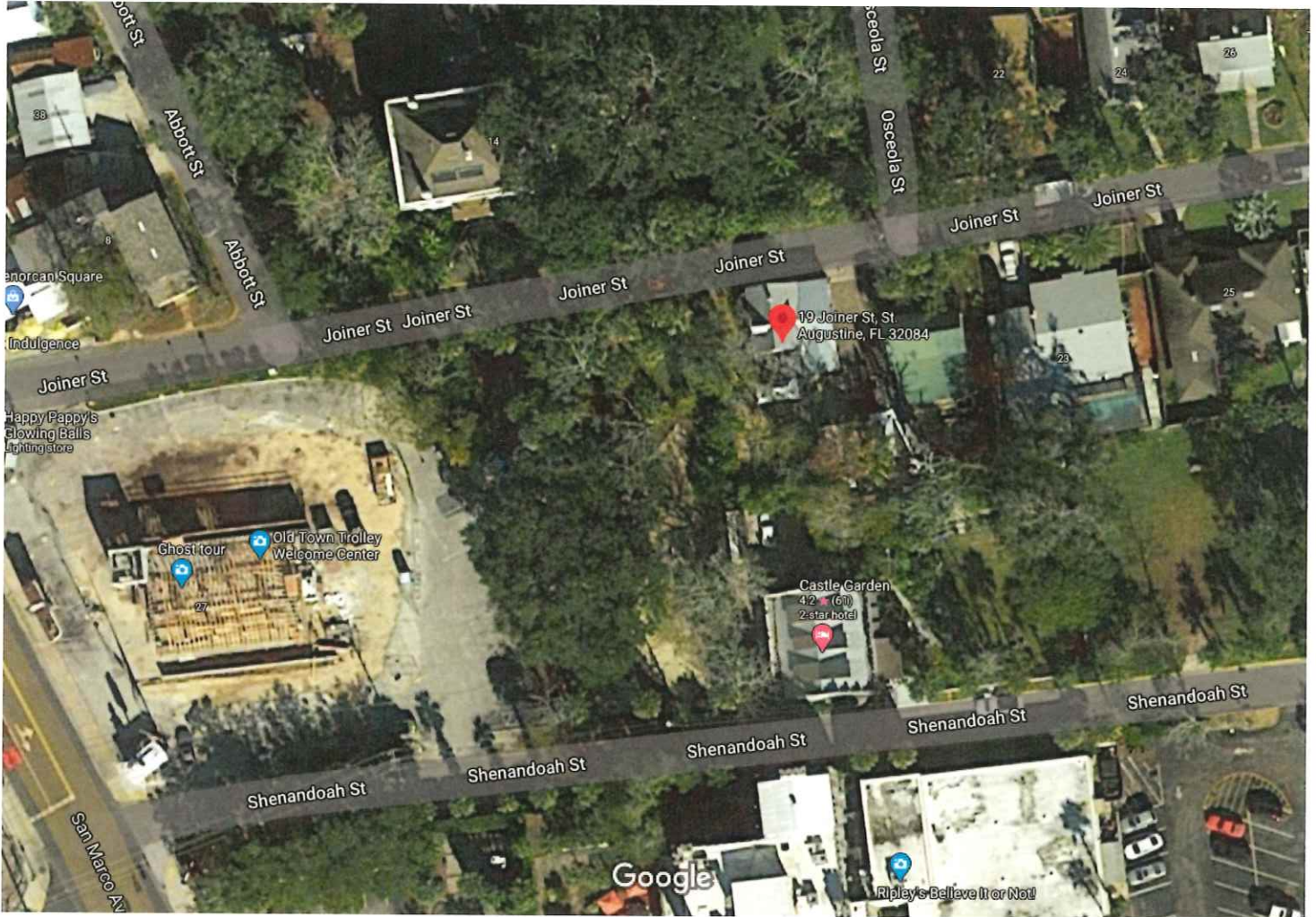
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Date created: 2/5/2021

Last Data Uploaded: 2/5/2021 12:39:49 AM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 19 Joiner St



Map data ©2021, Map data ©2021 20 ft



19 Joiner St

St. Augustine, FL 32084
Building



Directions



Save



Nearby



Send to your
phone



Share

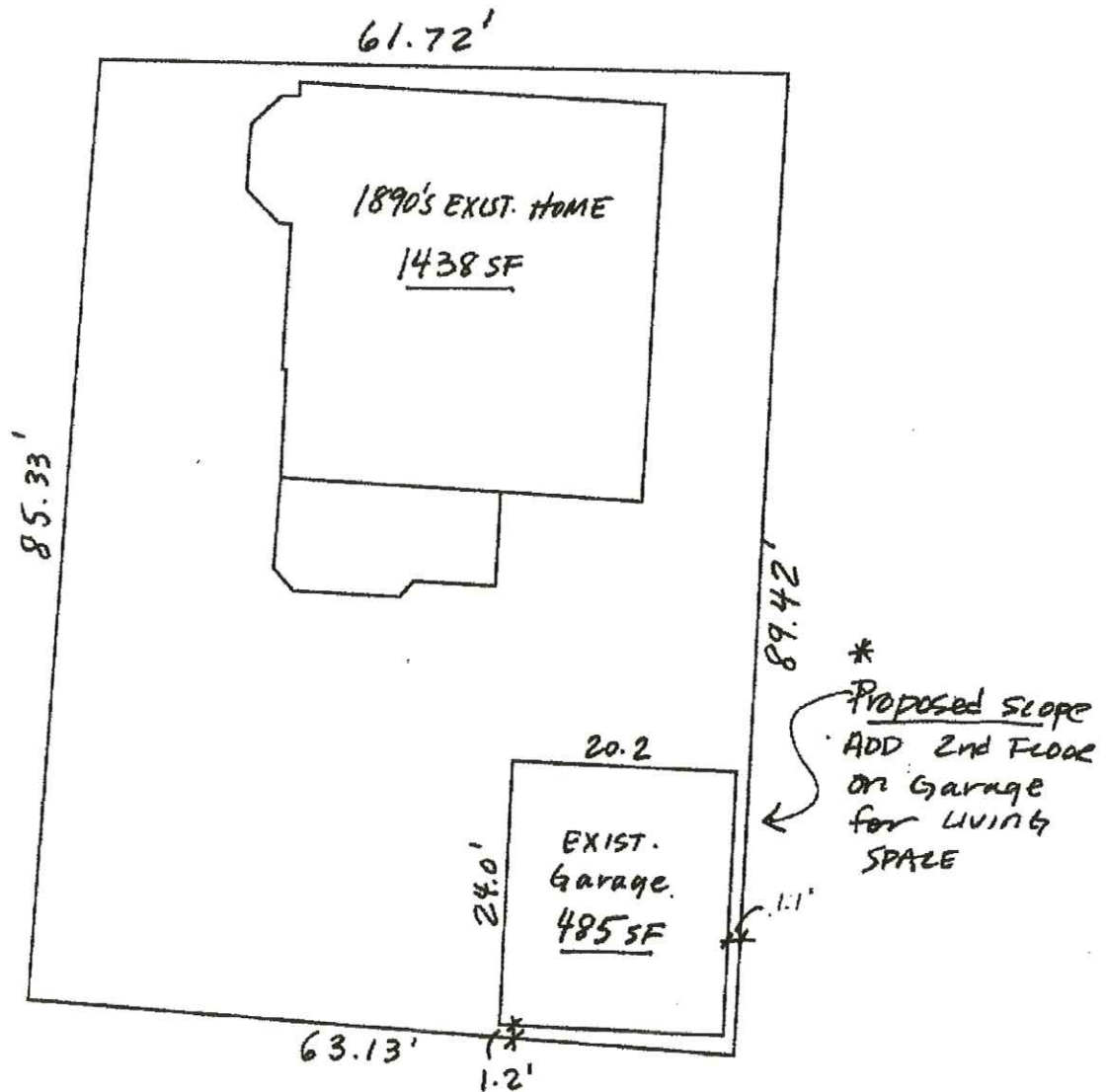
RS-1 non conforming

SITE : 5574 SF

EXISTING LOT COVERAGE = 34.5%
(NO CHANGE)



Joiner Street



19 Joiner. SITE PLAN

Sander + Lynn Kaplan 1/16" scale

Page 38 of 236

bkfac@bellsouth.net

From: Steven Hess <stevenphess@icloud.com>
Sent: Tuesday, February 2, 2021 11:49 AM
To: bkfac@bellsouth.net
Subject: Build-out at 19 Joiner St

Sander, this is Steven Hess the owner of the adjacent home at 21 Joiner St. As discussed we would have no issue with you added living space over your existing garage at 19 Joiner.

Also should you need access during the renovation please let us know and we should be able to accommodate you.

It's been a pleasure having you as neighbors and good luck with the renovation.

Sent from my iPad

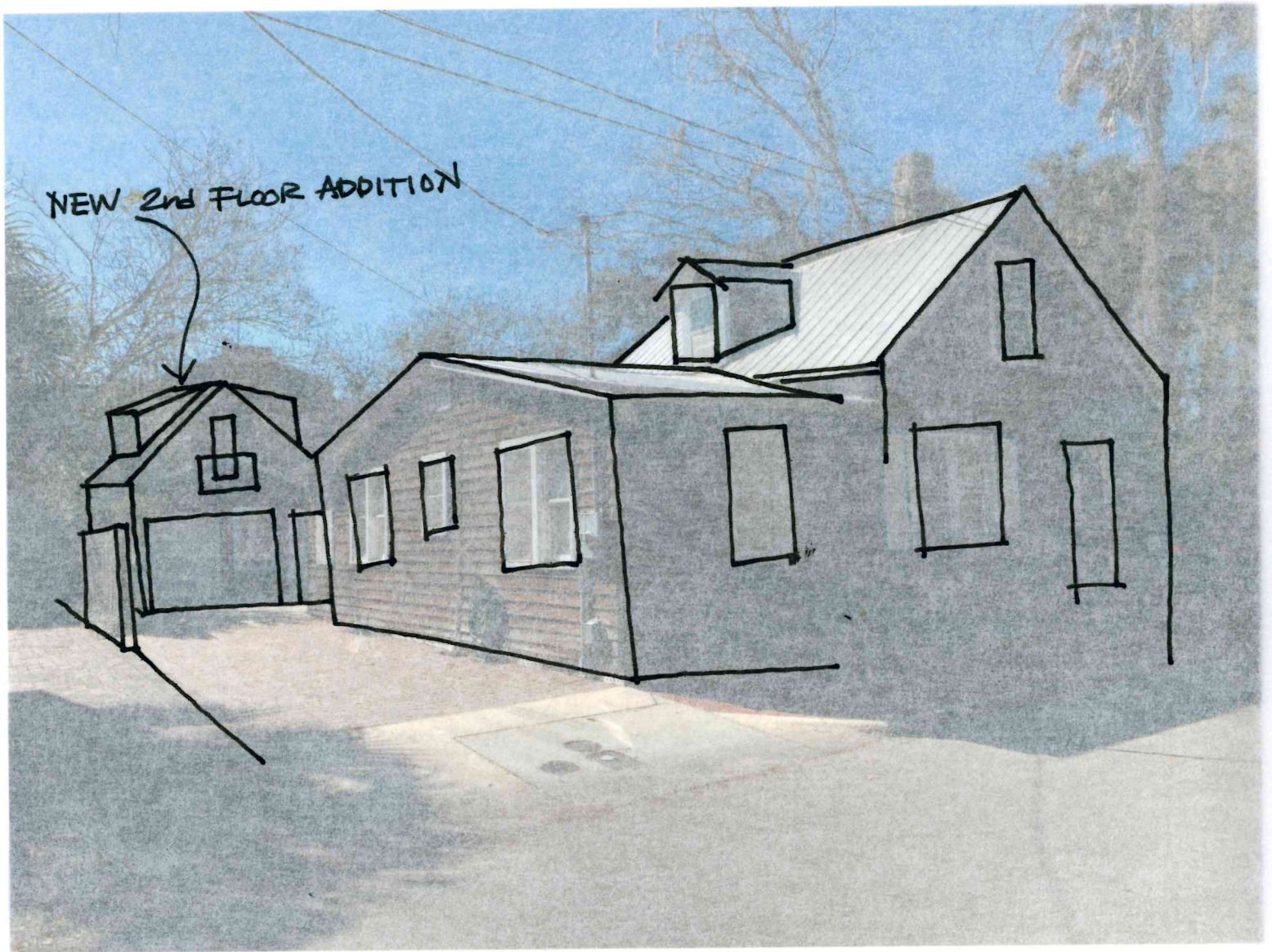
A handwritten signature in black ink that reads "Steven Hess". The signature is written in a cursive, slightly stylized font.



19 Joiner · EXISTING

Saunders + Lynn Kaplan

2.17.21



19 Joiner Concept
Sander+Lynn Kaplan
2.17.21

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: March 2, 2021

RE: **VARIANCE #2021-0023**

AGENDA ITEM 4(c)

APPLICANT & OWNER Alexander & Faith Corley

LOCATION 195 Cabeza St / PIN 218780-0010

REQUEST To approve a variance to the maximum fence height within Residential, Single family-two (RS-2) zoning.

ZONING Residential, Single-family-two (RS-2)

LAND USE Residential Low Density

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, **the Board shall not consider prospective financial loss or gain to the owner or applicant**, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-2. – Definitions

Yard, front, means a required yard extending between side lot lines across the front of a lot adjoining a public or private street. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the building inspector may waive the requirement for the normal front yard and substitute therefor a special yard requirement, which shall not exceed the average of the yards provided on adjacent lots. In the case of corner lots, a front yard of the required depth shall be provided on one (1) frontage and a front yard half the required depth shall be provided on the other. Depth of a required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such roundings. Front and rear yard lines shall be parallel. Where lots in residential districts comprising forty (40) percent or more of the frontage on one (1) side of a street between intersecting streets are developed with structures having an average front yard with a variation of not more than six (6) feet, no building thereafter erected shall project beyond the average line so established. This provision applies in all residential districts.

Sec. 28-161. - Residential, single-family-one: RS-2

(6) *Minimum yard requirements.* All permitted or permissible uses and structures:

- a. Front, ten (10) feet.
- b. Side, fifteen (15) feet.
- c. Rear, ten (10) feet.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to the maximum fence height of four (4') within the primary front yard setback. The request specifically requests a fence six (6') feet in height. Please reference the site plan, attachment 2, for the location of the proposed fence and the overall site. In summary, this request is to allow a fence over 4' in height in the required front yard setback along Cabeza Street.

An ordinance was presented to the Planning and Zoning Board addressing changes to the fence code, those changes have not been adopted or codified at this time.

In particular, the applicant is proposing the following:

Requested Change to: Maximum Fence Height	Code*	Proposed
Front Yard	4'	6'
2 nd Front Yard	Up to 8'	6'

Staff interpretation of findings of fact in *italics*.

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity.

Staff believes there is a singular disadvantage in this situation. The property is a unique configuration as shown on the provided survey (attachment 2). The majority of lots in the area do have more rectangular shapes that allow a more uniform application of the fence code.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

The owner is able to construct a fence on their property, however, due to the unique shape and set back requirements, the fence would not be 6' in height along the Cabeza Street frontage. There is a single family home on site, which is reasonable use for this district.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

The configuration of the lot precedes the applicants request and results in the disadvantage.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance may or may not be contrary to the public interest since the location and height of proposed fence will exceed code requirements, however the lot is a unique shape that results in practical difficulties for applying the City fence code requirements and the proposed variance would only allow for the construction of a 6' tall fence around the property.

STAFF RECOMMENDATION

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 the maximum fence height within Residential, Single family-two (RS-2) zoning at **195 Cabeza St / PIN 218780-0010**.

Attachments

Attachment 1 – Application & Supporting Information

Attachment 2 – Site Plan

Patrick Doty, AICP, CFM
Senior Development Review Planner
Planning and Building Department



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350 (plus advertising costs) Project Number: 2021-0023
 Receipt Number: 2045584 Meeting Date: March 2, 2021
 Advertising Costs: \$ 93.15 Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Alexander & Faith Corley Contact Number: (843) 452-2593 ; (904) 377-0960
 Business (if applicable): _____
 Address: 195 Cabeza St. City: St. Augustine State: FL Zip: 32080
 E-Mail Address: faith.a.corley@gmail.com ; alexander.corley21@yahoo.com
2. NAME OF PROPERTY OWNER: Alexander & Faith Corley Contact Number: (843) 452-2593 ; (904) 377-0960
 Business (if applicable): _____
 Address: 195 Cabeza St. City: St. Augustine State: FL Zip: 32080
 E-Mail Address: faith.a.corley@gmail.com ; alexander.corley21@yahoo.com
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 1 Block: _____
 Subdivision: Raines Parcel Number: _____
4. PROJECT STREET ADDRESS: 195 Cabeza Street, St. Augustine, FL 32080
5. SPECIFIC PROPOSED USE: residential
6. ACTION REQUESTED:

☐ Conservation Zone Development	☐ Appeal of Staff Determination
☐ Exception	☐ Land Use Plan Amendment
☒ Variance	☐ Rezoning
☐ Other: _____	
7. DESCRIPTION OF ACTION REQUESTED: We are requesting to install a 6ft. semi-private fence around our property, instead of 6ft. for most of it and 4ft for a portion.
8. JUSTIFICATION FOR ACTION REQUESTED: Due to the nature of our lot - the odd triangle shape with roads on both sides, we want to be able to fence in as much of the yard as possible in order to have a safe place for our 3 young children to play.

RECEIVED

FEB 05 2021

Planning/Building Dept.

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

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: Yes. Our property is in the shape of a triangle that is mostly surrounded by roads.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: Yes. The majority of our yard where ~~our~~ children could play is along the front and sides of the property.
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: Yes.
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: Yes. We are even opting for a semi-private fence instead of a full privacy fence. We just want it higher than 4ft to keep our children safe.

10. PREVIOUS APPPLICATIONS:

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

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

11. AGREEMENT:

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

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

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

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

  2/5/2021
Signature of Applicant Date

  2/5/2021
Signature of Property Owner 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 Chapter 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.

Faith Corley

Print name of applicant

Faith Corley

Signature of applicant

2/5/2021

Date



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

[2020 TRIM Notice \(PDF\)](#)

2019 TRIM Notice

[2019 TRIM Notice \(PDF\)](#)

Summary

Parcel ID	2187800010
Location Address	195 CABEZA ST SAINT AUGUSTINE 32080-0000
Neighborhood	Raines Subdivision (590.2)
Tax Description*	57/82-83 RAINES SUBDIVISION LOT 1 OR 5159/377 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Raines Subdivision
Sec/Twp/Rng	21-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.150
Homestead	Y

Owner Information

Owner Name	Corley Alexander R, Faith Ann 100% Corley Faith Ann 100%
Mailing Address	195 CABEZA ST SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2021
Building Value	\$164,288
Extra Features Value	\$0
Total Land Value	\$80,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$244,288
Total Deferred	\$0
Assessed Value	\$244,288
Total Exemptions	\$50,000
Taxable Value	\$194,288

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
2020	\$165,982	\$0	\$80,000	\$0	\$0	\$245,982	\$244,167	\$51,815	\$194,167
2019	\$158,235	\$0	\$80,000	\$0	\$0	\$238,235	\$238,235	\$50,000	\$188,235
2018	\$159,833	\$0	\$79,750	\$0	\$0	\$239,583	\$239,583	\$50,000	\$189,583
2017	\$0	\$0	\$72,500	\$0	\$0	\$72,500	\$52,180	\$20,320	\$52,180
2016	\$0	\$0	\$72,500	\$0	\$0	\$72,500	\$47,436	\$25,064	\$47,436
2015	\$0	\$0	\$55,800	\$0	\$0	\$55,800	\$43,124	\$12,676	\$43,124
2014	\$0	\$0	\$46,500	\$0	\$0	\$46,500	\$39,204	\$7,296	\$39,204
2013	\$0	\$0	\$37,250	\$0	\$0	\$37,250	\$35,640	\$1,610	\$35,640
2012	\$0	\$0	\$32,400	\$0	\$0	\$32,400	\$32,400	\$0	\$32,400
2011	\$0	\$0	\$36,000	\$0	\$0	\$36,000	\$36,000	\$0	\$36,000
2010	\$0	\$0	\$40,000	\$0	\$0	\$40,000	\$40,000	\$0	\$40,000

Exemption Information

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

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2368	Roof Cover	Composite Shingle
Conditioned Area	2128	Interior Flooring	Carpet, Ceramic Tile
Actual Year Built	2017	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	3
Exterior Wall	Aluminum Vinyl	Baths	2.5
Roof Structure	Gable Hip		

Category	Type	Pct
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%
Frame	Wood Frame	100%
Exterior Wall	Aluminum Vinyl	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Flooring	Carpet	70%
Interior Flooring	Ceramic Tile	30%
Interior Walls	Drywall	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Electrical	Good	100%
Plumbing	12 Fixtures	100%
Wind	2 Story Frame	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	1172	1172
FINISHED UPPER STORY	956	956
FINISHED OPEN PORCH	0	32
FINISHED OPEN PORCH	0	104
FINISHED OPEN PORCH	0	104
Total SqFt	2128	2368

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	0	0	1	UT	\$80,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
1/22/2021	1/21/2021	\$395,000.00	WARRANTY DEED	5159	377	Q	I	ACEVEDO ANGEL W,CARRION SHANNON D (HUSB & WIFE)	CORLEY ALEXANDER R,FAITH ANN
9/21/2009	9/15/2009	\$65,000.00	WARRANTY DEED	3241	1070	Q	V	MOORE JANICE I	ACEVEDO ANGEL W,CARRION SHANNON D (HUSB & WIFE)
	6/15/2006	\$115,000.00	WARRANTY DEED	2727	653	Q	V	GRAY TERESA JEAN RAINES	MOORE JANICE I
	5/20/2006	\$100.00	WARRANTY DEED	2709	449	U	V	GUFFEY VICTORIA ANN & RAINES JEAN	GRAY TERESA JEAN RAINES
	2/17/2006	\$100.00	QUIT CLAIM DEED	2655	1603	U	I	GUFFEY MARY M,RAINES JEAN,GUFFEY VICTORIA ANN	RAINES JEAN & GUFFEY VICTORIA ANN (T/C)
	4/21/2004	\$100.00	WARRANTY DEED	2185	997	U	V	GUFFEY MARY M	RAINES JEAN
	9/9/2003	\$100.00	WARRANTY DEED	2044	1721	U	V	BENESKO GARY GEORGE,VIRGINIA MAY	GUFFEY MARY M

Sketch Information



No data available for the following modules: Extra Feature Information.

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

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Developed by
 **Schneider**
GEOSPATIAL

[Version 2.3.105](#)



Overview



Legend

□ Parcels

Parcel ID	2187800010	Physical Address	195 CABEZA ST	Building Value	\$164,288	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE CORLEY ALEXANDER	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	R, FAITH ANN	Total Land Value	\$80,000	1/21/2021	\$395,000	01	Q
Acres	0.15		195 CABEZA ST	Just Value	\$244,288	9/15/2009	\$65,000	01	Q
			SAINT AUGUSTINE FL 32080-0000	Total Deferred	N/A				
				Assessed Value	\$244,288				
				Total	\$50,000				
				Exemptions					
				Taxable Value	\$194,288				

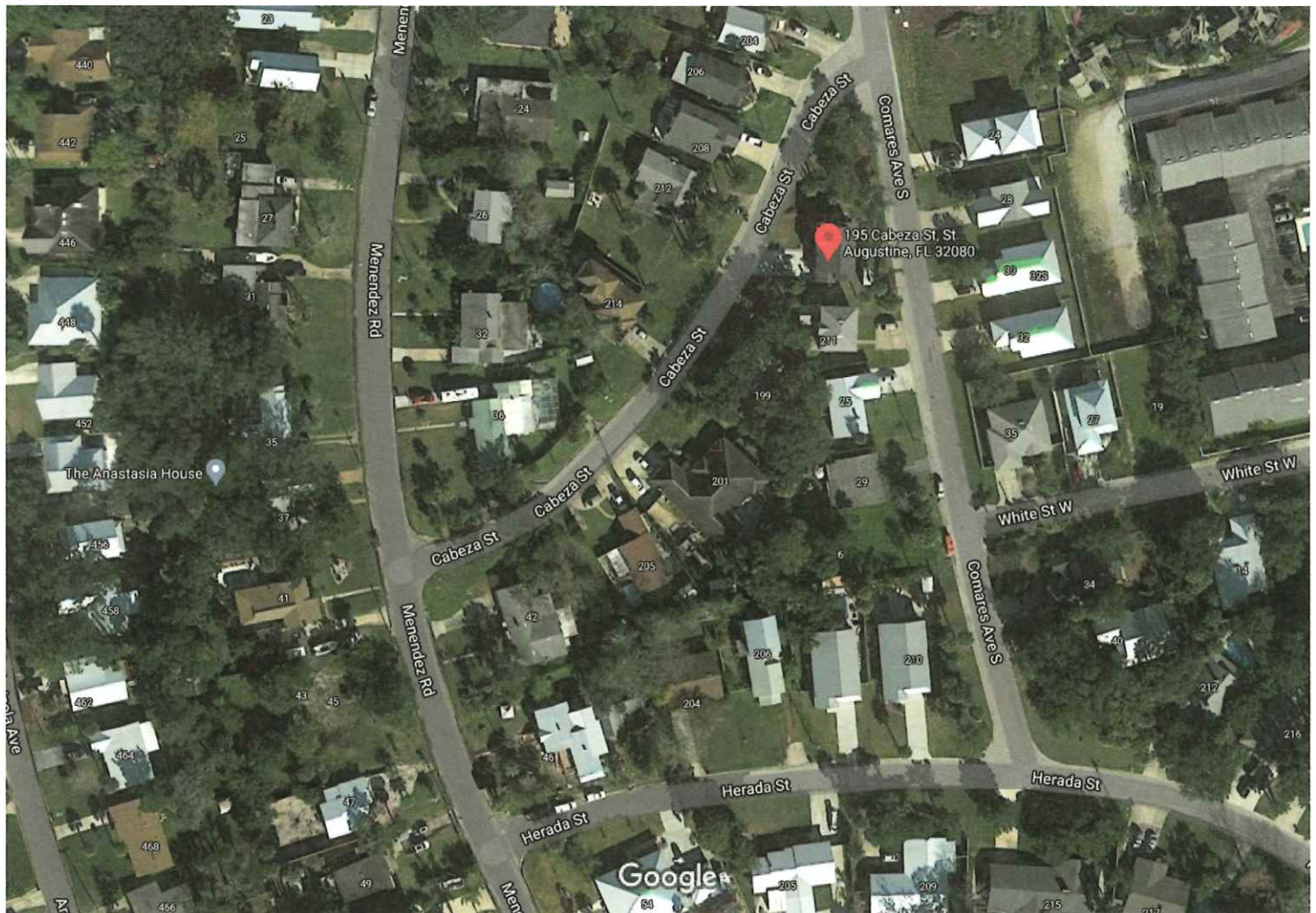
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Date created: 2/5/2021

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Developed by  **Schneider**
GEOSPATIAL

Google Maps 195 Cabeza St



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 50 ft

**195 Cabeza St**

St. Augustine, FL 32080

Building



Directions



Save

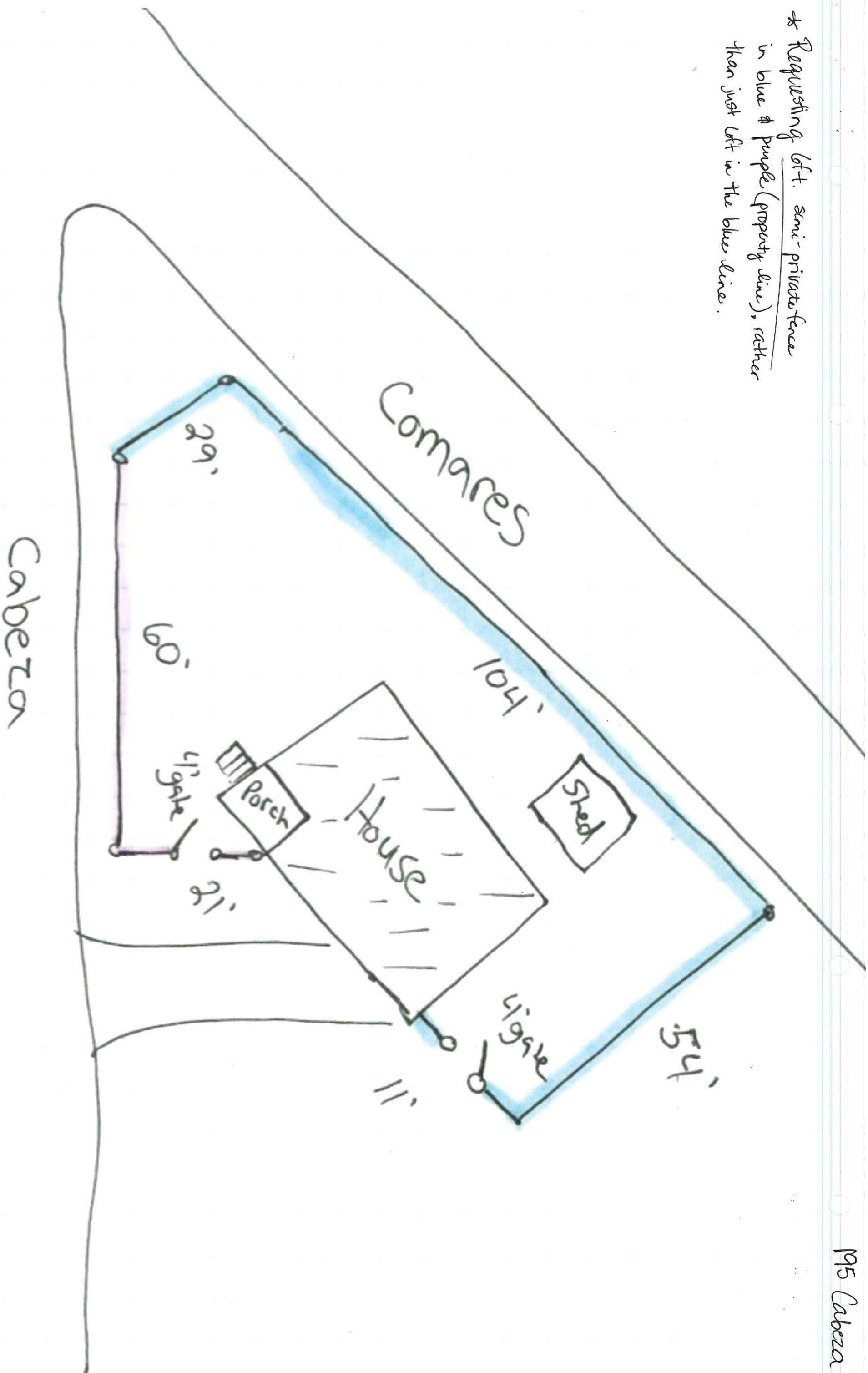


Nearby

Send to your
phone

Share

* Requesting left. semi-private fence
in blue ~~at~~ purple (property line), rather
than just left in the blue line.



LOT 1, RAINES SUBDIVISION, AS RECORDED IN MAP BOOK 57, PAGES 82 AND 83
OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.



R/W = RIGHT OF WAY
LB = LICENSED BUSINESS
(R) = RECORD
(M) = MEASURED
A = CENTRAL ANGLE
R = RADIUS
L = ARC LENGTH
CH = CHORD LENGTH
CB = CHORD BEARING
PRC = POINT OF REVERSE CURVATURE
PP = POWER POLE
OHW = OVERHEAD WIRE(S)
GWA = GUY WIRE ANCHOR
WV = WATER VALVE
WB = WATER BOX
MM = WATER METER
A/C = AIR CONDITIONER
EM = ELECTRIC METER
● = FOUND 5/8" IRON ROD - "LANDTECH"
○ = FOUND 5/8" IRON ROD - LB # 6072
■ = FOUND 4" X 4" CONCRETE MONUMENT - NO IDENTIFICATION

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE "AE" (COASTAL FLOOD PLAIN BASE FLOOD ELEVATION 7 FEET) AS DEPICTED ON FLOOD INSURANCE RATE MAP No. 12109C-0318-J, COMMUNITY No. 125145 FOR THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA AS REVISED 12/07/2018.
<http://www.gis.bocc.co.st-johns.fl.us/fmpdp/>

THE BASIS OF BEARING AS SHOWN HEREON IS THE SOUTH LINE OF LOT 1 HAVING AN ASSUMED BEARING OF N 89°24'49" W .

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVEGROUND, VISIBLE OBJECTS OBSERVED BY THE SURVEYOR.

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SURVEY.

THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR DEEDS, DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.

THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND EMBOSSED WITH THE SIGNING SURVEYORS SEAL.

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF:

ALEXANDER R. CORLEY AND FAITH ANN CORLEY

FIRST FEDERAL BANK

CHICAGO TITLE INSURANCE COMPANY

ACTION TITLE SERVICES OF ST. JOHNS COUNTY, INC.

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTIONS 50-17.031, 50-17.052 OF THE FLORIDA ADMINISTRATIVE CODE.

MICHAEL A. PIESCO PLS
Professional Land Surveyor #4793

REVISIONS

01/12/2021 10:38AM \\front\projects\autocad\2021\21-108\dwg\21-108.dwg

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning & Zoning Board

DATE: March 2, 2021

RE: **VARIANCE 2021-0024**

Mike Davis – Applicant
c/o A.D. Davis Construction
Clint & Martha Porter - Owner
76 Lighthouse Avenue

To approve a variance to the maximum lot coverage within Residential, Single family-two (RS-2) zoning.

The applicant requested a variance to the maximum lot coverage for this lots. Staff determined the lot is nonconforming and per LDC Sec. 28-160 is allowed a maximum of 35% lot coverage. The proposed lot coverage is 33.7% therefore Planning & Zoning Board approval is not required for this item.

If you have any questions, please let me know.

Patrick Doty, AICP, CFM
Senior Planner, Planning and Building Department

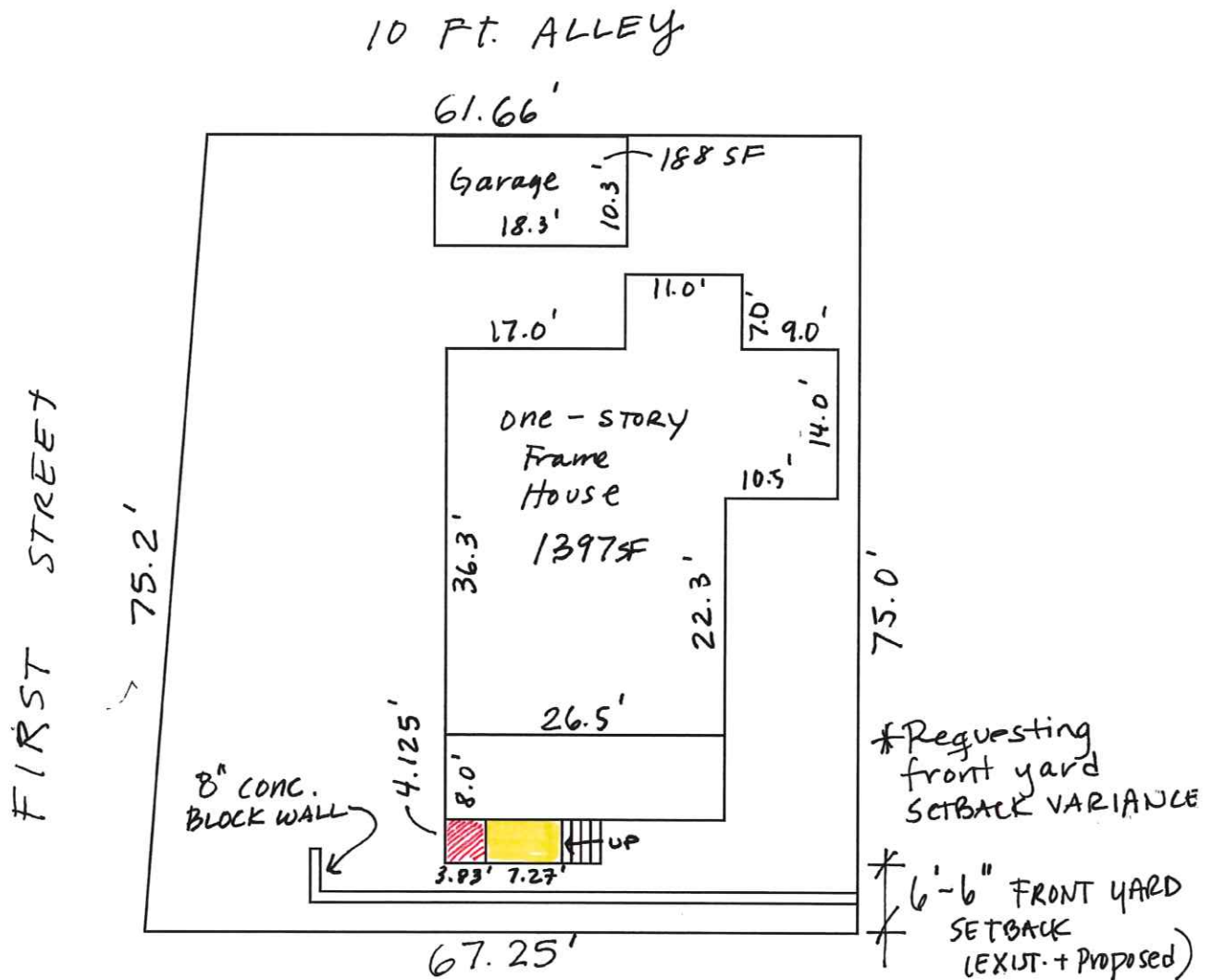
Attachment: 76 Lighthouse Ave Site Plan

RS. 2 zoning

SITE : 4834 SF

EXISTING LOT COVERAGE : $1585 / 4834 = 32.7\%$

Proposed LOT COVERAGE : $1585 + 45.8 / 4834 = 33.7\%$
* (new roof over entry porch)



LIGHT HOUSE AVE.

76 Lighthouse Ave

SITE PLAN

1/8" scale

EXISTING ENTRY DECK (30 SF)

NEW ENTRY DECK (15.8 SF)

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: March 2, 2021 (continued February 2, 2021)

RE: **USE BY EXCEPTION # 2021-0001**

AGENDA ITEM 5(a)

APPLICANT Jeremiah Mulligan
c/o Coquina Law Group, PA

OWNER Billboard Baby, LLC

LOCATION N Ponce de Leon Blvd / PIN 190200-0000

REQUEST To approve a use by exception for a single-family home, per RG-1, within Commercial, medium-two (CM-2) zoning district.

LAND USE Commercial Medium Intensity

ZONING Commercial, Medium-two (CM-2)

SURROUNDING USES Single-family residential, Vacant commercial

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

General Zoning Standards:

Complete zoning information is included as attachment 3.

Sec. 28-209. - Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

- (3) *Permissible uses by exception.*
k. Uses and Structures as for RG-1 (section 28-163)

Sec. 28-163. - Residential, general-one: RG-1.

Intent. This district is intended to apply to those neighborhoods designated for multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a medium intensity residential character.

- (1) *Permitted uses and structures:*
a. Single-family dwellings.
- (4) *Minimum lot requirements:*
a. *Single-family dwellings:*
a. Minimum lot width, fifty (50) feet.
2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
- (6) *Minimum yard requirements:*
a. *Residential uses:*
1. Front, fifteen (15) feet.
2. Side, ten (10) feet.
3. Rear, ten (10) feet.
- (7) *Maximum height of structures:*
a. *Single-family dwellings.* Thirty-five (35) feet.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a use by exception to construct a single-family home within Commercial Medium two (CM-2) zoning. The subject property is a platted lot of record in the 1975 City plat maps (attachment 4). The zoning requirements for single family home in CM-2 are prescribed in the RG-1 zoning standards. The subject property is located within the commercial corridor along US Highway 1 and abuts an area that is predominantly residential with a mix of zoning districts in the immediate areas, including Residential General One (RG-1) and Commercial Low-two (CL-2) zoning districts. The property is adjacent to single family homes to the east, and vacant commercial to the north and south, with a restaurant west (across US 1) from this parcel. A single-family home at this location is consistent with the surrounding uses and would provide a lower impact to adjacent residential properties, however, it would place a single family home along a heavily trafficked commercial corridor. The anticipated impacts of the proposed use would be compatible with adjacent properties and provide a viable use of the site while preserving the overall characteristics of the immediate area.

STAFF RECOMMENDATION

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 use by exception for a single family home, per RG-1, at **N Ponce de Leon Blvd / PIN 190200-0000**.

Attachments

Attachment 1 – Application & Supporting Information
Attachment 2 – Survey
Attachment 3 – CM-2 & RG-1 Zoning Standards
Attachment 4 – 1975 City Plat Map of Lot 3

Patrick Doty, AICP, CFM
Senior Development Review Planner
Planning and Building Department



Owner's Authorization For Agent

Jeremiah Mulligan is/are hereby authorized TO ACT ON BEHALF
OF Billboard Baby, LLC, the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:
N. Ponce de Leon Blvd

BY: [Signature]
Signature of Owner
Robin Arnold
Print Name of Owner
904 347 1963
Telephone Number

State of Florida

County of St Johns

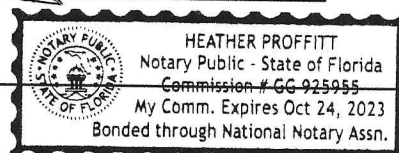
Signed and sworn before me on this 9th day of February, 2021
By Robin Arnold

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: [Signature]

My Commission expires: _____





CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: _____ (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: _____

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Jeremiah Mulligan Contact Number: 904-810-1025

Business (if applicable): Coquina Law Group

Address: 24 Cathedral Place, St 502 City: St. Augustine State: FL Zip: 32084

E-Mail Address: Jeremiah@CoquinaLawGroup.com

2. NAME OF PROPERTY OWNER: Billboard Baby LLC Contact Number: _____

Business (if applicable): Billboard Baby, LLC

Address: 491 A1A Beach Blvd City: St. Augustine State: FL Zip: 32080

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 3

Block: 9

Subdivision: Garnett Addition

Parcel Number: 190200-0000

4. PROJECT STREET ADDRESS: N. Ponce de Leon

5. SPECIFIC PROPOSED USE: Residential

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☒ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: The property is zoned as CM-2 and the applicant would like to build a single family home on the property. It is requested that the use by exception be transferable to future owners.

8. JUSTIFICATION FOR ACTION REQUESTED: The parcel is located in a neighborhood with other single family residences and this would be the highest and best use of the parcel.

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

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

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

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

Application was submitted, but the ownership changed before the Planning and Zoning Board meeting.

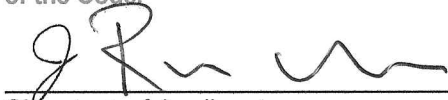
11. AGREEMENT:

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

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

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

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



Signature of Applicant

2-28-21

Date

Signature of Property Owner

Date

04/18/2019



**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 Chapter 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.

Jeremiah Mulligan

Print name of applicant

A handwritten signature in black ink, appearing to be 'JRM' followed by a wavy line.

Signature of applicant

02-08-2021

Date

Conservation Overlay Zone Developments:

- Dock applications for **Conservation Overlay Zone 1** require complete submittal packages that include:
 - a. Survey locations of the proposed docks or modifications to existing docks;
 - b. Plans of the proposed dock or dock modifications;
 - c. Bathometric surveys showing water depths at mean high tide and mean low tide, relationship of the proposed dock to water features, marsh, bank lines, creeks, navigable channels, other site specific issues;
 - d. Aerials of existing conditions, and showing proposed docks and/or water features;
 - e. Details of any railings, features, lighting, dock boxes, fish stations, boat lifts or other items that potentially impact scenic vistas; and,
 - f. Explanation of the impacts according to the 17 criteria outlined in Chapter 11 Conservation Zone Development.
- Preserved tree removal and tree canopy issues related to development in **Conservation Overlay Zone 3** require complete submittal packages that include:
 - a. Tree surveys locating all trees on the site 3” diameter and greater;
 - b. Tree survey including the proposed site plan at an appropriate scale to evaluate the proposed development’s impact on the trees, including specific trees and the tree canopy overall;
 - c. An arborist’s report outlining the type, size, condition, and professional opinion of the impact of the development on the trees and the specific condition of any “preserved” trees;
 - d. Explanation of the impacts according to the 17 criteria outlined in Chapter 11 Conservation Zone Development; and,
 - e. A detailed analysis of the proposed tree removal per Chapter 25, known as the Landscape Code, to determine tree credits and debits, and landscaping requirements per the Landscape Code.

Planned Unit Development (PUD) Applications:

Planned Unit Development (PUD) applications must comply with Division 8 of the Zoning Code.

A pre-application meeting is highly recommended prior to PZB submittal.

Subdivision Requirements:

Preliminary subdivision requirements must comply with Chapter 23 of the Land Development Code.

A pre-application meeting is highly recommended prior to PZB submittal.

Attachment 1

Application & Supporting Information

Received 12/09/20 TMW
via email



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: _____
Receipt Number: 2001935 Meeting Date: Feb. 2, 2021
Advertising Costs: \$ 44.55 Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Jeremiah Mulligan Contact Number: 904-810-1025
Business (if applicable): Coquina Law Group, P.A.
Address: 24 Cathedral Pl., Ste 502 City: St. Augustine State: FL Zip: 32084
E-Mail Address: jeremiah@coquinawlawgroup.com

2. NAME OF PROPERTY OWNER: Elite Hospitality, LLC Contact Number: _____
Business (if applicable): _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 3 Block: 9
Subdivision: Garnett Addition Parcel Number: 190200-0000

4. PROJECT STREET ADDRESS: N. Ponce de Leon

5. SPECIFIC PROPOSED USE: Residential

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

7. DESCRIPTION OF ACTION REQUESTED: The property is zoned CM-2, and the applicant would like to build a single family home on the property.

8. JUSTIFICATION FOR ACTION REQUESTED: The parcel is located in a neighborhood with other single family residences and this would be the highest and best use of the parcel

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(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

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

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

11. AGREEMENT:

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

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Signature of Applicant

12/9/2020

Date

Signature of Property Owner

12/17/20

Date

04/18/2019



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

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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.

Jeremial Mulligan
Print name of applicant

[Signature]
Signature of applicant

11/13/20
Date

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

[2020 TRIM Notice \(PDF\)](#)

2019 TRIM Notice

[2019 TRIM Notice \(PDF\)](#)

Summary

Parcel ID 1902000000
Location Address N PONCE DE LEON BLVD
SAINT AUGUSTINE 32084-0000
Neighborhood Ponce Boulevard North (COM) (681.01)
Tax Description* GARNETT ADDN ALL LOT 3 BLK 9 (EX E10FT & R/W RD 5) OR5144/859
**The Description above is not to be used on legal documents.*
Property Use Code Vacant Commercial (1000)
Subdivision Garnett Division, Plan Of
Sec/Twp/Rng 7-7-30
District City of St Augustine (District 452)
Millage Rate 19.4926
Acreage 0.080
Homestead N

Owner Information

Owner Name [Billboard Baby LLC](#) 100%
Mailing Address 491 A1A BEACH BLVD
SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2021
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$36,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$36,000
Total Deferred	\$0
Assessed Value	\$36,000
Total Exemptions	\$0
Taxable Value	\$36,000

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
2020	\$0	\$0	\$36,000	\$0	\$0	\$36,000	\$32,670	\$3,330	\$32,670
2019	\$0	\$0	\$36,000	\$0	\$0	\$36,000	\$29,700	\$6,300	\$29,700
2018	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2017	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2016	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2015	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2014	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2013	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2012	\$0	\$0	\$27,000	\$0	\$0	\$27,000	\$27,000	\$0	\$27,000
2011	\$0	\$0	\$30,600	\$0	\$0	\$30,600	\$30,600	\$0	\$30,600
2010	\$0	\$0	\$34,200	\$0	\$0	\$34,200	\$34,200	\$0	\$34,200

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	40	90	3600	SF	\$36,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
1/6/2021	12/30/2020	\$5,000.00	WARRANTY DEED	5144	859	U	V	ELITE HOSPITALITY LLC	BILLBOARD BABY LLC
4/22/2016	4/22/2016	\$100.00	QUIT CLAIM DEED	4181	360	U	V	NINE-T-GOLD ASSOCIATES LTD	ELITE HOSPITALITY LLC
	5/1/1981	\$0.00		493	475	U	V		NINE-T-GOLD ASSOCIATES LTD
	5/1/1981	\$925,000.00		493	469	Q	V		

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

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 2/9/2021, 12:55:42 AM

Version 2.3.105

Developed by
 Schneider
 GEOSPATIAL

Attachment 2

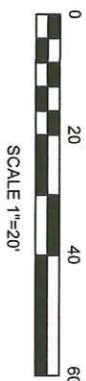
Survey

PARCEL 4 MAP OF BOUNDARY SURVEY

All of Lot 3, except the East 10 feet, of Block 9, Garnett Addition, City of St. Augustine, Florida, according to the map thereof filed in the Office of the Clerk of the Circuit Court for St. Johns County, Florida, and except that part conveyed to the State of Florida by Warranty Deed recorded in Deed Book 209, page 78 of the public records of St. Johns County, Florida.

- SURVEYOR'S NOTES:
1. THIS IS A BOUNDARY SURVEY ONLY.
 2. NO UNDERGROUND UTILITIES, IMPROVEMENTS OR INSTALLATIONS HAVE BEEN LOCATED EXCEPT AS SHOWN.
 3. THIS SURVEY DOES NOT DETERMINE OR REFLECT OWNERSHIP. UNLESS OTHERWISE NOTED, ANY PORTION OF THE SUBJECT PARCEL THAT MAY OR MAY NOT BE DEEMED AS WETLANDS BY THE APPROPRIATE STATE OR OTHER GOVERNING AGENCIES, HAS NOT BEEN DETERMINED AND ANY LIABILITY RESULTING THEREFROM IS NOT THE RESPONSIBILITY OF THE UNDERSIGNED.
 4. THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 5. FOR BUILDING SETBACKS CALL THE BUILDING CODES ENFORCEMENT OFFICE OF SAID COUNTY.
 6. USE OF THIS SURVEY FOR PURPOSES OTHER THAN THAT WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREON SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE THE SURVEY WAS PREPARED FOR.
 7. UNLESS OTHERWISE NOTED, ALL DIMENSIONS SHOWN HAVE BEEN CALCULATED FROM A CLOSED FIELD TRAVERSE OR DIRECT FIELD MEASUREMENT.

FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM	
COMMUNITY PANEL NO.	125147 0314 J
ZONE X & AE (G)	DATED 12-07-2018



- LEGEND
- FOUND 1/2" IRON ROD
 - SET 1/2" IRON ROD LB 8100
 - (P) PLAT
 - (M) MEASURED
 - ID. IDENTIFICATION
 - D.B. DEED BOOK
 - P.G. PAGE
 - CB CATCH BASIN
 - 4"x4" CONCRETE MONUMENT
 - RM RIGHT OF WAY
 - CONCRETE
 - (R) RECORD
 - CO POWER POLE
 - F.I.P. FOUND IRON PIPE
 - F.I.R. FOUND IRON ROD
 - AC AIR CONDITIONER
 - MH MANHOLE

RGS LAND SURVEYING, INC.

EMAIL: RGS.LB8100@GMAIL.COM
(904) 472-3888 WEBSITE: RGS.LANDSURVEYING.COM
3624 CRAZY HORSE TRAIL, ST. AUGUSTINE, FL. 32086

FIELD WORK COMPLETED MAP ORIGINALLY SIGNED
DATE 11-15-2020 DATE 11-25-2020
MICHAEL T. DANTZLER, P.S.M., FLORIDA CERT. NO. 6265
RGS LAND SURVEYING, INC. LICENSED BUSINESS NO. 8100

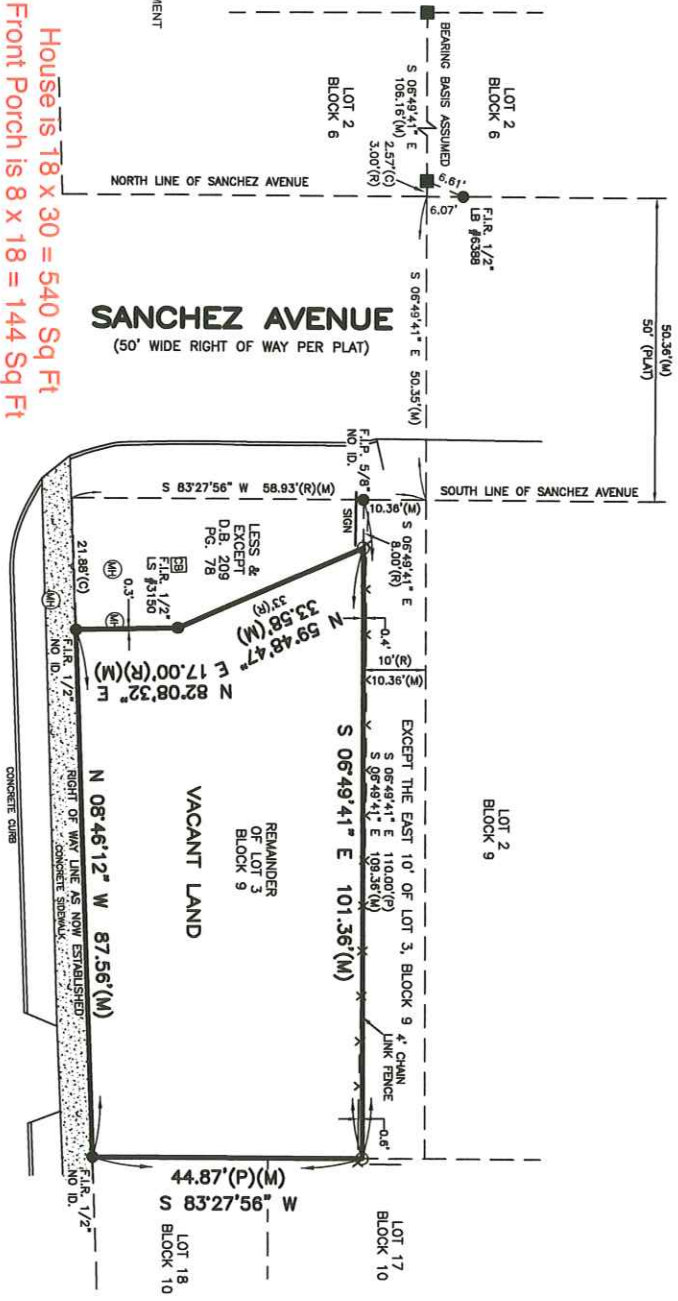
CERTIFIED TO:
ROBIN ARNOLD

House is 18 x 30 = 540 Sq Ft
Front Porch is 8 x 18 = 144 Sq Ft
Back Porch is 5 x 18 = 90 Sq Ft

U.S. HIGHWAY NO. 1
NORTH PONCE DE LEON BOULEVARD
STATE ROAD 5
(100' WIDE RIGHT OF WAY)
(PAVED)

PARCEL AREA
SQ. FEET 4278.6±
ACRES 0.10±

SANCHEZ AVENUE, ST. AUGUSTINE, FL. 32084
PARCEL NUMBER 1902000000
FIELD BOOK 17 PAGE 8
CHECKED BY RGS



Attachment 3
CM-2 & RG-1 Zoning Standards

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) *Permitted uses and structures.* As for CM-1 (section 28-208), and in addition:

- a. Retail outlets for the sale of general merchandise excluding new or used automobiles, trucks, boats and tractors (but not automobile wrecking or storage yards, junkyards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery, lumber and building supplies, supermarkets and convenience stores and similar products.
- b. Service establishments of all kinds including automobile service station or truck stop (see section 28-338) excluding businesses where automotive vehicles are offered for rent or sale, repair and service garage, motor vehicle body shop, auto laundry, drive-in restaurant, laundry or dry cleaning establishments, veterinarian or animal boarding kennels in soundproof building, pest control, carpenter or cabinet shop, home equipment rental, ice delivery station, job printing or newspaper, marina, radio or television broadcasting transmitter, antenna, office and studio facilities, banks and financial institutions, video rentals, funeral homes, travel agencies, electronic equipment/TV repair shop, employment offices, upholstering, furniture refinishing and similar establishments.
- c. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.
- d. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one-and-one-half-ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.
- e. Hotels and motels with or without kitchenettes.
- f. Building trades contractor not requiring outside storage; nor the use of any vehicle in excess of one-ton capacity; nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
- g. Multifamily dwellings as for RG-1.
- h. Colleges.
- i. Shopping plaza or shopping center.
- j. Intermediate care facilities.
- k. Home office, private.

- l. Agricultural market, outdoor or indoor.
 - m. Special event venue as per section 28-347(8).
- (2) *Permitted accessory uses. See section 28-348.*
- (3) *Permissible uses by exception:*
 - a. As provided in section 28-347.
 - b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.
 - c. Building trades contractor with outside storage yard and heavy construction equipment.
 - d. Boatyard.
 - e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.
 - f. Bulk storage yards, including bulk storage of flammable liquids.
 - g. Open air theaters, but not drive-in theaters.
 - h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.
 - i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.
 - j. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.
 - k. Uses and structures as for RG-1 (section 28-163).
 - l. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.
- (4) *Minimum lot requirements (width and area):*
 - a. Minimum lot width, one hundred (100) feet.
 - b. Minimum lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.
- (5) *Maximum lot coverage of all buildings. Seventy-five (75) percent.*
- (6) *Minimum yard requirements:*
 - a. Front, zero feet minimum, thirty (30) feet maximum, except for property abutting U.S. Highway No. 1 for which the front yard requirements shall be ten (10) feet minimum and no maximum. Buildings must front an arterial road if the property is

located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.

- b. Side, five (5) feet.
- c. Rear, five (5) feet.
- d. Minimum yard requirements for the San Marco Avenue Design Standards. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the residential typology requires a front setback fifteen (15) feet minimum, thirty (30) feet maximum. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the traditional commercial typology requires a front setback zero feet minimum, ten (10) feet maximum, and zero feet side setback consistent with the chart in the design standards.

(7) *Maximum height of structures:* Thirty-five (35) feet.

(8) *Vehicular access:* Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana shall require a condition of direct vehicular access to a roadway functional classification of principal arterial-urban U.S. Highway 1.

(Code 1964, § 33-45; Ord. No. 93-03, § 1, 2-22-93; Ord. No. 00-04, § 1, 4-10-00; Ord. No. 03-17, § 5, 6-23-03; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 2007-10, § 1, 7-9-07; Ord. No. 09-16, § 1, 5-11-09; Ord. 10-12, § 1, 4-12-10; Ord. No. 10-23, § 1, 8-9-10; Ord. No. 14-27, § 1, 12-8-14; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 16-02, § 1, 1-25-16; Ord. No. 18-09, § 4, 6-25-18; Ord. No. 20-03, § 3, 2-10-20)

Intent. This district is intended to apply to those neighborhoods designated for multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a medium intensity residential character.

(1) *Permitted uses and structures:*

- a. Single-family dwellings.
- b. Multiple-family dwellings.
- c. Housing for the elderly.
- d. Roominghouses and boardinghouses.
- e. Home office, private.
- f. Tourist homes and bed and breakfast inns.
- g. Neighborhood recreational facility.
- h. Accessory apartments.

(2) *Permitted accessory uses and structures.* See section 28-348.

(3) *Permissible uses by exception:*

- a. See section 28-347, special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.
- b. Hospitals and medical clinics, medical and dental offices, and intermediate care facilities.
- c. Professional offices, such as accountant, architect, attorney, engineer, land surveyor, optometrist and similar uses.
- d. Business offices, such as real estate broker, insurance agent, stockbroker, manufacturer's agent and similar uses.
- e. Radio or television broadcasting office.
- f. Marinas, including food service incident to operation of a marina.
- g. Hotels and motels with or without kitchenettes (maximum thirty (30) units).
- h. Restaurants and/or bars in connection with hotels or motels, with a maximum of three (3) seats per hotel or motel unit.
- i. Hair salons, barbershops, interior decorators, photographic and art studios, and dance and music studios.

(4) *Minimum lot requirements:*

a. *Single-family dwellings:*

- 1. Minimum lot width, fifty (50) feet.
- 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.

b. *Multiple-family dwellings:*

1. Minimum lot width, fifty (50) feet.
2. Minimum lot area, seven thousand two hundred fifty (7,250) square feet for the first two (2) units and one thousand seven hundred fifty (1,750) square feet for each additional unit to a maximum of sixteen (16) units per acre.

c. *Nonresidential uses:*

1. Minimum lot width, fifty (50) feet.
2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.

(5) *Maximum lot coverage by all buildings and structures.* Thirty-five (35) percent.

(6) *Minimum yard requirements:*

a. *Residential uses:*

1. Front, fifteen (15) feet.
2. Side, ten (10) feet.
3. Rear, ten (10) feet.

b. *Nonresidential uses:*

1. Front, fifteen (15) feet.
2. Side, ten (10) feet.
3. Rear, ten (10) feet.

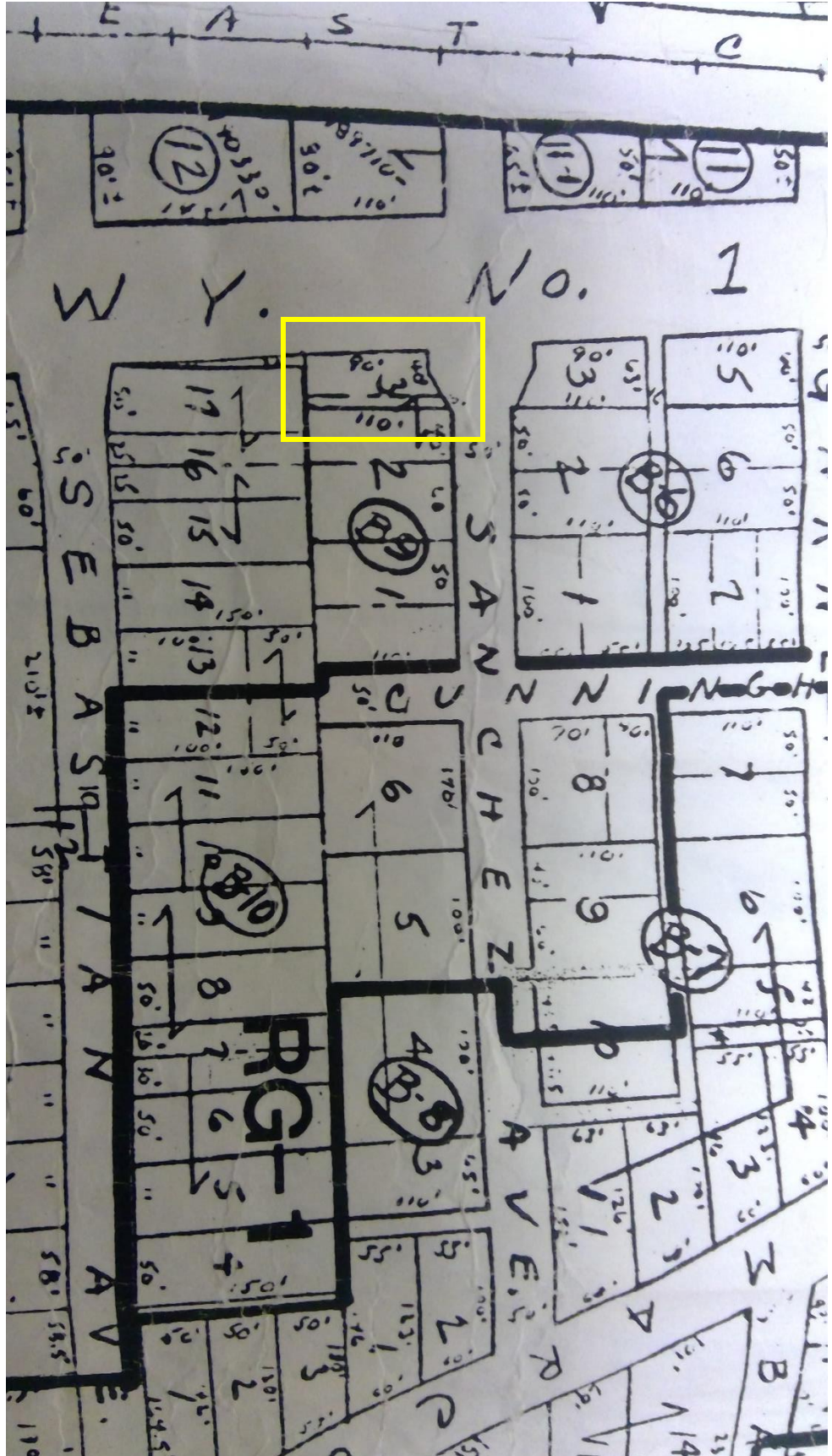
(7) *Maximum height of structures:*

- a. *Single-family dwellings.* Thirty-five (35) feet.
- b. *Multiple-family dwellings.* Thirty-five (35) feet.

(Code 1964, § 33-24; Ord. No. 99-42, § 2, 1-10-00; Ord. No. 03-17, § 2, 6-23-03; Ord. No. 15-02, § 1, 12-14-15)

Attachment 4

City Plat Map



N Ponce De Leon Ave – Lot 3 – PID 190200-0000

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: March 2, 2021

RE: **USE BY EXCEPTION #2021-0017**

AGENDA ITEM 5(b)

APPLICANT Emanuel Manusuthakis
c/o Pure Powersports, LLC

OWNER Kanti Patel
c/o Vista Hotels IV

LOCATION 1860 N. Ponce de Leon Blvd/ PID # 189670-0000

REQUEST To approve a use by exception for auto & boat sales
within Commercial medium-two (CM-2) zoning.

LAND USE Commercial Medium Intensity

ZONING Commercial Medium Two (CM-2)

SURROUNDING USES Commercial, Retail

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions if specific provision for such exception is made in the district regulations of this chapter.

Automobile means motor vehicle as defined in F.S. § 322.01.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-209. - Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

(3) *Permissible uses by exception.*

k. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.

STAFF SUMMARY AND ANALYSIS

This site is currently vacant but has operated as new and used powersports (motorcycles, ATVs, etc.) dealer lot in the past. The applicant intends to operate as a power sports dealer at the property. Staff finds this use consistent with historical uses.

STAFF RECOMMENDATION

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 use by an exception for auto sales within Commercial Medium-two (CM-2) zoning at **1860 N. Ponce de Leon Blvd.**

Attachments

Attachment 1 – Application & Property Record Card

Patrick Doty, AICP CFM
Senior Planner



CITY OF ST. AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

JAN 21 2021

Application Fee: \$250 (plus advertising costs)

Project Number: 2021-0017 Planning / Building Dept

Receipt Number: 2035418

Meeting Date: _____

Advertising Costs: \$ 28.35

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: EMANUEL MANUSHTAKIS Contact Number: 954-593-5000
Business (if applicable): PURE POWERSPORTS, LLC
Address: 731 SALISBURY ROAD City: JACKSONVILLE State: FL Zip: 32256
E-Mail Address: manny@purepowersports.com
2. NAME OF PROPERTY OWNER: VISTA HOTELS IV Contact Number: 904-826-5504
Business (if applicable): VISTA HOTELS IV - KANTI PATEL
Address: 32 AVENUE MENENDREZ City: ST. AUGUSTINE State: FL Zip: 32084
E-Mail Address: KANTI.PATEL@JALARAMHOTELS.COM
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: _____ Block: _____
Subdivision: _____ Parcel Number: _____
4. PROJECT STREET ADDRESS: 1860 N. PUNCH DE LEON BLVD
5. SPECIFIC PROPOSED USE: POWERSPORTS BUSINESS (SAME AS PREVIOUS)
6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☒ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: USE BY EXCEPTION FOR
POWERSPORTS BUSINESS, SAME BUSINESS AS PREVIOUS TENANT
W/ NEW OWNERSHIP.
8. JUSTIFICATION FOR ACTION REQUESTED: SAME USE AS PREVIOUS TENANT

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

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

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

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

11. AGREEMENT:

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

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

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

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

Signature of Applicant

Date

1-21-2021

Signature of Property Owner

Date

1-27-2021



Owner's Authorization For Agent

EMANUEL MANUSUTHAKIS is/are hereby authorized TO ACT ON BEHALF OF VISTA HOTELS IV, the owner(s) of those lands described within ☒ the attached application, or ☐ described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: _____

BY: [Signature]
Signature of Owner

VISTA HOTELS - KANTI PATEL
Print Name of Owner

904-826-5504
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 27th day of January, 2021.

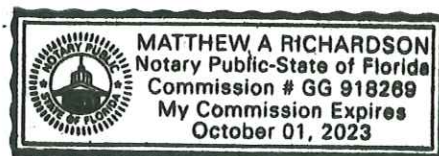
By _____

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: [Signature]

My Commission expires: October 1, 2023





**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 Chapter 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.

EMANUEL MANUSUTAKIS
Print name of applicant

[Signature]
Signature of applicant

1-27-2011
Date



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

[2020 TRIM Notice \(PDF\)](#)

2019 TRIM Notice

[2019 TRIM Notice \(PDF\)](#)

Summary

Parcel ID 1896700000
Location Address 1860 N PONCE DE LEON BLVD
 SAINT AUGUSTINE 32084-0000
Neighborhood Ponce Boulevard North (COM) (681.01)
Tax Description* SANCHEZ TRACT CITY PT OF LOTS 7 8 & 9 - N162 X 127.15FT (EX R/W OF RD #5-5 IN DB211/224 & 521) OR4580/463
**The Description above is not to be used on legal documents.*
Property Use Code Sales & Service, Repair, Rental & Storage (Auto, Marine, Mobile Home & Farm Equipment) (2700)
Subdivision Sanchez Tract
Sec/Twp/Rng 47-7-30
District City of St Augustine (District 452)
Millage Rate 19.4926
Acreage 0.500
Homestead N

Owner Information

Owner Name [Vista Hotel IV Inc](#) 100%
Mailing Address 32 AVENIDA MENEDEZ
 SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$496,279
Extra Features Value	\$8,195
Total Land Value	\$432,320
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$936,794
Total Deferred	\$0
Assessed Value	\$936,794
Total Exemptions	\$0
Taxable Value	\$936,794

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
2020	\$509,513	\$9,439	\$432,320	\$0	\$0	\$951,272	\$951,272	\$0	\$951,272
2019	\$446,067	\$9,840	\$432,320	\$0	\$0	\$888,227	\$888,227	\$0	\$888,227
2018	\$282,305	\$11,084	\$259,392	\$0	\$0	\$552,781	\$552,781	\$0	\$552,781
2017	\$355,725	\$9,222	\$172,928	\$0	\$0	\$537,875	\$537,875	\$0	\$537,875
2016	\$367,017	\$10,080	\$172,928	\$0	\$0	\$550,025	\$550,025	\$0	\$550,025
2015	\$412,189	\$10,008	\$172,928	\$0	\$0	\$595,125	\$595,125	\$0	\$595,125
2014	\$398,571	\$10,865	\$140,504	\$0	\$0	\$549,940	\$549,940	\$0	\$549,940
2013	\$377,314	\$13,386	\$133,731	\$0	\$0	\$524,431	\$524,431	\$0	\$524,431
2012	\$220,171	\$13,361	\$133,731	\$0	\$0	\$367,263	\$367,263	\$0	\$367,263
2011	\$232,181	\$13,361	\$149,162	\$0	\$0	\$394,704	\$394,704	\$0	\$394,704
2010	\$240,186	\$13,361	\$164,592	\$0	\$0	\$418,139	\$418,139	\$0	\$418,139

Building Information

Building 1
 Actual Area 9718
 Conditioned Area 7925
 Actual Year Built 1975
 Use Sales Only (Marine/Recreational)
 Style 04
 Class N
 Exterior Wall Aluminum Vinyl, Concrete Block
 Roof Structure Steel Frame

Roof Structure Steel Frame
 Roof Cover Modular Metal
 Interior Flooring Concrete Finish
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms
 Baths

Category	Type	Pct
Exterior Wall	Aluminum Vinyl	40%
Exterior Wall	Concrete Block	60%
Roofing Structure	Steel Frame	100%
Roofing Cover	Modular Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Concrete Finish	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Steel	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Slab	100%
Insulation	2" Fiberglass	100%
Floor System	Concrete Slab	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
BASE AREA	7925	7925
UNFINISHED STORAGE	0	1225
CANOPY	0	568
Total SqFt	7925	9718

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Concrete Paving	0	0	0	0	1864
Asphalt Paving	0	0	0	0	6396
Masonry Wall	0	0	0	0	684

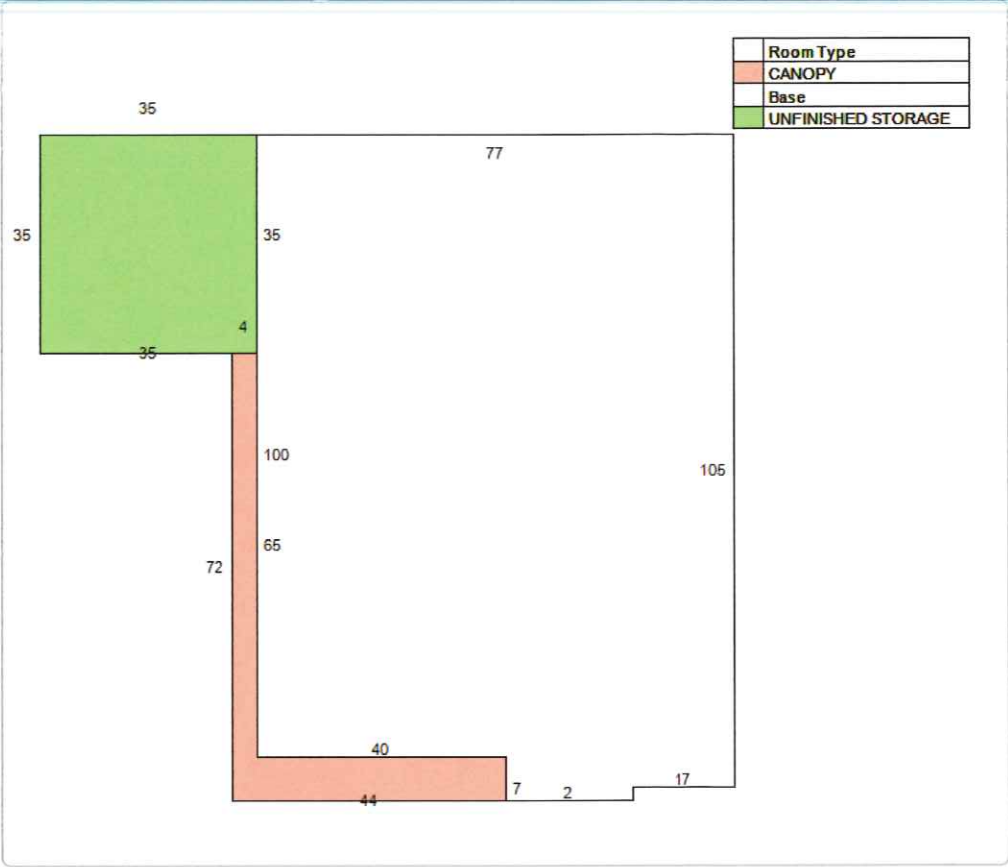
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Sales & Service (Automotive)	0	0	21616	SF	\$432,320

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
7/16/2018	7/11/2018	\$1,450,000.00	WARRANTY DEED	4580	463	U	I	1860 N PONCE DE LEON LLC	VISTA HOTEL IV INC
9/28/2015	9/25/2015	\$577,000.00	WARRANTY DEED	4090	174	U	I	ALLEN MARK	1860 N PONCE DE LEON LLC
6/4/2012	6/1/2012	\$800,000.00	WARRANTY DEED	3569	1229	U	I	BURTON ROBERT	ALLEN MARK,WENDI
	4/30/2010	\$150,000.00	PERSONAL REP	3309	1709	U	I	BURTON MARION B EST BY MARGARET S BURTON P/REP	BURTON ROBERT
11/20/2008	8/28/2008	\$100.00	WARRANTY DEED	3141	1191	U	I	BURTON MARGARET S TRUSTEE/BURTON LVG TRUST	BURTON MARION B ESTATE
	1/23/2006	\$100.00	WARRANTY DEED	2637	261	U	I	BURTON MARION B BY MARGARET S BURTON POA	BURTON MARGARET S TRUSTEE

Sketch Information



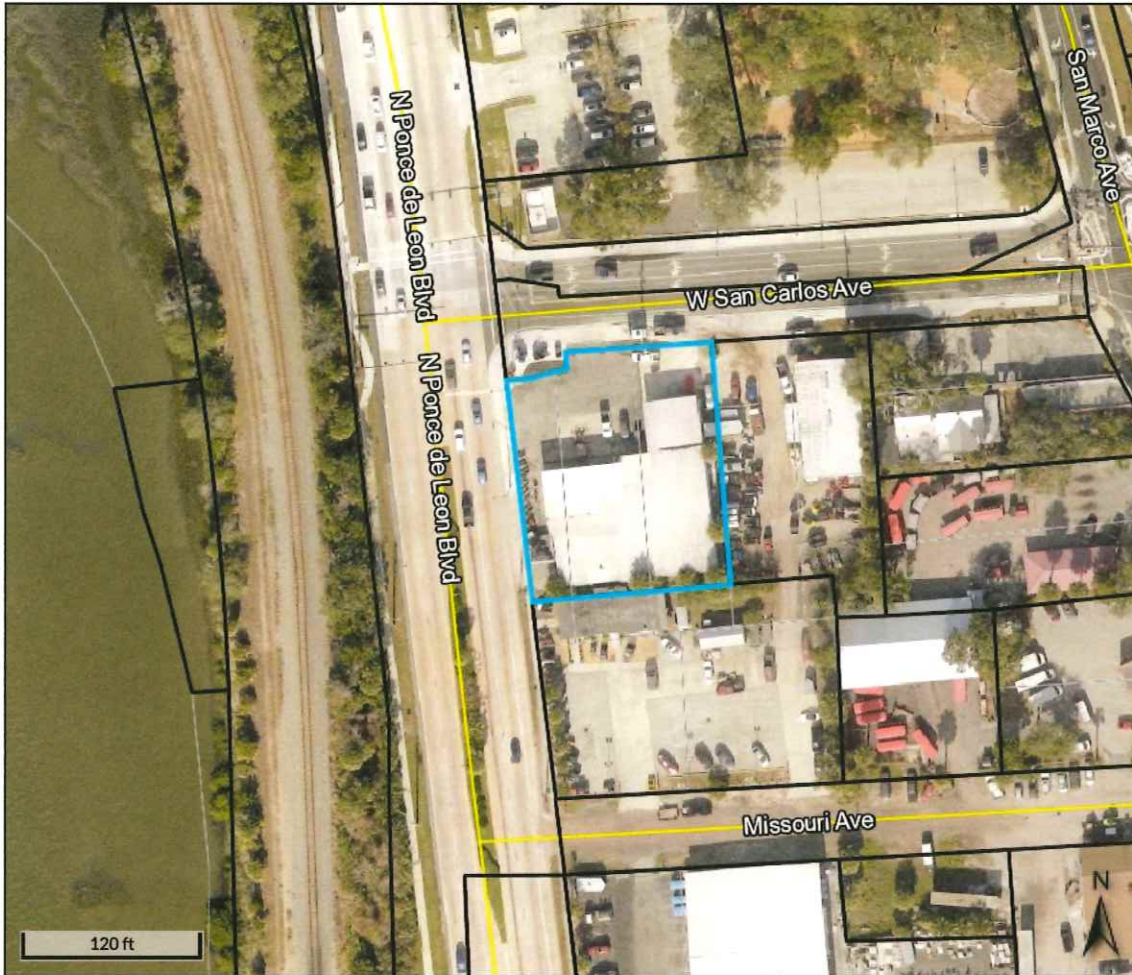
No data available for the following modules: Exemption Information.

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Version 2.3.104



Overview



Legend

□ Parcels

Parcel ID	1896700000	Physical Address	1860 N PONCE DE LEON BLVD	Building Value	\$496,279	Last 2 Sales			
Property Class	2700 - Sales & Service (Automotive)		SAINT AUGUSTINE	Extra Feature Value	\$8,195	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Mailing Address	VISTA HOTEL IV INC	Total Land Value	\$432,320	7/11/2018	\$1450000	37	U
Acres	0.5	Address	32 AVENIDA MENEDEZ SAINT AUGUSTINE FL 32084-0000	Just Value	\$936,794	9/25/2015	\$577000	38	U
				Total	N/A				
				Deferred Assessed Value	\$936,794				
				Total	N/A				
				Exemptions					
				Taxable Value	\$936,794				

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Date created: 2/3/2021
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CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: March 2, 2021

RE: **USE BY EXCEPTION– 2021-0020**

AGENDA ITEM 5(c)

APPLICANT & Stephanie K. Rousselle

OWNER 78 Abbott, LLC

LOCATION 78 Abbott St / PIN 195040-0000

REQUEST To approve a use by exception for off-site parking within the municipal garage for a short term rental.

LAND USE Residential Low Density

ZONING Residential, single-family-two (RS-2)

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-151 Parking [for short term rentals]

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

STAFF SUMMARY AND ANALYSIS**Use By exception - Off-site Parking within the Municipal parking for Short Term Rentals.**

This request is for one (1) parking space for a short term rental within the municipal parking garage. City code requires a use by exception when on-site, stabilized parking is not available, per LDC Sec 28-151(iii). The approval of short-term rental registrations is contingent upon providing parking at a rate of one stabilized parking space per bedroom. The subject property contains a two bedroom house with one (1) parking space provided onsite. The existing site configuration lacks space on site to provide one additional parking space.

The annual registration renewal will require the applicant provide proof of current, valid parking passes to the city parking garage. If the applicant fails to renew parking permits, they will be out of compliance with City Code requirements for short term rentals, and subject to code enforcement action.

STAFF RECOMMENDATION

Based on a review of Section 28-29 & 28-151, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for off-site parking for one space within the municipal parking garage for a short term rental at 78 Abbott St / PIN 195040-0000.

ATTACHMENTS

Attachment 1 – Application, Property Record Card, Supporting Information

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



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

FEB 04 2021

Application Fee: \$250 (plus advertising costs)

Project Number: 2021-0020
Planning / Building Dept

Receipt Number: 204480

Meeting Date: March 2, 2021

Advertising Costs: \$ 72.90

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: STEPHANIE K ROUSSELLE Contact Number: 904.234.0312
Business (if applicable): _____
Address: 73 ABBOTT ST City: ST AUGUSTINE State: FL Zip: 32084
E-Mail Address: STEPHANIEROUSSELLE@YAHOO.COM
2. NAME OF PROPERTY OWNER: 78 ABBOTT LLC Contact Number: 904.234.0312
Business (if applicable): SHORT - TERM RENTAL
Address: 78 ABBOTT ST City: ST AUGUSTINE State: FL Zip: 32084
E-Mail Address: STEPHANIEROUSSELLE@YAHOO.COM
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 829FT 2 IN OF LOT 14 Block: E
Subdivision: ABBOTT TRACT Parcel Number: 195040-0000
4. PROJECT STREET ADDRESS: 78 ABBOTT ST, ST AUGUSTINE FL 32084
5. SPECIFIC PROPOSED USE: SHORT-TERM RENTAL AS PERMITTED IN RS-2
6. ACTION REQUESTED: ZONING
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☒ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☒ Other: USE BY EXCEPTION TO PERMIT ONE PARKING SPOT TO BE LEASED IN THE MUNICIPAL PARKING LOT.
7. DESCRIPTION OF ACTION REQUESTED: APPROVAL OF ONE MUNICIPAL GARAGE PARKING PERMIT.

8. JUSTIFICATION FOR ACTION REQUESTED: 78 ABBOTT ST IS A 2-BEDROOM COTTAGE WHICH WE WANT TO REGISTER FOR PERMITTED SHORT-TERM RENTAL BUT WE ONLY HAVE ONE OFF-STREET PARKING SPOT ON THE SITE SO WE ARE SEEKING A USE BY EXCEPTION FOR A SINGLE MUNICIPAL PARKING PERMIT. THERE ARE NO OTHER PARKING OPPORTUNITIES AVAILABLE IN OR AROUND THE ABBOTT TRACT INCLUDING COMMERCIAL OPERATIONS ON SAN MARCO AVE. SECTION 28-151 ALLOWS FOR THIS EXCEPTION FOR WHICH WE ARE APPLYING.

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

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: YOU WILL NOTE ON THE ATTACHED SURVEY THAT THE HOUSE OCCUPIES THE MAJORITY OF THE LOT AND THERE IS NO PLACE TO CREATE A SECOND PARKING (EVEN IF THE SMALL DECK WERE REMOVED, THERE WOULD BE INSUFFICIENT ROOM TO ADD ONE).
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: WE ARE UNABLE TO COMPLETE THE REGISTRATION FOR OUR SHORT-TERM RENTAL WITHOUT PROCURING THIS SECOND PARKING SPOT IN THE MUNICIPAL PARKING GARAGE.
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: ACCORDING TO THE FLORIDA MASTER SITE FILE, OUR HOUSE WAS BUILT BETWEEN 1910-1917 WHEN DRIVEWAYS IN OUR PART OF THE NEIGHBORHOOD WERE RARELY FOUND. THE LOTS ON THIS SECTION OF ABBOTT ST WERE PLATTED A LONG TIME AGO AND ARE ALL VERY SMALL.
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: INsofar AS THE NEW REGULATIONS FOR STRs WERE APPROVED BY THE CITY COMMISSION AFTER REVIEWING THE RECOMMENDATIONS BY THE STR COMMITTEE AND THIS OPTION WAS ADOPTED, WE WOULD BE IN FULL COMPLIANCE AS REQUIRED.

10. PREVIOUS APPLICATIONS:

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

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

11. AGREEMENT:

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

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

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

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

Signature of Applicant

Date

Signature of Property Owner

Date



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

[2020 TRIM Notice \(PDF\)](#)

2019 TRIM Notice

[2019 TRIM Notice \(PDF\)](#)

Summary

Parcel ID 1950400000
 Location Address 78 ABBOTT ST
 SAINT AUGUSTINE 32084-0000
 Neighborhood Abbott Tract (606)
 Tax Description* ABBOTT TRACT CITY E29FT 2IN OF LOT 14 BLK E OR4352/831
**The Description above is not to be used on legal documents.*
 Property Use Code Multi-Family (Less than 10 Units) (0800)
 Subdivision Abbott Tract
 Sec/Twp/Rng 7-7-30
 District City of St Augustine (District 452)
 Millage Rate 19.4926
 Acreage 0.040
 Homestead N

Owner Information

Owner Name 78 Abbott LLC 100%
 Mailing Address 73 ABBOTT ST
 SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$103,696
Extra Features Value	\$2,801
Total Land Value	\$97,368
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$203,865
Total Deferred	\$0
Assessed Value	\$203,865
Total Exemptions	\$0
Taxable Value	\$203,865

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
2020	\$105,221	\$3,034	\$97,368	\$0	\$0	\$205,623	\$205,623	\$0	\$205,623
2019	\$99,387	\$2,757	\$97,368	\$0	\$0	\$199,512	\$199,512	\$0	\$199,512
2018	\$8,119	\$295	\$97,368	\$0	\$0	\$105,782	\$105,782	\$0	\$105,782
2017	\$51,073	\$295	\$77,894	\$0	\$0	\$129,262	\$129,262	\$0	\$129,262
2016	\$99,090	\$295	\$71,021	\$0	\$0	\$170,406	\$170,406	\$0	\$170,406
2015	\$84,068	\$295	\$56,702	\$0	\$0	\$141,065	\$137,800	\$3,265	\$137,800
2014	\$73,430	\$295	\$51,548	\$0	\$0	\$125,273	\$125,273	\$0	\$125,273
2013	\$71,232	\$295	\$51,548	\$0	\$0	\$123,075	\$123,075	\$0	\$123,075
2012	\$69,880	\$295	\$46,393	\$0	\$0	\$116,568	\$116,568	\$0	\$116,568
2011	\$70,825	\$295	\$51,548	\$0	\$0	\$122,668	\$122,668	\$0	\$122,668
2010	\$68,349	\$295	\$51,548	\$0	\$0	\$120,192	\$120,192	\$0	\$120,192

Building Information

Building 1
 Actual Area 1184
 Conditioned Area 941
 Actual Year Built 1930
 Use Duplex
 Style 01
 Class N
 Exterior Wall Wood Shingle
 Roof Structure Gable Hip

Roof Structure Gable Hip
 Roof Cover Metal
 Interior Flooring Ceramic Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms 0
 Baths

Category	Type	Pct
Exterior Wall	Wood Shingle	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Ceramic Tile	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	10 Fixtures	100%
Electrical	Average	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
FINISHED OPEN PORCH	0	55
FRAME UTILITY	0	50
BASE AREA	941	941
FINISHED OPEN PORCH	0	138
Total SqFt	941	1184

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Deck (Unattached)	0	0	0	0	350

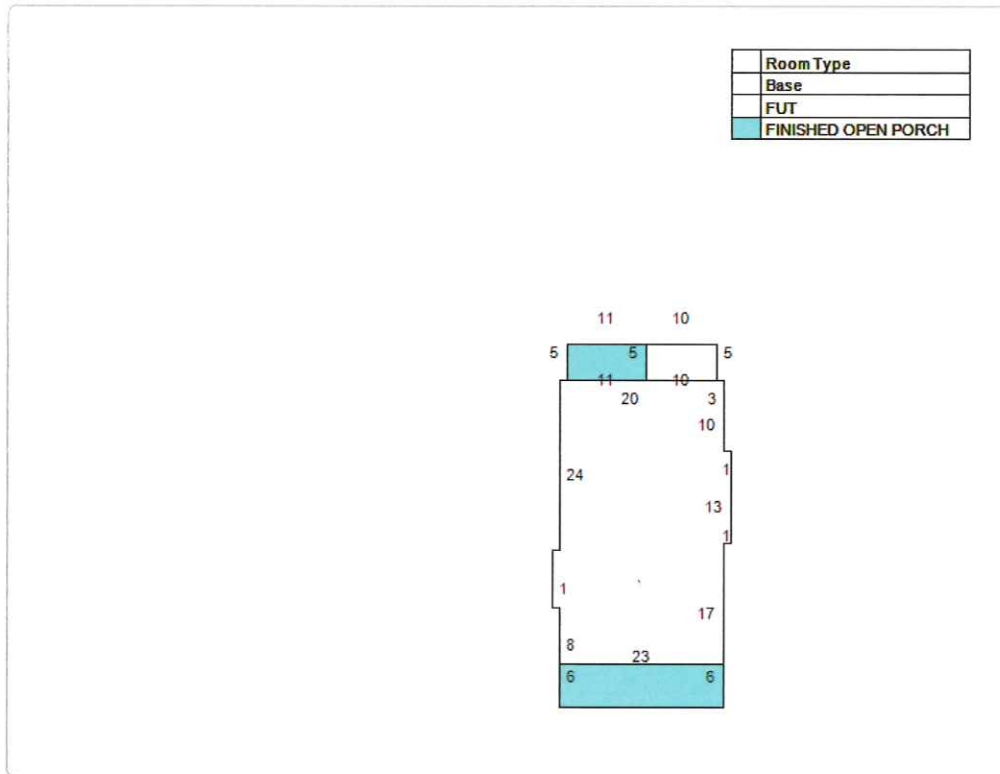
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	29	75	29	EF	\$97,368

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
3/31/2017	3/31/2017	\$125,000.00	WARRANTY DEED	4352	831	Q	I	HAYFLICK BONNIE S 2010 REVOCABLE LIVING TRUST D: 4-19-2010	78 ABBOTT LLC
12/17/2015	12/9/2015	\$100.00	TRUSTEES DEED	4124	1957	U	I	KOLAR WILLIAM A 2010 REV TRUST	HAYFLICK BONNIE S 2010 REVOCABLE LIVING TRUST D: 4-19-2010
1/23/2014	1/16/2014	\$0.00	CORRECTIVE QUITCLAIM	3838	1128	U	I	KOLAR WILLIAM A	KOLAR WILLIAM A 2010 REV TRUST
1/21/2014	1/16/2014	\$0.00	CORRECTIVE QUITCLAIM	3837	855	U	I	KOLAR WILLIAM A	KOLAR WILLIAM A 2010 REV TRUST
	5/4/2010	\$100.00	QUIT CLAIM DEED	3320	1166	U	I	KOLAR WILLIAM	KOLAR WILLIAM A 2010 REV TRUST
	6/20/2002	\$138,900.00	WARRANTY DEED	1774	1710	Q	I	RUSSELL PHILIP M TRUSTEE	KOLAR WILLIAM
	1/30/1998	\$100.00	WARRANTY DEED	1294	693	U	I	RUSSELL PHILIP M	RUSSELL PHILIP M TRUSTEE
	11/1/1991	\$40,200.00	WARRANTY DEED	913	1664	Q	I	DUMONT JOHN WALTER	RUSSELL PHILIP M
	6/1/1986	\$36,000.00		707	162	Q	I		DUMONT JOHN WALTER
	12/1/1982	\$18,000.00		565	187	U	I		

Sketch Information



No data available for the following modules: Exemption Information.

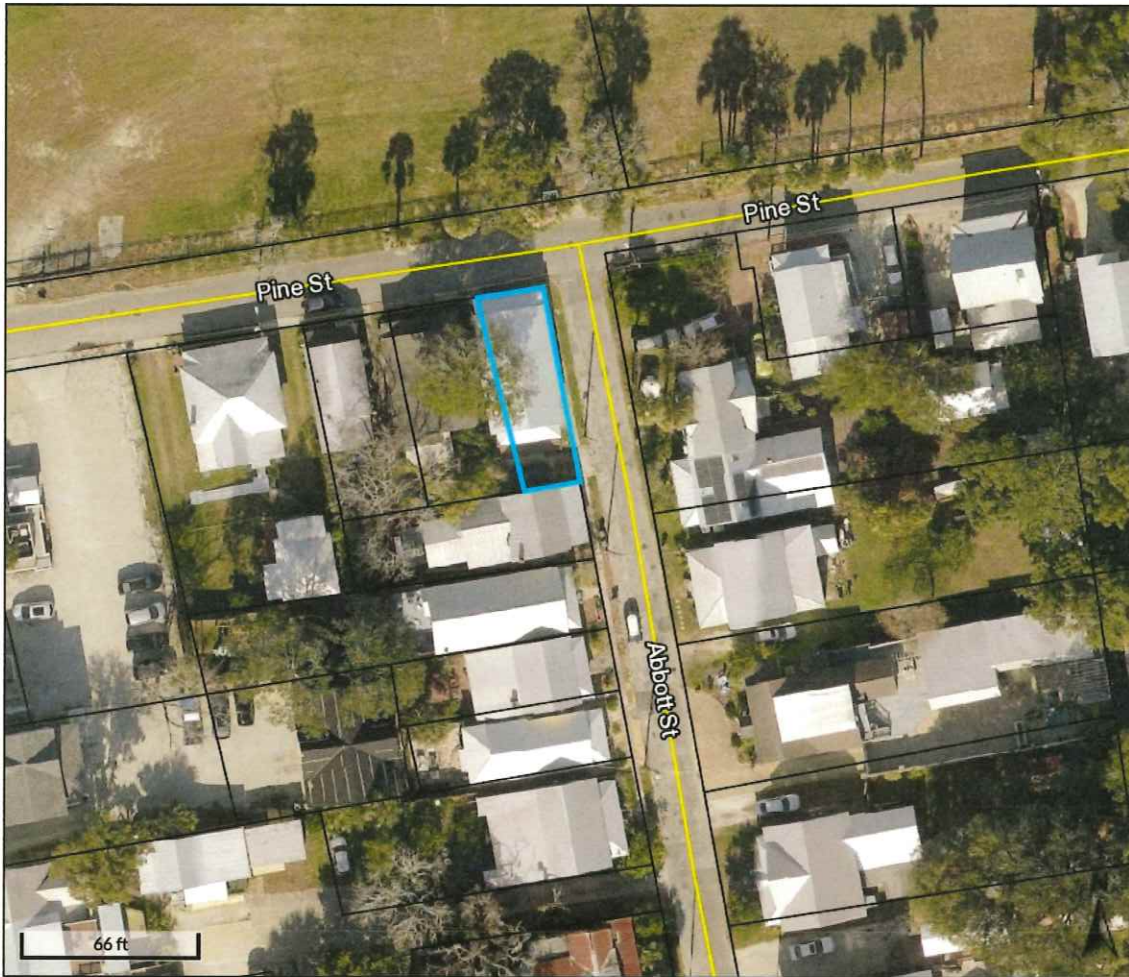
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Overview



Legend

□ Parcels

Parcel ID	1950400000	Physical Address	78 ABBOTT ST SAINT AUGUSTINE	Building Value	\$103,696	Last 2 Sales			
Property Class	0800 - Multi-Family (Less than 10 Units)	Mailing Address	78 ABBOTT LLC	Extra Feature Value	\$2,801	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	73 ABBOTT ST SAINT AUGUSTINE FL 32084-0000	Value		3/31/2017	\$125000	03	Q
Acres	0.04			Total Land Value	\$97,368	6/20/2002	\$138900	01	Q
				Just Value	\$203,865				
				Total	N/A				
				Deferred Assessed Value	\$203,865				
				Total	N/A				
				Exemptions					
				Taxable Value	\$203,865				

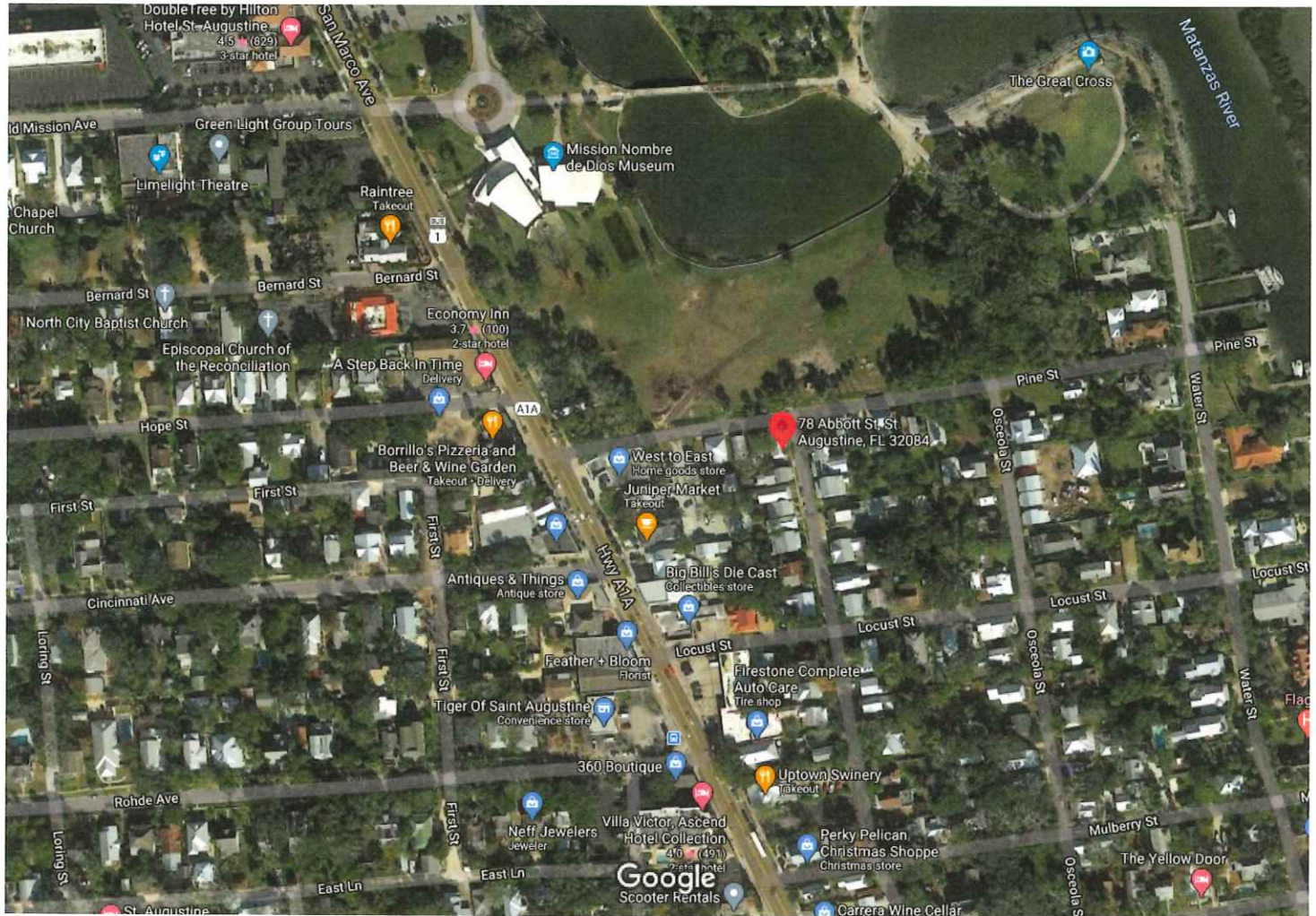
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Date created: 2/5/2021

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Google Maps 78 Abbott St



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100 ft



78 Abbott St

St. Augustine, FL 32084



Directions



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phone

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Detail by Entity Name

Florida Limited Liability Company
78 ABBOTT, LLC

Filing Information

Document Number	L17000047067
FEI/EIN Number	82-0720501
Date Filed	02/28/2017
State	FL
Status	ACTIVE
Last Event	REINSTATEMENT
Event Date Filed	02/13/2019

Principal Address

73 ABBOTT STREET
SAINT AUGUSTINE, FL 32084

Mailing Address

73 ABBOTT STREET
SAINT AUGUSTINE, FL 32084

Registered Agent Name & Address

ROUSSELLE, STEPHANIE
73 ABBOTT STREET
SAINT AUGUSTINE, FL 32084

Name Changed: 01/19/2021

Authorized Person(s) Detail

Name & Address

Title MGR

ROUSSELLE, DERRICK
73 ABBOTT STREET
SAINT AUGUSTINE, FL 32084

Annual Reports

Report Year	Filed Date
2019	02/13/2019
2020	01/20/2020
2021	01/19/2021

Document Images

[01/19/2021 -- ANNUAL REPORT](#)

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[01/20/2020 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[02/13/2019 -- REINSTATEMENT](#)

[View image in PDF format](#)

[02/28/2017 -- Florida Limited Liability](#)

[View image in PDF format](#)

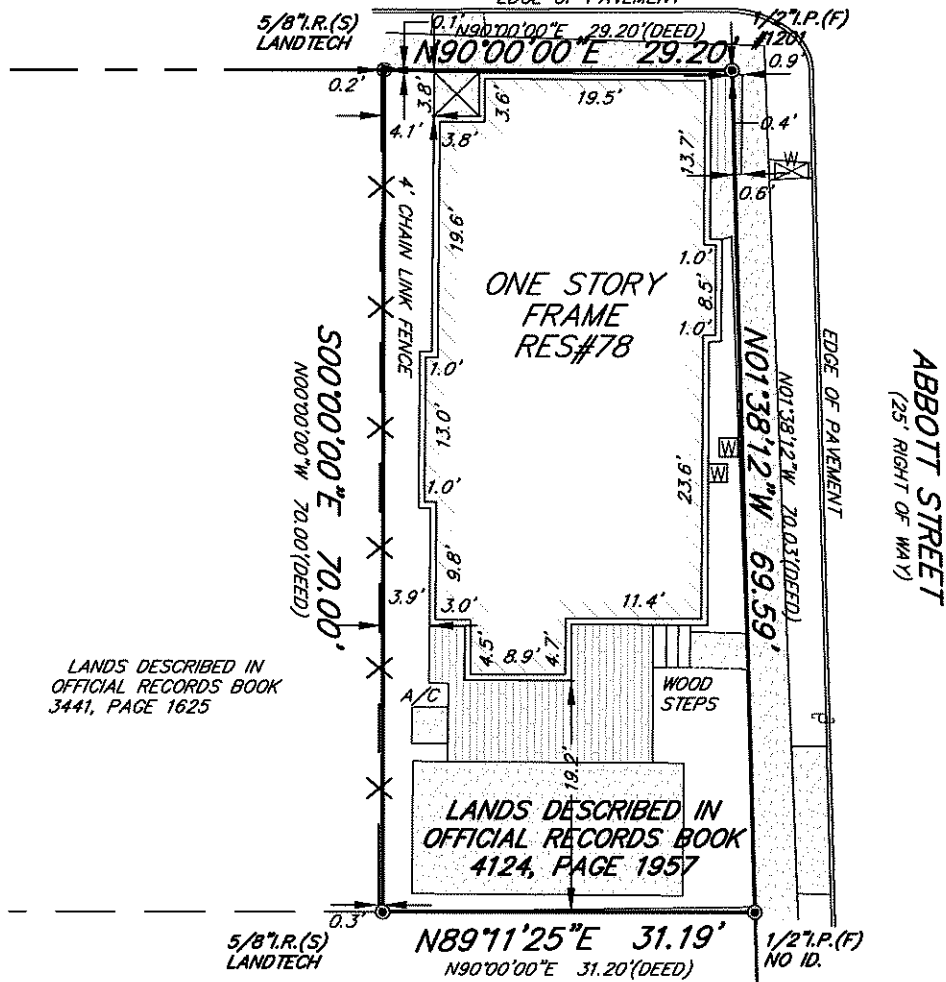
MAP SHOWING SURVEY OF

LYING AND BEING IN THE CITY OF ST. AUGUSTINE, BEGINNING AT THE NORTHEAST CORNER OF LOT FOURTEEN (14) BLOCK "E" OF THE ABBOTT TRACT, IN ST. AUGUSTINE, FLORIDA; RUN THENCE WEST ALONG THE SOUTH LINE OF PINE STREET 29 FEET, 2 INCHES; THENCE SOUTHERLY ABOUT 70 FEET TO THE SOUTH LINE OF SAID LOT 14; THENCE EASTERLY AND PARALLEL WITH PINE STREET 31 FEET, 2 INCHES TO THE WEST LINE OF ABBOTT STREET; THENCE NORTHERLY ALONG THE WEST LINE OF ABBOTT STREET TO THE POINT OF BEGINNING.

CERTIFIED TO:

PINE STREET (RIGHT OF WAY VARIES)

EDGE OF PAVEMENT

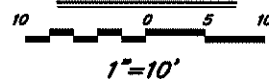


AREA = 0.05 ± ACRES
OR 2,107 ± sq. ft.

LEGEND

A/C	AIR CONDITIONER PAD	RES.	RESIDENCE
ID.	IDENTIFICATION	C	CENTERLINE
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM	+	DEVIATES NOT TO SCALE
SQ. FT.	SQUARE FEET	W	WATER METER
I.P.(F)	IRON PIPE FOUND	■	EXPOSED CONCRETE
I.R.(F)	IRON ROD FOUND	■	COVERED AREA
I.R.(S)	5/8" IRON ROD SET (LANDTECH)		

GRAPHIC SCALE



GENERAL NOTES:

- This survey was made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not obstructed this parcel of land for any recorded claims of title, easements or restrictions. This surveyor shall not be held liable for the existence of any such claims.
- Use of this survey for purposes other than that which it was intended, without written verification, will be at the user's sole risk and without liability to this surveyor, nothing herein shall be intended to give any rights or benefits to anyone other than those the survey was prepared for.
- All disputes hereunder shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.
- No underground structures, utilities or foundations were located or determined by this survey.
- For building setbacks call the appropriate county codes enforcement office.
- All distances, bearings or angles are as field measured. Deed or plat measurements are noted if different.
- The measurements for this survey were made in accordance with the United States Standards.
- Encroachments as shown herein are only those above ground, visible objects observed by the surveyor.

- This survey is certified to the last field date.
- This survey does not reflect or determine ownership.
- The specific rights implied by this survey are not transferable.
- This surveyor's liability shall not exceed the fee or stated by this surveyor.

NOTE:

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

According to the Federal Emergency Management Agency FEMA Map No. 125745-0314H effective date 07/16/2011 the property described hereon lies in Zone "AE B"

Book of bearing structure: REFER TO SURVEY

Job Address: 70 ABBOTT STREET

Base of elevations: NGVD29

JOB NO.	LAST FIELD DATE	SCALE	1/8"=1' MAX	CHK. BY	DRAWN BY
17-0084	01/26/17	1"=10'	200/06	N.H.F.	F.P.W.

TYPE: BOUNDARY

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LANDTECH
Associates, Inc.
LAND SURVEYOR'S

3100 A1A SOUTH, SUITE A
ST. AUGUSTINE, FLORIDA 32080
(904) 471-8877 FAX (904) 471-8878

Not valid without the signature and the original rated seal of a Florida licensed surveyor and mapmaker. Additions or deletions to survey maps or reports by other than the signing party is prohibited without the written consent of the signing party.

Nicholas H. Franklin
NICHOLAS H. FRANKLIN, P.L.S. 4820
FOR LANDTECH AND ASSOCIATES I.B. #7537

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: March 2, 2021

RE: **USE BY EXCEPTION # 2020-0105**

AGENDA ITEM 5(d)

APPLICANT Ashley Thomas Adams

OWNER JJMRN Properties, LLC

LOCATION 100 N. Matanzas Blvd / PIN 217700-0000

REQUEST To approve a use by exception for a home occupation providing music lessons within Residential, Single family-two (RS-2) zoning.

LAND USE Residential Low Density

ZONING Residential, Single Family-two (RS-2)

SURROUNDING USES Single-family & Multi-family Residential.

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

General Zoning Standards:

Sec. 28-162. - Residential, single-family-two: RS-2.

Intent. This district is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, as well as those uses compatible with low density single-family uses, so as to create and maintain a low intensity residential character.

(3) *Permissible uses by exception.* **See section 28-347;** housing for the elderly; neighborhood recreation facility.

Sec. 28-347. - Supplementary regulations for certain uses:

In addition to the permissible uses by exception listed in the schedule of district regulations, (article III), the following uses shall be permissible by exception in the districts indicated; and, unless specific provision is made otherwise in the grant of exception, such uses, whether permitted or permissible by exception, shall conform to all supplementary regulations listed under such use:

- (1) Home occupations. The intent of a home occupation is to allow those uses that may be conducted within a residential premise that will not affect the residential character of the structure or the neighborhood. Home occupations are a permissible use by exception in any district subject to all the following conditions:

Staff response are below in *Italics*.

- a. No person other than members of the family residing on the premises shall be engaged in such occupation. No home occupation shall be conducted in any accessory building or structure or any open porch or carport which is attached to and a part of the principal structure.

The applicant will be living in the residence while operating the proposed home occupation.

b. The use of the premises shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances change the residential character thereof.

The use of a home occupation for music lessons will not change the residential character of this structure. Only one portion of the home will be utilized for this home occupation (attachment 2) with the remainder of the structure being where the applicant dwells.

c. There shall be no change in outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one (1) sign may be permitted, not exceeding one (1) square foot in area, nonilluminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance to the residence.

The applicant is requesting a sign that will comply with the above requirements.

d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements of this Code in other than the required front yard.

The applicant is proposing only one vehicle/client at a time, there is sufficient on-site parking at the home.

e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot.

The applicant will not create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. The applicant is offering singing and piano lesson, which will result in

f. The giving of art, music or other instructions or lessons shall be limited to not more than four (4) persons at the same time.

Not applicable, the applicant will be serving one client at a time.

g. Fabrication of articles such as are commonly classified under the terms of arts and handicraft may be deemed a home occupation, subject to other terms and conditions of this definition, and providing no retail sales are made at the dwelling unit.

The applicant will not be conducting retail sales at the residence.

h. The member of the family residing on the premises engaged in such occupation shall not employ more than one (1) person for the sole purpose of providing clerical and receptionist services.

The applicant does not intend to hire an employee.

- i. No home occupation shall occupy more than twenty-five (25) percent of the floor area of the dwelling unit, exclusive of the area of any open porch or attached garage or similar space not suited or intended for living quarters.

The home occupation will not exceed (25) percent of the floor of the dwelling unit. The applicant will be conducting business in the front room of the home in a space that is approximately 140 square feet, or about 8% of the home, the entire home is 1,845 square feet according to the St. Johns County Property Appraiser.

- j. Any professional or business office or studio that does not involve in office contact with clients or the public and where all business is conducted by mail, phone or at other premises shall be determined to be a home office, private, and shall be a permitted use in any district subject to conditions stated above.

The applicant is proposing to have one client at a time with hours of 2pm – 7 pm.

STAFF SUMMARY AND ANALYSIS

The applicant is proposing a home occupation for a music lessons in their residence with scheduling one client at a time between the hours of 2 pm and 7 pm. This will generate one vehicle per session which does not appear to have a major impact on traffic flow for this neighborhood. Parking will be provided on site. The area is characterized by a mix of residential uses.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and 28-347, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** for a home occupation providing music lessons at **100 N. Matanzas Blvd / PIN 217700-0000**.

Attachments

Attachment 1 – Application & Supporting Information

Attachment 2 – Site Plan & Floor Plan

Patrick Doty, AICP, CFM
Senior Development Review Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

FEB 04 2021

Planning / Building Dept.

Application Fee: \$250 (plus advertising costs) Project Number: _____
 Receipt Number: 2044663 Meeting Date: March 2, 2021
 Advertising Costs: \$ 125.55 Paid On: 2/22/21 Receipt Number: 2055168

1. NAME OF APPLICANT: Ashley Thomas Adams Contact Number: 912-484-0628

Business (if applicable): _____

Address: 100 N. Matanzas Blvd City: St. Augustine State: FL Zip: 32080

E-Mail Address: pinkcastlemusic@gmail.com

2. NAME OF PROPERTY OWNER: JJMRN Properties LLC Contact Number: 904-669-4025

Business (if applicable): _____

Address: 805 Tuckaway Lane City: St. Aug. State: FL Zip: 32080

E-Mail Address: debbieburkhardt5@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: lots 28, 29, 30 & 31

Block: 25 OR 5100/875

Subdivision: Davis Shores

Parcel Number: 2177000000

4. PROJECT STREET ADDRESS: 100 N. Matanzas Blvd, St. Augustine, FL 32080

5. SPECIFIC PROPOSED USE: home occupation for music lessons

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☒ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: home occupation for music lessons
in RS-2 zoning

8. JUSTIFICATION FOR ACTION REQUESTED: use by exception in RS-2 zone.

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

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

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

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

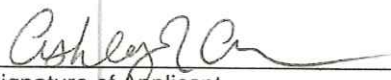
11. AGREEMENT:

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

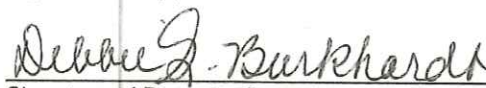
Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

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

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


Signature of Applicant

2-1-21
Date


Signature of Property Owner

2-1-21
Date

JTMRN Properties, LLC

04/18/2019



Owner's Authorization For Agent

Debbie G. Burkhardt is/are hereby authorized TO ACT ON BEHALF OF JTMRN Properties, LLC, the owner(s) of those lands described within ☐ the attached application, or ☒ described within the previously filed Application number: 2021-0021, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at:

BY: Debbie G. Burkhardt
Signature of Owner
Debbie G. Burkhardt
Print Name of Owner
904 669 4025
Telephone Number

State of Florida

County of St Johns

Signed and sworn before me on this 22nd day of February, 2021

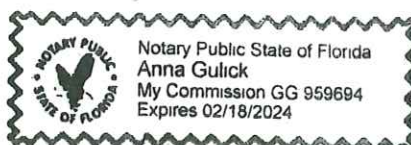
By Debbie G. Burkhardt

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: Anna Gulick

My Commission expires: 02/18/2024





**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 Chapter 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.

Ashley T Adams

Print name of applicant

[Signature]

Signature of applicant

2/2/2021

Date



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

[2020 TRIM Notice \(PDF\)](#)

2019 TRIM Notice

[2019 TRIM Notice \(PDF\)](#)

Summary

Parcel ID	2177000000
Location Address	100 N MATANZAS BLVD SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores North (589.01)
Tax Description*	3-98 DAVIS SHORES LOTS 28 29 30 & 31 BLK 25 OR5100/875 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.240
Homestead	N

Owner Information

Owner Name	Jjmrn Properties LLC 100%
Mailing Address	805 TUCKAWAY LN SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2021
Building Value	\$149,522
Extra Features Value	\$2,147
Total Land Value	\$190,190
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$341,859
Total Deferred	\$0
Assessed Value	\$341,859
Total Exemptions	\$0
Taxable Value	\$341,859

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
2020	\$151,515	\$2,300	\$190,190	\$0	\$0	\$344,005	\$147,548	\$246,457	\$97,548
2019	\$117,926	\$2,454	\$190,190	\$0	\$0	\$310,570	\$144,231	\$216,339	\$94,231
2018	\$114,447	\$2,607	\$180,180	\$0	\$0	\$297,234	\$141,542	\$205,692	\$91,542
2017	\$78,768	\$460	\$162,662	\$0	\$0	\$241,890	\$96,845	\$195,045	\$46,845
2016	\$107,549	\$536	\$162,662	\$0	\$0	\$270,747	\$108,914	\$211,833	\$58,914
2015	\$109,064	\$613	\$125,125	\$0	\$0	\$234,802	\$108,157	\$176,645	\$58,157
2014	\$86,802	\$689	\$105,105	\$0	\$0	\$192,596	\$107,299	\$135,297	\$57,299
2013	\$87,976	\$766	\$85,085	\$0	\$0	\$173,827	\$105,713	\$118,114	\$55,713
2012	\$89,149	\$842	\$75,000	\$0	\$0	\$164,991	\$103,946	\$111,045	\$53,946
2011	\$87,530	\$842	\$83,333	\$0	\$0	\$171,705	\$102,063	\$119,642	\$52,063
2010	\$90,310	\$919	\$92,592	\$0	\$0	\$183,821	\$100,555	\$133,266	\$50,555

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2894	Roof Cover	Roll Composite
Conditioned Area	1845	Interior Flooring	Carpet, Hardwood
Actual Year Built	1957	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	3
Exterior Wall	Concrete Stucco	Baths	2
Roof Structure	Gable Hip		

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Roll Composite	100%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	50%
Interior Flooring	Carpet	50%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
UNFINISHED GARAGE	0	572
BASE AREA	1845	1845
HALF SCREEN PORCH	0	181
FRAME UTILITY	0	264
FINISHED OPEN PORCH	0	32
Total SqFt	1845	2894

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Patio	0	0	0	0	852
Residential Fence	0	0	0	0	112

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	110	100	110	EF	\$190,190

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/17/2020	11/16/2020	\$310,000.00	WARRANTY DEED	5100	875	Q	I	BLALOCK KATHERINE L ETAL	JJMRN PROPERTIES LLC
	9/20/1995	\$80,000.00	WARRANTY DEED	1130	1441	U	I	SECRETARY OF VETERANS AFFAIRS	BLALOCK KATHERINE L ETAL
	1/12/1995	\$0.00	CERTIFICATE OF TITLE	1091	481	U	I	SECRETARY OF VETERANS AFFAIRS	SECRETARY OF VETERANS AFFAIRS
	2/1/1989	\$0.00		812	851	U	I		SECRETARY OF VETERANS AFFAIRS
	2/1/1988	\$0.00		777	646	U	I		
	2/1/1988	\$70,000.00		773	1166	Q	I		
	10/1/1984	\$0.00		659	744	U	I		
	6/1/1983	\$78,000.00		588	147	Q	I		

Sketch Information



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
JJMRN PROPERTIES, LLC

Filing Information

Document Number L12000124232
FEI/EIN Number 46-1127233
Date Filed 09/28/2012
Effective Date 10/01/2012
State FL
Status ACTIVE

Principal Address

805 Tuckaway Lane
SAINT AUGUSTINE, FL 32080

Changed: 02/08/2017

Mailing Address

805 Tuckaway Lane
SAINT AUGUSTINE, FL 32080

Changed: 02/08/2017

Registered Agent Name & Address

BURKHARDT, PETER
805 Tuckaway Lane
SAINT AUGUSTINE, FL 32080

Name Changed: 02/03/2015

Address Changed: 02/08/2017

Authorized Person(s) Detail

Name & Address

Title MGR

BURKHARDT, DEBBIE
805 Tuckaway Lane
SAINT AUGUSTINE, FL 32080

Title MGR

BURKHARDT, PETER
805 Tuckaway Lane
SAINT AUGUSTINE, FL 32080

Annual Reports

Report Year	Filed Date
2019	03/25/2019
2020	01/09/2020
2021	01/14/2021

Document Images

01/14/2021 -- ANNUAL REPORT	View image in PDF format
01/09/2020 -- ANNUAL REPORT	View image in PDF format
03/25/2019 -- ANNUAL REPORT	View image in PDF format
01/12/2018 -- ANNUAL REPORT	View image in PDF format
02/08/2017 -- ANNUAL REPORT	View image in PDF format
04/28/2016 -- ANNUAL REPORT	View image in PDF format
02/03/2015 -- ANNUAL REPORT	View image in PDF format
04/21/2014 -- ANNUAL REPORT	View image in PDF format
04/29/2013 -- ANNUAL REPORT	View image in PDF format
09/28/2012 -- Florida Limited Liability	View image in PDF format



Overview



Legend

□ Parcels

Parcel ID	2177000000	Physical Address	100 N MATANZAS BLVD	Building Value	\$149,522	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$2,147	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	JJMRN PROPERTIES LLC			11/16/2020	\$310000	01	Q
Acres	0.24		805 TUCKAWAY LN	Total Land Value	\$190,190	9/20/1995	\$80000	11	U
			SAINT AUGUSTINE FL	Just Value	\$341,859				
			32080-0000	Total Deferred	N/A				
				Assessed Value	\$341,859				
				Total	N/A				
				Exemptions					
				Taxable Value	\$341,859				

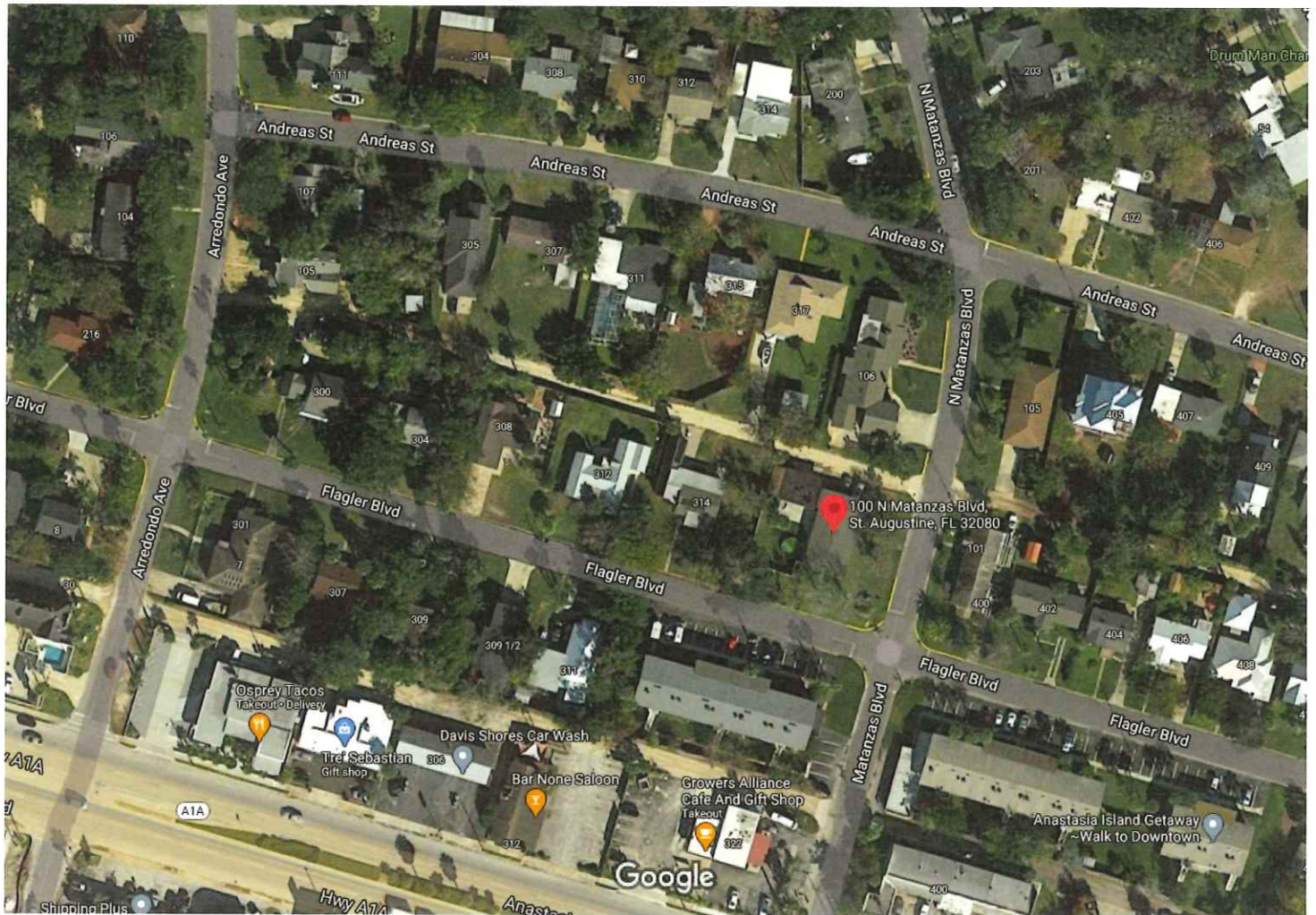
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Date created: 2/5/2021

Last Data Uploaded: 2/5/2021 12:39:49 AM

Developed by  Schneider
GEOSPATIAL

Google Maps 100 N Matanzas Blvd



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 50 ft



100 N Matanzas Blvd

St. Augustine, FL 32080

Building



Directions



Save



Nearby

Send to your
phone

Share

Brief narrative for home occupation for 100 North Matanzas Blvd. St. Augustine FL

Ashley Adams

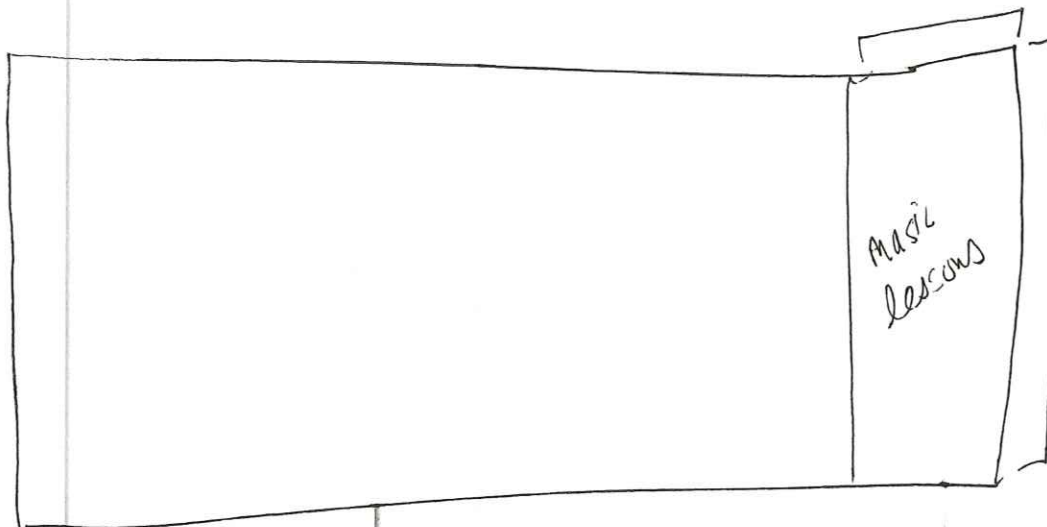
In-home music lessons – singing lessons and piano lessons

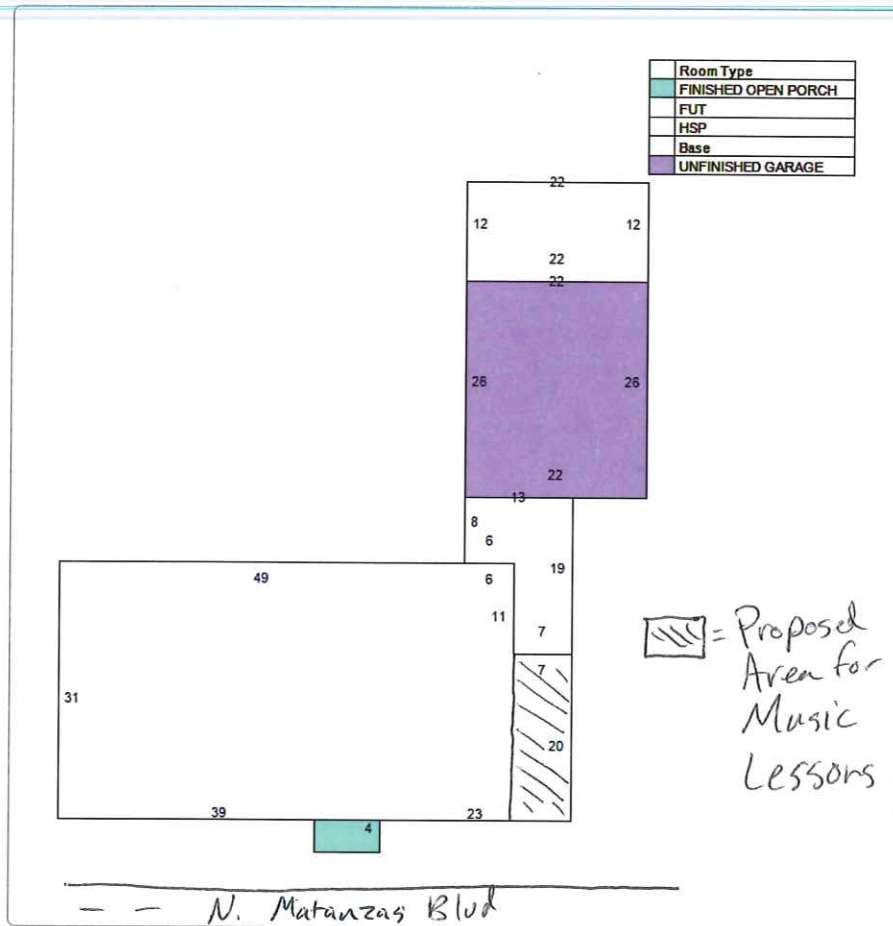
Intended hours – 2pm until 7pm Monday through Friday

One student per time

Total square footage of house – 1,845

Intended square footage for music lessons – Appx. 200 square feet





No data available for the following modules: Exemption Information.

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

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Last Data Upload: 2/20/2021, 12:22:30 AM

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Version 2.3.107

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: March 2, 2021

RE: **USE BY EXCEPTION– 2021-0025**

AGENDA ITEM 5(e)

APPLICANT & OWNER James Whitehouse
c/o St. Johns Law Group

OWNER Pauline & Geoffrey Webb

LOCATION 74 Osceola St / PIN 195230-0000

REQUEST To approve a use by exception for off-site parking within the municipal parking garage for short term rental.

LAND USE Residential Low Density

ZONING Residential, single-family-two (RS-2)

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-151 Parking [for short term rentals]

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

STAFF SUMMARY AND ANALYSIS

Use By exception - Off-site Parking within the municipal parking garage for Short Term Rentals.

This request is for one (1) parking space for a short term rental within the municipal parking garage. City code requires a use by exception when on-site, stabilized parking is not available, per LDC Sec 28-151(iii). The approval of short-term rental registrations is contingent upon providing parking at a rate of one stabilized parking space per bedroom. The subject property contains a four bedroom house with three (3) parking spaces provided onsite. The existing site configuration lacks space on site to provide one additional parking space.

The annual registration renewal will require the applicant provide proof of current, valid parking passes to the city parking garage. If the applicant fails to renew parking permits, they will be out of compliance with City Code requirements for short term rentals and subject to code enforcement action.

STAFF RECOMMENDATION

Based on a review of Section 28-29 & 28-151, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for off-site parking for one space within the municipal parking garage for a short term rental at 74 Osceola St / PIN 195230-0000.

ATTACHMENTS

Attachment 1 – Application, Property Record Card, Supporting Information

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



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

FEB 05 2021

Planning / Building Dept.

Application Fee: \$250 (plus advertising costs)

Project Number: 2021-0025

Receipt Number: 2046002

Meeting Date: March 2, 2021

Advertising Costs: \$ 72.90

Paid On: 2/22/21

Receipt Number: 2055110

1. NAME OF APPLICANT: James G. Whitehouse, Esq. Contact Number: 904-495-0400

Business (if applicable): St. Johns Law Group

Address: 104 Sea Grove Main Street City: St. Augustine State: FL Zip: 32080

E-Mail Address: jameswhitehouse@sjlawgroup.com

2. NAME OF PROPERTY OWNER: Pauline and Geoffrey Webb Contact Number: _____

Business (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 14

Block: F

Subdivision: Abbott Tract

Parcel Number: 195230 0000

4. PROJECT STREET ADDRESS: 74 OSCEOLA STREET

5. SPECIFIC PROPOSED USE: Continue their previously approved and currently operating rental use

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☒ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: _____

- SEE ATTACHED -

8. JUSTIFICATION FOR ACTION REQUESTED: _____

- SEE ATTACHED -

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

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

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

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

11. AGREEMENT:

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

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

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

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

Signature of Applicant

2/5/2021

Date

Signature of Property Owner

Date

** OWNER'S AUTHORIZATION ATTACHED **



Owner's Authorization For Agent

ST. JOHNS LAW GROUP / JAMES G. WHITEHOUSE, ESQ. is hereby authorized TO ACT ON BEHALF OF **Pauline and Geoffrey Webb**, the owner of those lands described within the attached application and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine, for an application related to a land use issues, and any other matter related to properties located at **74 Osceola Street (Parcel No.: 195230 0000), St. Augustine, FL and/or 21 Pine Street (Parcel No.: 195220 0150), St. Augustine, FL.**

BY: Pauline Webb Geoff Webb
Signature of Owner
Pauline Webb Geoff Webb
Print Name of Owner
(860) 754 4711 (860) 853-8261
Telephone Number

State of CT

County of New Haven

Signed and sworn before me on this 4th day of December, 2020

By PAULINE CAROL WEBB & GEOFFREY PATRICK WEBB

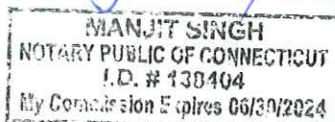
Identification verified:

Oath sworn: ☒ Yes ☐ No

Sworn to and subscribed
4th before me this
day of Dec, 2020

Notary Signature: [Signature]

My Commission expires: 06/30/2024





**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 Chapter 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.

JAMES G. WHITENOWS

Print name of applicant

[Signature]
Signature of applicant

2/5/21
Date

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

[2020 TRIM Notice \(PDF\)](#)

2019 TRIM Notice

[2019 TRIM Notice \(PDF\)](#)

Summary

Parcel ID	1952300000
Location Address	74 OSCEOLA ST SAINT AUGUSTINE 32084-0000
Neighborhood	Abbott Tract (606)
Tax Description*	ABBOTT TRACT CITY 47FT ON OSCEOLA ST X 88FT - PT OF LOT 14 BLK F OR3707/1400 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Abbott Tract
Sec/Twp/Rng	7-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.100
Homestead	N

Owner Information

Owner Name	Webb Pauline C.Geoffrey P 100%
	Webb Geoffrey P 100%
Mailing Address	10 BLUE BIRD RD MIDDLETOWN, CT 06457-5003

Map



Valuation Information

	2021
Building Value	\$231,162
Extra Features Value	\$13,005
Total Land Value	\$177,480
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$421,647
Total Deferred	\$0
Assessed Value	\$421,647
Total Exemptions	\$0
Taxable Value	\$421,647

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
2020	\$234,203	\$13,005	\$177,480	\$0	\$0	\$424,688	\$424,688	\$0	\$424,688
2019	\$218,469	\$12,881	\$177,480	\$0	\$0	\$408,830	\$408,830	\$0	\$408,830
2018	\$221,234	\$13,558	\$177,480	\$0	\$0	\$412,272	\$389,172	\$23,100	\$389,172
2017	\$213,503	\$13,802	\$141,984	\$0	\$0	\$369,289	\$353,793	\$15,496	\$353,793
2016	\$216,139	\$13,353	\$129,456	\$0	\$0	\$358,948	\$321,630	\$37,318	\$321,630
2015	\$182,901	\$14,029	\$103,356	\$0	\$0	\$300,286	\$292,391	\$7,895	\$292,391
2014	\$157,145	\$14,705	\$93,960	\$0	\$0	\$265,810	\$265,810	\$0	\$265,810
2013	\$151,706	\$593	\$93,960	\$0	\$0	\$246,259	\$246,259	\$0	\$246,259
2012	\$148,221	\$658	\$84,564	\$0	\$0	\$233,443	\$233,443	\$50,000	\$183,443
2011	\$149,925	\$724	\$93,960	\$0	\$0	\$244,609	\$241,101	\$53,508	\$191,101
2010	\$142,788	\$790	\$93,960	\$0	\$0	\$237,538	\$237,538	\$50,000	\$187,538

Building Information

Building	1
Actual Area	2047
Conditioned Area	1942
Actual Year Built	1900
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Concrete Siding, Wood
Roof Structure	Gable Hip

Roof Structure	Gable Hip
Roof Cover	Metal
Interior Flooring	Ceramic Tile, Hardwood
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	4
Baths	3

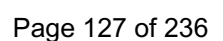
Category	Type	Pct
Exterior Wall	Concrete Siding	60%
Exterior Wall	Wood	40%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	80%
Interior Flooring	Ceramic Tile	20%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	14 Fixtures	100%
Electrical	Good	100%
Foundation	Piers and Posts	100%
Condition	Very Good	100%
Floor System	Wood Frame	100%

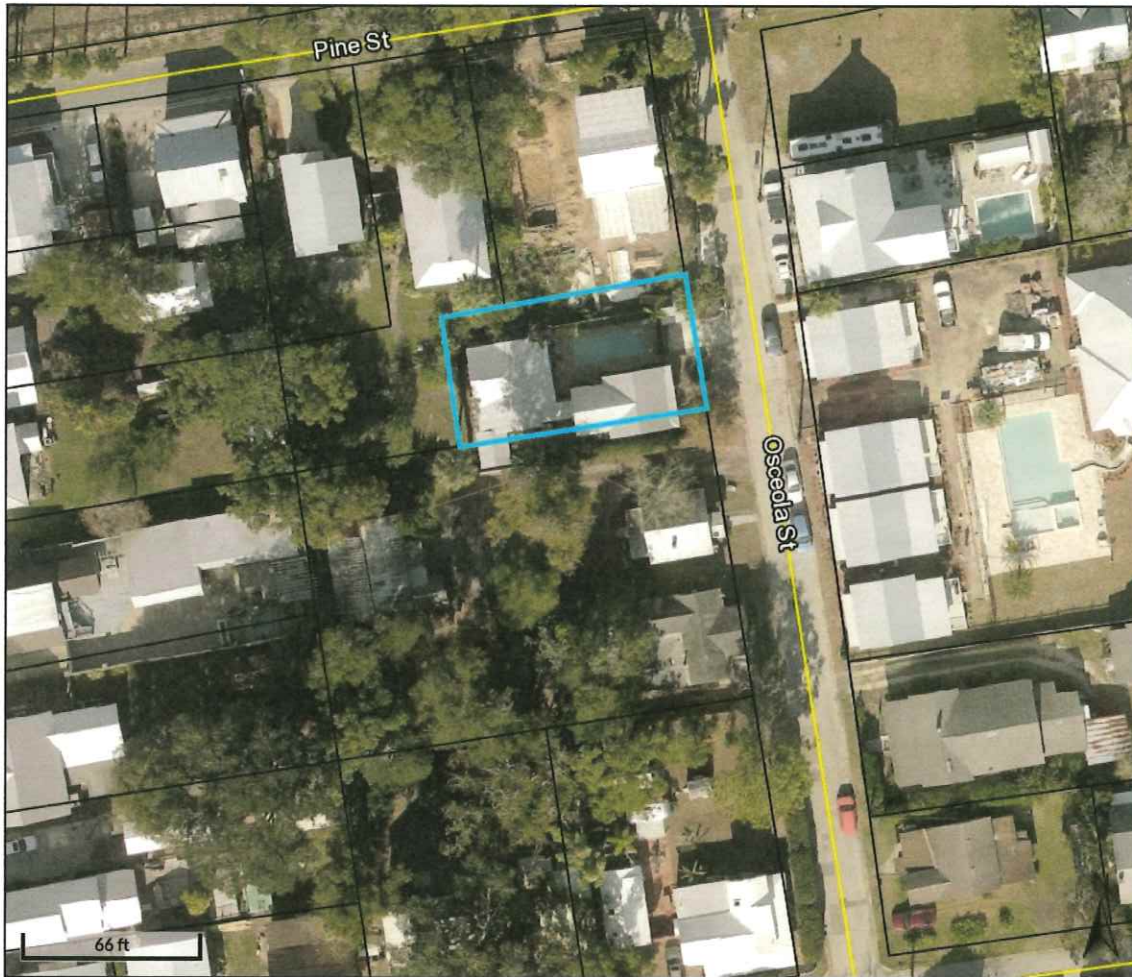
Description	Conditioned Area	Actual Area
FRAME ADDITION	612	612
BASE AREA	620	620
FRAME ADDITION	130	130
FINISHED OPEN PORCH	0	45
FINISHED UPPER STORY	580	580
FINISHED OPEN PORCH	0	60
Total SqFt	1942	2047

Land Information

Sale Information

Sketch Information





Overview



Legend

□ Parcels

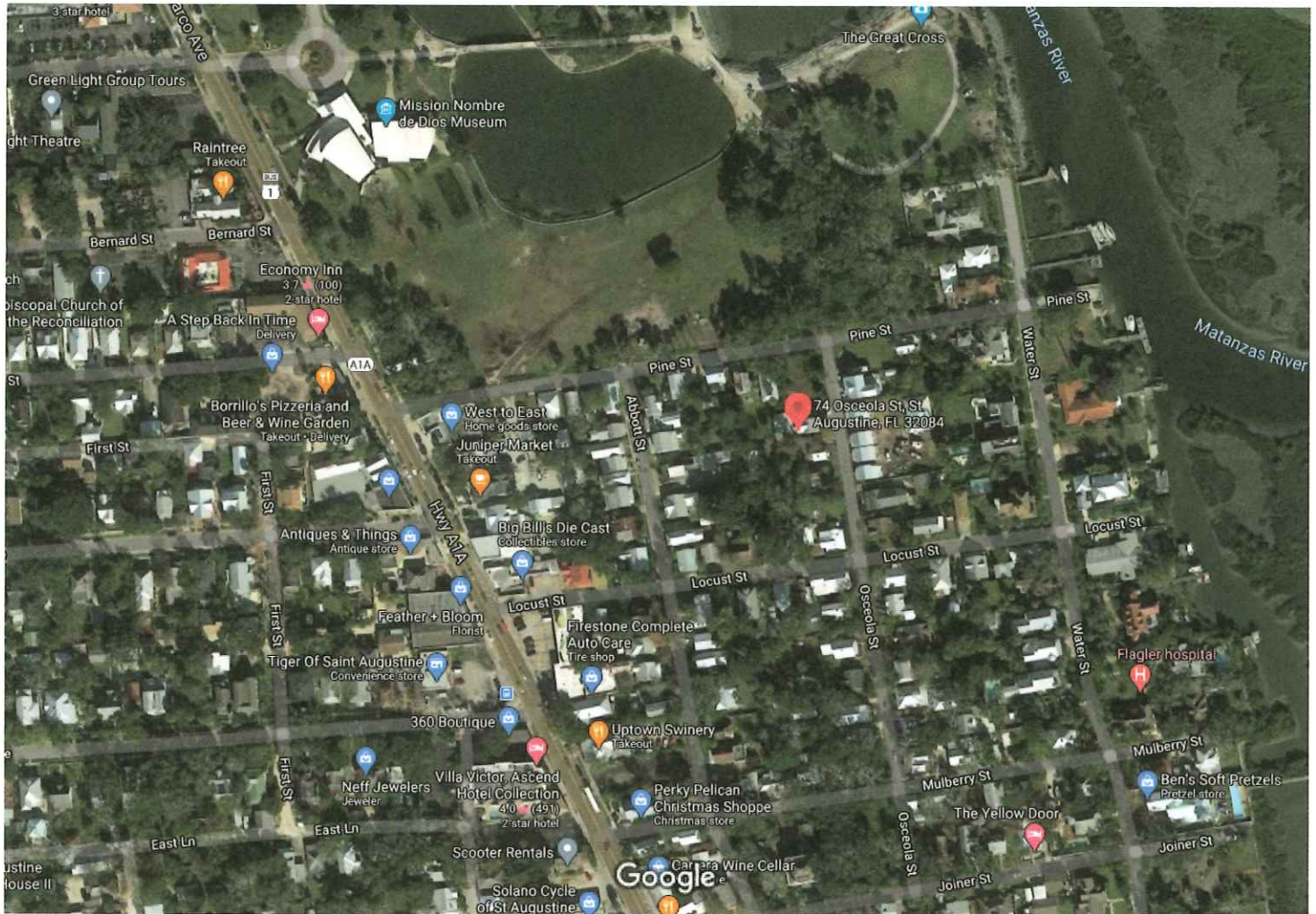
Parcel ID	1952300000	Physical Address	74 OSCEOLA ST	Building Value	\$231,162	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$13,005	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	WEBB PAULINE	Total Land Value	\$177,480	2/22/2013	\$269900	12	U
Acres	0.1		C,GEOFFREY P	Just Value	\$421,647	1/27/2006	\$285000	03	Q
			10 BLUE BIRD RD	Total Deferred	N/A				
			MIDDLETOWN CT 06457-5003	Assessed Value	\$421,647				
				Total Exemptions	N/A				
				Taxable Value	\$421,647				

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

Date created: 2/8/2021

Last Data Uploaded: 2/6/2021 12:31:08 AM

Developed by  **Schneider**
GEOSPATIAL



A photograph of a two-story house with a balcony, partially obscured by trees with orange leaves. The house has a light-colored exterior and a dark roof. The balcony has a white railing. The house is surrounded by trees and a lawn.

St. Augustine, FL 32084
Building



Share

Project Description and Justification

Owner seeks a use by exception to be able to continue their previously approved and currently operating rental unit at 74 Osceola Street. This use by exception would allow the owner to provide for offsite parking within the city's municipal parking garage, as provided for within the city's code. This property was already approved for this current use and has operated as a rental for many years. Pursuant to the new regulations, the owners are now required to seek a use by exception, but they are not changing the use or number of rooms rented. Further, they have been operating for many years with great success and popularity and without any complaints.

City code requires a use by exception when on-site, stabilized parking is not available, per LDC Sec 28-151(iii). The approval of short-term rental registrations is contingent upon being able to provide parking at a rate of one stabilized parking space per bedroom. The subject property contains a four-bedroom house that has been operating as a rental property for many years. With the existing site configuration, the owner is required to seek one additional parking space to meet the requirements. Further, there is no residential parking program provided in the surrounding area, nor any other public parking areas available for such use. Thus, the owner seeks one additional space in the nearby city parking garage as provided for in the regulations.

The city's parking garage specifically serves this area north of the garage currently and this property will be well-served with the provision of parking in that garage. As stated, this property contains a house with four bedrooms requiring four (4) parking spaces to accommodate the long-standing, short-term rental use; thus, the owner requests approval of this use by exception for one off-site parking space in the nearby, local city garage. Upon approval, according to the city requirements, the applicant will meet the annual registration renewal by providing proof of current, valid parking passes to the city parking garage.

In sum, based on Section 28-29 & 28-151, with the supporting evidence, we respectfully request that the Board APPROVE a use by exception for off-site parking within the municipal parking garage for one space for a long-established, continuing, short term rental use at 74 Osceola Street (Parcel ID #195230-0000).

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-151. Parking [for short term rentals]

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

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: March 2, 2021

RE: **Other Business Item 7(a)**

**Review and Recommendation Related to the Proposed Updates and Revisions
to Chapter 3 Sign Code of the City of St. Augustine Land Development Code**

At the February PZB meeting the Sign Code update was listed as the first land development code update to be reviewed by the PZB for recommendation to the City Commission.

This update is included on the March 2, 2021 PZB Agenda for the PZB to review and make a recommendation.

This item was drafted by the City Attorney. The Sign Code is required to be updated because of a Supreme Court decision in Reed v. Town of Gilbert, Arizona. This decision determined that “content-based” regulations related to types of signs is presumptively unconstitutional and requires a compelling governmental interest.

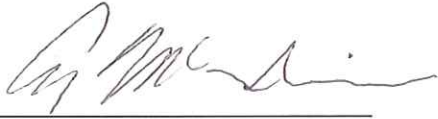
For example, directional signage that provides a message related to the time and location of a special event, conveying an idea about a special event is considered content-based, and not allowed to be regulated.

Therefore, the City’s existing Sign Code requires an extensive rewrite/update to meet the standards of the law to eliminate or revise content-based references included in the code, and presumably develop a Sign Code for the City that is considered “content neutral”.

Additionally, staff has included general clean up items in the draft.

Attached is a “redline” version of the draft update so that the PZB can see the proposed changes in a format that shows inserts and changes, as well as, deletions to the text of the Sign Code. Attached is also a “clean” version so that the PZB can review the revised code in its entirety, and more easily review what the new code will read like. Also, attached is a copy of the existing code for the PZB to compare as needed with the proposed language.

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

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

Amy McClure Skinner, AICP
Deputy Director
Planning and Building Department

Proposed “Redline” Version of the revised Sign Code

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 3, ARTICLE II OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR AMENDMENTS TO THE DEFINITIONS OF SIGNS; PROVIDING FOR REMOVAL OF CONTENT BASED REGULATIONS; 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, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances by municipalities; and

WHEREAS, it is the City's intent to confirm that the definitions in its code are in compliance with all constitutional and legal requirements; and

WHEREAS, the City acknowledges that certain definitions in the City's code regarding signs require deletion or amendment in light of the recent United States Supreme Court decision in Reed v. Town of Gilbert, Arizona, and lower courts further interpretation of this decision; and

WHEREAS, the Supreme Court maintained in Reed v. Town of Gilbert, Arizona, that content-based regulation is presumptively unconstitutional and requires a compelling governmental interest; and

WHEREAS, per Supreme Court standard, a law that is content-based is subject to strict scrutiny under the First Amendment of the United States Constitution, and such law must therefore satisfy a compelling governmental interest; and

WHEREAS, the Supreme Court held that government regulation of speech is content based if a law applies to particular speech because of the topic discussed, the idea, or message expressed; and

WHEREAS, in Reed v. Town of Gilbert, Arizona, the Supreme Court held that even a purely directional message, which merely gives the time and location of a specific event, is one that conveys an idea about a specific event, so that a category for directional signs is therefore content-based, and event-based regulations are not content neutral; and

WHEREAS, commercial speech is not afforded the same level of protection as non-commercial speech, and can therefore be regulated as commercial speech; and

WHEREAS, under established Supreme Court precedent, aesthetics is not a compelling governmental interest but is a substantial governmental interest; and

WHEREAS, the regulation of signage for purposes of aesthetics is a substantial governmental interest and directly serves the policy articulated in Article II, Section 7, of the Florida Constitution, by conserving and protecting its scenic beauty; and

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

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

Section 1. Amendment to Chapter 3, Article II, Amending Sections 3-21, 3.22, 3.23, 3.26, and 3.29. Chapter 3, Article II, Sections 3-21, 3.22, 3.23, 3.26, and 3.29 of the Code of the City of St. Augustine, Florida are hereby amended, as follows:

“Sec. 3-21. - Purpose and legislative intent.

(a) The purpose of this article is to develop sign regulations which encourage designs that reflect the historic character, small scale and pedestrian orientation of the historic preservation districts within the city. The purpose is to also encourage designs that reflect the architectural character, residential nature and predominately pedestrian orientation of residentially zoned districts within the city. The purpose is also to encourage designs that reflect the architectural scale, aesthetic quality and vehicular and pedestrian orientation of commercially zoned districts within the city.

(b) This article contains regulations which promote signs that are subordinate to and in aesthetic harmony with their location on buildings and the surrounding environment; to identify requirements for size, type and location to protect significant architectural features of the original historic and reconstructed buildings; to eliminate the dangers of visual clutter along public streets and rights-of-way; and to define requirements which fulfill the functions of ~~identifying and advertising only the business concerned~~ clearly and efficiently with a high degree of design quality.

(c) Defined terms are intended for ease of reference, they are not intended to regulate content. Similarly, named sign examples, samples, and illustration figures are intended to show common industry examples of the sign

regulation being described or depicted, and are not intended to be exhaustive or exclusive, nor are they intended to regulate content.

“Sec. 3-22. - Definitions.

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

~~*Accessory sign* means an attachment to a business identification sign or auxiliary business sign which gives additional information to the larger sign.~~

~~*Affiliation sign* means a sign which identifies a person or business on the subject premises with an association, union, profession or similar organization.~~

~~*AGHP* means the architectural guidelines for historic preservation of the city as from time to time promulgated by the historic architectural review board or the city commission from time to time as authorized by section 28-89.~~

~~*Alteration* means any change to a sign, including copy changes and repainting in different colors, but excluding routine maintenance.~~

~~*Animated sign* means any sign or part of a sign which changes physical position by movement or rotation or gives the appearance of movement or rotation, or uses movement or change of lighting to depict action or to create a special effect or scene. See changeable copy (manual), changeable copy (automatic) and flashing sign.~~

~~*Attention-getting device* means any gadget or mechanical contrivance, scheme, drawing, ruse or trick, symbol, emblem, insignia, regalia or motto, including murals but excluding ornate architectural features of a building, selectively narrowing or focusing consciousness and receptivity.~~

~~*Auxiliary business sign* means a secondary size and type of sign, smaller than the business identification sign, which clarifies the nature of the business or services offered therein.~~

~~*Awning* means a shelter extending from a building that is supported entirely from the exterior wall of a building and composed of nonrigid materials except for supporting framework.~~

~~*Awning sign* means a sign that is part of or attached to the face of an awning, which shall be constructed in the same fabric or material as the awning.~~

~~*Banner* means a sign having the characters, letters, illustrations or ornamentations applied to cloth, paper or fabric of any kind with only such material for a backing. "Banner" shall include any animated rotating and/or fluttering devices designated to attract attention.~~

~~*Bench sign* means a sign on any part of a bench or seat placed on or adjacent to a public right-of-way.~~

~~*Billboard* means an outdoor advertising sign erected and maintained by an advertising business or service, upon which advertising matter may be displayed and which generally advertises firms and organizations that along with their goods and services, are not located on the same premises as the sign; and whose surface is sold, rented or leased for display of advertising material.~~

~~*Bracket sign* means any sign, single or double faced, mounted on brackets, poles or beams projecting at right angles from the front or side of any building and supported solely by brackets, poles or beams.~~

~~*Business identification sign* means the main sign of a business (informs potential clients of a business, the name and/or type of service; may contain name of business, list up to three (3) services or products; may include logos).~~

~~*Canopy* means a structure constructed of rigid materials including, but not limited to metal, wood, concrete, plastic or glass, which is attached to and supported by a building or by columns, poles or braces extended to the ground.~~

~~*Canopy sign* means a sign which is suspended from, attached to, supported from or forms a part of a canopy.~~

~~*Changeable copy sign (manual)* means a sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels. A sign on which the message changes more than once every three (3) hours shall be considered an animated and not a changeable copy sign for the purposes of this ordinance.~~

~~*Changeable copy sign (automatic)* means a sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units. A sign on which the message changes more than once every three (3) hours shall be considered an animated sign for the purposes of this ordinance.~~

~~*Directional sign* means a sign permanently erected or permitted in the public right-of-way or private property by the city, county, state or other governmental agency to denote the name of any thoroughfare, the route to any city, town, village, educational institution, public building, historic place, shrine or hospital, to direct and regulate traffic, to denote any railroad crossing, bridge, ferry or other transportation or transmission company for the direction or safety of the public.~~

~~*Directory sign* means a sign listing only the names and/or use, or location of more than one (1) business, activity or professional office conducted within a building, group of buildings or commercial center.~~

~~*Disfiguring sign* means any sign placed upon a structure in any manner so as to disfigure or conceal any window, door or significant architectural feature or detail of any building.~~

~~*Double-faced sign* means a sign with two (2) faces which are usually, but not necessarily, parallel.~~

~~*Facia* means a wall sign placed or attached to the building surface above a window or door.~~

~~*False facade/roof*, see "canopy sign."~~

~~*Flag* means the flying of individual national, state, city or historic flags attached to freestanding poles mounted on the ground or to flagstaffs attached to the facade of a structure, limited to a total of five (5) in number, provided that such flags shall not be used in such a way as to attract the attention of the public for commercial purposes. Flags larger than three (3) feet by five (5) feet shall be considered signs and shall be calculated as part of the maximum square footage and maximum number of signs.~~

~~*Flashing sign* means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. It does not include changeable copy signs, animated signs or signs which through reflection or other means create an illusion of flashing or intermittent light.~~

~~*Freestanding/ground sign* means a sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support.~~

~~*Frontage* means the length of street surface that the building faces.~~

- ~~(1) Primary frontage means the street surface that the building's main entry faces.~~
- ~~(2) Secondary frontage means any other street surface that a building is adjacent to.~~

~~*Government pole banner* means a device, limited to government speech of the City of St. Augustine, attached to a bracket located on an electric light pole owned and controlled by the City of St. Augustine.~~

~~*Illuminated electric sign* means a self-illuminated or internally illuminated sign or sign structure in which electric wiring, connections, or fixtures are used as part of the sign proper.~~

~~*Index sign* means a guide or an indicator of contents inside a building.~~

~~*Informational sign* means a sign indicating by words or symbols the types of services available at location or events occurring thereon.~~

~~*Mansard*, see "canopy sign."~~

~~*Marquee* means a permanent roof-like structure projecting more than three (3) feet beyond a building wall at an entrance to a building.~~

~~*Marquee sign* means any sign attached to or hung from a marquee.~~

~~*Menu board* means an auxiliary business sign display case containing a menu or a chalk board used for advertising daily menu specials for a restaurant or other food-related establishment, wall or pedestal mounted, with no identification or other signage attached to or painted on the frame or the glass face, not~~

~~exceeding two (2) per business and located on the same facade as the primary street frontage or entrance.~~

~~Nonconforming sign means any sign which does not conform to the regulations of this article.~~

~~Off-site sign means a sign identifying, advertising or directing the public to a business, merchandise, service, institution, residential area, entertainment or activity which is located, sold, rented, based, produced, manufactured, furnished or taking place at a location other than on the property on which the sign is located.~~

~~On-site development sign means a sign identifying the developer, architect, contractor or realtor located on property upon which there is active construction.~~

~~On-site traffic control sign means a sign of less than four (4) square feet, permanently erected on private property by the property owner, lessee or agent to direct and control on-site vehicular and pedestrian traffic and parking.~~

~~Pedestrian pole sign means a sign supported by one or two poles in the ground fully independent of any building, fence, vehicle, or object. This is only allowed for the residential typology, and is only allowed in entranceway corridors where specifically allowed in the corridor's design standards.~~

~~Pole sign means any sign mounted on a metal pole on private property.~~

~~Political sign means a sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the city shall vote.~~

~~Portable sign means a sign that has no permanent attachment to a building or to a ground by means of a footing, including, but not limited to, an A-frame sign, sign with wheels, pull attachments, search light stands, hot air or gas filled balloons or umbrellas.~~

~~Post sign means any sign mounted on a wooden post on private property.~~

~~Premises means a lot, building site, lease area of a building or lot, or other independent entity by one (1) business or residence. Each of the multiple tenants of an industrial park, shopping center, subdivision or condominium constitutes a separate premise for the purpose of this article.~~

~~Projecting sign means any sign which is affixed to any building, wall or structure and extends beyond the building wall, structure, building line or property line more than twelve (12) inches.~~

~~Real estate sign means any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.~~

~~Road race signage means a sign of identification or direction used to indicate the path direction for racers, mile markers, time clocks and start and finish of a foot or non-motorized vehicle road race over public roads or public rights-of-way~~

~~requiring the temporary closure of the road or right-of-way under permit issued by the St. Augustine Police Department and/or the City of St. Augustine Public Works Department or any other agency exercising jurisdiction over public roads, streets or rights-of-way located within the municipal boundaries of the City of St. Augustine.~~

~~Roof sign means any sign erected or constructed wholly upon or over the roof of any building and supported solely or partially on the roof structure.~~

~~Sandwich sign means any sign, double or single-faced which is portable and may be readily moved from place to place.~~

~~Seasonal/holiday sign means a sign, including holiday wreaths and other holiday decorations, used for emphasizing the celebration of an historic American holiday, which is erected for a four-week period of time. As used herein the term "an historic American holiday" shall refer to any day made a public holiday by the laws of Florida, the laws of the United States or by resolution of the city commission, together with the following holidays:~~

- ~~(1) Greek Landing Day.~~
- ~~(2) The anniversary of the founding of the city.~~
- ~~(3) Birthday of Pedro Menendez.~~
- ~~(4) Days in Spain, sponsored by the St. Augustine Jaycees.~~
- ~~(5) Any day upon which there is a Grand Illumination or Spanish Night Watch.~~

~~Seasonal or holiday lighting means a series of clear, white or colored lights, either bare or shielded within a enclosure.~~

~~Shopping center sign means a sign with three (3) or more businesses listed that share a common structure or premises and which shall not exceed the maximum size of signs for the zone in which it is located.~~

~~Sign means any letter, number, emblem, logo, symbol, color, advertising display, billboard, poster, panel, bulletin or placard, and all printed, painted, lettered, illuminated or figured devices, structures or attention-getting devices used for advertising, identifying or calling attention to a business, attached to or painted on any building or structure or attached to the ground by post, footing or other contrivance, visible from the nearest public right-of-way or in a group of buildings, and legible from a distance of ten (10) feet or more. Government pole banners are specifically excluded from the definition of a sign in the regulations of this article.~~

~~Sign, area of, means the total surface of a sign, including the background, frame and ornamentation, but not including structural supporting elements outside of its frame. For double-faced signs that are parallel and supported by the same structure, the area of the sign equals one-half of the total area of both faces. The area of signs with two (2) or more faces not parallel equals the total area of all faces.~~

~~Sign zones means:~~

- ~~(1) Commercial Zone 1. All commercially or industrially zoned lots and all lots zoned RGO, MU, OL and GU, except those lots immediately abutting Anastasia Boulevard; that portion of San Marco Avenue lying north of Williams Street; Ponce de Leon Boulevard; State Road 16; State Road 207; and all commercially or residentially zoned lots whose boundaries lie south of the easterly right-of-way line of N. Ponce de Leon Boulevard (U.S. 1) and east of the easterly mean high waterline of the San Sebastian River and west of the westerly right-of-way line of Malaga Street and the extension of the westerly right-of-way line of Malaga Street lying south of King Street to the San Sebastian River.~~
- ~~(2) Commercial Zone 2. All commercially or industrially zoned lots immediately abutting Anastasia Boulevard, San Marco Avenue lying north of Williams Street, Mizell Road and State Road 312.~~
- ~~(3) Commercial Zone 3. All commercially or industrially zoned lots immediately abutting Ponce de Leon Boulevard, State Road 16 and State Road 207, and that portion of Historic Preservation Zoning District 5 lying south of Castillo Drive, north of Orange Street, east of Ponce de Leon Boulevard and west of Riberia Street.~~
- ~~(4) Commercial Zone 4. All commercially or residentially zoned lots whose boundaries lie south of the easterly right-of-way line of N. Ponce de Leon Boulevard (U.S. 1) and east of the easterly mean high waterline of the San Sebastian River and west of the westerly right-of-way line of Malaga Street and the extension of the westerly right-of-way line of Malaga Street lying south of King Street to the San Sebastian River.~~
- ~~(5) Historic Zone 1. All lots contained in Historic Preservation Zoning Districts 1, 2, and 3 (HP-1, HP-2, HP-3).~~
- ~~(6) Historic Zone 2. All lots contained in Historic Preservation Zoning District 4 (HP-4).~~
- ~~(7) Historic Zone 3. All lots contained in Historic Preservation Zoning District 5 (HP-5) except such portion thereof as may be included within Commercial Zone 3 pursuant to subsection (3) hereof.~~
- ~~(8) Residential Zone 1. All lots contained in Zoning Districts RS-1 and RS-2.~~
- ~~(9) Residential Zone 2. All lots contained in Zoning District RG-1.~~
- ~~(10) Residential Zone 3. All lots contained in Zoning District RG-2.~~

~~Signs, special use, means:~~

- ~~(1) On-site development signs.~~
- ~~(2) Real estate signs.~~
- ~~(3) Political signs.~~
- ~~(4) Seasonal/holiday signs.~~
- ~~(5) Special event signs.~~
- ~~(6) Banners, streamers and pennants.~~
- ~~(7) Temporary window signs.~~
- ~~(8) Home occupation signs.~~

~~Signs, types, means:~~

- ~~(1) Bracket.~~
- ~~(2) Wall.~~
- ~~(3) Facia.~~
- ~~(4) Freestanding.~~
- ~~(5) Post.~~
- ~~(6) Pole.~~
- ~~(7) Animated.~~
- ~~(8) Awning.~~
- ~~(9) Billboard.~~
- ~~(10) Bench.~~
- ~~(11) Canopy.~~
- ~~(12) Changeable copy.~~
- ~~(13) Illuminated electrical.~~
- ~~(14) Marquee.~~
- ~~(15) Off-premises.~~
- ~~(16) Sidewalk/sandwich.~~
- ~~(17) Shopping center.~~
- ~~(18) Portable.~~
- ~~(19) Surface graphics.~~
- ~~(20) Window.~~
- ~~(21) Disfiguring.~~
- ~~(22) Vehicle.~~

~~Signs, use, means:~~

- ~~(1) Index/informational.~~
- ~~(2) Directory.~~
- ~~(3) Affiliation.~~
- ~~(4) Business identification.~~
- ~~(5) Accessory.~~
- ~~(6) Auxiliary.~~
- ~~(7) Directional.~~

~~Snipe sign means any small sign of less than four (4) square feet of any material, including paper, cardboard, wood and metal when tacked, nailed or attached in any way to trees, poles, stakes, fences or other objects where such sign may or may not be applicable to the present use of the premises upon which sign is located (includes garage sign).~~

~~Special event sign means a sign which carries a message regarding a special event or function which is of general interest to the community and may be banners, streamers, pennants, temporary window signs or any type of permitted sign.~~

~~Surface graphics means any sign painted directly on any exterior building wall or door surface, exclusive of window and door glass area.~~

~~Temporary sign means a sign permitted for temporary use by the planning and building department.~~

~~Time and temperature sign shall mean any sign mechanically, electronically or electrically controlled to display time, temperature and business name only. No other signage or information other than time, temperature and business name may be located within such an area which may be determined as signage nor may any additional signage be attached to a time and temperature sign.~~

~~Traffic sign means a sign which functions primarily to provide for the efficient, safe and orderly flow of traffic.~~

~~Vehicle sign means a sign attached to or painted on vehicles of any type which are conspicuously parked on or near the premises of the use being advertised and obviously used in such a way as to advertise, identify or draw attention to such use of passing motorists and pedestrians.~~

~~Wall sign means any sign attached to the facade of a structure, which is attached and supported throughout its entire length by the facade and not extending above the building, ground floor and/or the eave of the roof.~~

~~Window sign means any sign affixed to, in contact with a window, or located within three (3) feet of any window surface facing the outside and which it is intended to be seen from the exterior.~~

~~Window sign, temporary, means a window sign of a temporary nature used to direct attention to the sale of merchandise or a change in the status of the business.~~

Sign means any letter, number, emblem, logo, symbol, color, advertising display, copy, billboard, poster, panel, bulletin or placard, and all printed, painted, lettered, illuminated or figured devices, structures or attention-getting devices used to convey First Amendment speech, or to convey commercial speech, attached to or painted on any building or structure or attached to the ground by post, footing or other contrivance, visible from the nearest public right-of-way or private road open to public travel, and legible from a distance of ten (10) feet or more, not otherwise excluded from the definition of a sign in this code.

Sign, area of, means the total surface of a sign, including the background, frame and ornamentation, but not including structural supporting elements outside of its frame. For double-faced signs that are parallel and supported by the same structure, the area of the sign equals one-half of the total area of both faces. The area of signs with two (2) or more faces not parallel equals the total area of all faces.

a) Sign Categories:

Accessory sign means a sign smaller than the primary sign and for primary or accessory uses allowed under the property's zoning and comprehensive plan designation.

Billboard means an off-site commercial outdoor sign upon which content may be displayed and whose surface is sold, licensed, or leased to another for the display of their content.

Minor sign means a sign of no more than 20 inches by 34 inches, that is displayed either on or behind a window, door, glass, or plexiglass on the building or other permanent on-site structure, or an A-frame sign lawfully placed on private property on the primary entrance frontage and removed daily outside the front entry of the commercial business utilizing the sign. The minor signs may not exceed one A-frame sign plus one glass sign, or two glass signs, for the primary entrance frontage of each commercial business. Each minor glass sign may aggregate its copy to be equal to, or less than, the equivalent of 20 inches by 34 inches. Each Sign that does not comply with these requirements shall be calculated as part of the maximum square footage and maximum number of signs. An industry example of a minor sign is a restaurant may have a daily specials menu under glass of no more than a total of 20 inches by 34 inches, and also have hours of operation and forms of credit cards accepted totaling less than 20 inches by 34 inches in the aggregate, as its two allowable minor signs. In the alternative, the restaurant could place an A-frame daily specials menu board at its entrance and aggregate its hours of operation and forms of credit cards accepted on glass. The copy or content displayed may be permanently affixed to the glass or A-frame sign, or it may be manually changed frequently. Industry examples of permanent minor signs may be hours of operation and forms of payment accepted affixed by paint or adhesive to the glass. Industry examples of temporary minor signs may be a closed or open sign turned twice a day behind the glass door, or a menu board placed outside.

Primary sign means the largest of the allowable signs for the premises, when more than one sign is allowed, consistent with the zone where it is located. This sign type is for primary uses allowed under the property's zoning and comprehensive plan designation.

Temporary ancillary sign means an on-site sign utilized for a temporary ancillary activity related to the property's primary uses allowed under the property's zoning and comprehensive plan. The sign's duration must coincide with termination of that temporary ancillary activity. This sign type is not for the primary uses allowed under the property's zoning and comprehensive plan designation. Typical industry examples include real estate for sale or lease, or development or construction activity.

Temporary interval sign, large means a temporary sign for primary commercial, industrial, or institutional zoned properties no larger than three (3) feet by two (2) feet for one week duration or less and no more than four times per calendar year, or permitted under the terms and duration specified as part of an event permit or road closure permit. Typical industry examples of temporary interval signs include seasonal sale signs, grand opening signs, decorative seasonal bunting, pennants, and banners.

Temporary interval sign, small means a sign for primary residential use zoned properties no larger than twenty-four (24) inches by eighteen (18)

inches, with a maximum of two signs per physical residential address. These signs cannot otherwise be off-site signs or off-premises signs regulated by this code. Typical industry examples of small temporary interval signs include, political candidate signs, and yard of the month signs.

Temporary interval sign, special means a sign for primary commercial, institutional, or public use located on the primary street frontage of a building of four stories or more, for a duration of thirty days or less and no more than four times per calendar year, as part of on-site uses. The sign materials must be of temporary flexible material, such as coated fabric, not permanently affixed to the structure, vertical in orientation, no wider than four feet wide and no longer than twenty feet long. Typical industry examples are temporary museum exhibit signs.

b) Sign Types:

A-frame sign means a small portable sign structure, generally two-sided and held open with a hinge mechanism, designed to be placed and moved manually at ground level.

Animated sign means any sign or part of a sign which changes physical position by movement or rotation or gives the appearance of movement or rotation or uses movement or change of lighting to depict action or to create a special effect or scene. See changeable copy (manual), changeable copy (automatic) and flashing sign.

Awning sign means a sign that is part of or attached to the face of an awning, which shall be constructed in the same fabric or material as the awning.

Banner means a sign having the characters, letters, illustrations or ornamentations applied to cloth, paper or fabric of any kind with only such material for a backing. "Banner" shall include, but not be limited to, any animated rotating and/or fluttering devices designated to attract attention.

Bench sign means a sign on any part of a bench or seat placed on or adjacent to a public right-of-way.

Bracket sign means any sign, single- or double- faced, mounted on brackets, poles or beams projecting at right angles from the front or side of any building and supported solely by brackets, poles or beams.

Canopy sign means a sign which is suspended from, attached to, supported from or forms a part of a canopy.

Changeable copy sign (manual) means a sign on which the copy or content is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels. A sign on which the copy or content changes more than once every

three (3) hours shall be considered an animated and not a changeable copy sign for the purposes of this ordinance.

Changeable copy sign (automatic) means a sign on which the copy or content changes automatically on a lamp bank or through mechanical or electronic means, . A sign on which the copy or content changes more than once every three (3) hours shall be considered an animated sign for the purposes of this ordinance.

Disfiguring sign means any sign placed upon a structure in any manner so as to disfigure or conceal any window, door or significant architectural feature or detail of any building.

Double-faced sign means a sign with two (2) faces which are usually, but not necessarily, parallel.

Facia means a wall sign placed or attached to the building surface above a window or door.

Flashing sign means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. It does not include changeable copy signs, animated signs or signs which through reflection or other means create an illusion of flashing or intermittent light.

Flyer sign means a handheld off-site or off-premises commercial sign, see offsite or off-premises sign, and portable sign.

Freestanding/ground sign means a sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support.

Government sign means any sign or device placed by a governmental agency or public utility in furtherance of its speech on property owned or controlled by a governmental agency or utility.

Government tenant sign means a sign lawfully permitted and placed on the premises of government or public utility owned or controlled property by its tenant or licensee.

Illuminated electric sign means a self-illuminated or internally illuminated sign or sign structure in which electric wiring, connections, or fixtures are used as part of the sign proper.

Marquee sign means any sign attached to or hung from a marquee.

Mural, Commercial is an attention getting device regulated by this code and design standards for entry corridors.

Nonconforming sign means any sign which does not conform to the regulations of this article.

Off-site sign (also known as off-premise sign) means a sign not utilized for the primary or accessory uses allowed on that property's zoning and comprehensive plan designation.

On-site sign means a sign utilized for the primary or accessory uses allowed on that property's zoning and comprehensive plan designation.

Pole sign means any sign mounted on a metal pole on private property, that is not a post sign under this code.

Portable sign means a sign that has no permanent attachment to a building or to a ground by means of a footing, including, but not limited to, an A-frame sign, sign with wheels, pull attachments, posters, banners, streamers, pennants, search light stands, hot air or gas filled balloons or umbrellas.

Post sign means any sign mounted on a post on private property. The post shall be no higher than forty-five (45) inches in height from the ground, and no wider than four inches by four inches (4"x4"), or equivalent circumference. The post sign must not extend above the maximum height of the post.

Projecting sign means any sign which is affixed to any building, wall or structure and extends beyond the building wall, structure, building line or property line more than twelve (12) inches.

Roof sign means any sign erected or constructed wholly upon or over the roof of any building and supported solely or partially on the roof structure.

Sandwich sign means any sign, double- or single-faced which is portable and may be readily moved from place to place; *see also A-frame sign*.

Shopping center sign means a sign shared with three (3) or more owners or tenants that share a common structure or premises and that shall not exceed the maximum size of signs for the zone in which it is located.

Snipe sign means any small sign of less than four (4) square feet of any material, including paper, cardboard, plastic, wood and metal when tacked, nailed or attached in any way to trees, poles, stakes, fences or other objects, or inserted into the ground utilizing a wire frame or similar device, where such sign is an off-site sign and not a government sign or polling place sign.

Surface graphics means any sign painted directly on any exterior building wall or door surface, exclusive of window and door glass area. Murals approved pursuant to Entry Corridor regulations are excluded from this definition.

Vehicle sign means a sign containing commercial speech attached to or painted on vehicles of any type that are parked on-site or on adjacent public property visible from the right-of-way for the purpose of creating additional signage for the premises. A vehicle sign primarily used as an off-site sign, commonly referred to as a rolling billboard, and not used as a sign ancillary to the vehicle's primary use for the transportation of persons, goods, or materials, will be regulated in the same manner as off-site signs.

Wall sign means any sign attached to the facade of a structure, which is attached and supported throughout its entire length by the facade and not extending above the building, ground floor and/or the eave of the roof.

Window sign means any sign affixed to, in contact with a window, or located within three (3) feet of any window surface facing the outside and which it is intended to be seen from the exterior."

c) Devices not regulated as Signs in this section:

Art installation is not a sign pursuant to this code, and means an artistic genre consisting of multi-dimensional art created for a site-specific display. This does not include signage regulated pursuant to this code, commercial wares, physical elements of a structure's architecture, commercial window displays, art displayed for sale, or activities and items otherwise regulated in this code, and is intended to be applied in harmony with other regulations, including but not limited to, section 22-10. An art installation on public property or that is visible from the public right-of-way may require permit approval consistent with this code.

Mural, Artistic is not a sign pursuant to this code, and means a non-commercial, artistic surface graphic painted or otherwise affixed onto the outside walls of a structure and may be approved as provided for in this code and design standards for entry corridors.

Polling place sign means a sign erected at polling places regulated by Florida law and in compliance with sections 101.71 and 102.031, Florida Statutes.

Political campaign advertisement is a paid expression defined and regulated by Florida law as described in section 106.1435, Florida Statutes. The prohibitions on placement of political campaign advertisement on road rights-of-way shall include those roads, streets, highways or alleyways designated locally as city streets.

Seasonal décor, residential means string lights, figurines, bunting, or other temporary ornamentation put up and taken down during each observance or holiday on a primary residential use zoned property.

Seasonal or holiday lighting means a series of clear colorless or white lights, either bare or shielded within an enclosure displayed outdoors for commercial and institutional uses within the historic districts. Seasonal or

holiday lighting is not a sign under this code, but must meet the illumination standards found in section 3-23 (e)(6).

Time and temperature device is not a sign under this code and shall mean any mechanically, electronically or electrically controlled device used to display time or temperature. If signage as defined in this code is located on the clock or thermometer, or on its frame, panel, or supporting structure, the signage will be counted as part of the allowable signage calculation consistent with this code.

Traffic control device means a sign or device installed by a governmental agency on or adjacent to any public highway, including but not limited to, any road, street, alley, sidewalk, pedestrian walkway, bikeway or multiuse path, consistent with the Manual on Uniform Traffic Control Devices for Streets and Highways, or MUTCD, that defines standards used to install and maintain traffic control devices on all rights-of-way open to public travel, as published by the Federal Highway Administration (FHWA) under 23 CFR, Part 655, Subpart F. Private agencies with ownership and control of private rights-of-way open to the public, may also place official traffic control devices upon their private rights-of-way consistent with this code.

d) Other defined terms:

AGHP means the architectural guidelines for historic preservation of the city as from time to time promulgated by the historic architectural review board or the city commission from time to time as authorized by section 28-89.

Alteration means any change to a sign, including copy changes and repainting in different colors, but excluding routine maintenance.

Attention-getting device means any gadget or mechanical contrivance, scheme, drawing, ruse or trick, symbol, emblem, insignia, regalia or motto, including commercial murals except where otherwise provided for pursuant to entry corridor regulations, but excluding ornate architectural features of a building, selectively narrowing or focusing consciousness and receptivity.

Awning means a shelter extending from a building that is supported entirely from the exterior wall of a building and composed of nonrigid materials except for supporting framework.

Canopy means a structure constructed of rigid materials including, but not limited to metal, wood, concrete, plastic or glass, which is attached to and supported by a building or by columns, poles or braces extended to the ground

False facade/roof, see "canopy sign."

Flag means the flying of a cloth of a rectangular shape, attached on only one side so as to allow the flag to move in the wind, to a freestanding pole

mounted on the ground or to a flagstaff attached to the facade of a structure. Flags are limited to a total of one flag for every ten (10) feet of primary entrance frontage, with a maximum of five (5) flags per structure or physical address, whichever is lesser. Flags larger than three (3) feet by five (5) feet shall be considered signs and shall be calculated as part of the maximum square footage and maximum number of signs.

Frontage means the length of street surface that the building faces.

(1) Primary frontage means the street surface that the building's main entry faces.

(2) Secondary frontage means any other street surface that a building is adjacent to.

Mansard, see "canopy sign."

Marquee means a permanent roof-like structure projecting more than three (3) feet beyond a building wall at an entrance to a building.

Premises means a lot, building site, leased area of a building or lot, or other singular, identifiable location owned or controlled by one (1) independent entity, business, or residence. Each of the multiple tenants of an industrial park, shopping center, subdivision or condominium constitutes a separate premise for the purpose of this article unless combining their signage onto one shopping center sign.

"Sec. 3-23. - Sign regulations generally.

...

(b) *No permit required.* The following items do not require a sign permit so long as they otherwise comply with all ~~Notwithstanding~~ meeting other requirements of this code, including but not limited to, sign code regulations, building or construction plan review, historic architectural review, entry corridor review, special event permit, or state statutes, as applicable~~article, the following signs may be erected without a permit:~~

(1) Time or temperature device. ~~Bulletin boards and identification signs for public, non-profit or religious facilities, located on the premises and not exceeding twelve (12) square feet in area.~~

(2) Traffic control device. ~~On-site development signs; provided however, that notwithstanding any other provision of this Code, there shall be no setback requirement from the front property line.~~

(3) Government sign. ~~Political signs.~~ Government signs as defined in this code are allowed in all sign zones, including automatic changeable copy signs.

(4) ~~Temporary interval sign, large or small.~~ Real estate signs; provided, however, that notwithstanding any other provision of this Code, there shall be no setback requirement from the front property line.

- (5) Minor sign. Directional signs.
- (6) ~~On-site directional signs not exceeding two (2) square feet.~~ Temporary ancillary use sign.
- (7) Political campaign advertisements. ~~Signs indicating "open" and "closed", and operating hours not exceeding one (1) square foot.~~
- (8) Polling place sign. ~~Menu boards not exceeding two and one-quarter (2¼) square feet.~~
- (9) Seasonal décor (residential) and seasonal or holiday lighting. ~~Except for historic zones, credit card, charge card, bank card or other financial services card signs not exceeding one (1) square foot.~~
- (10) Art installation. ~~Road race signage shall be allowed only on approved structures located on the permitted closed portion of public roads or public rights-of-way and only after full closure of the public road or public right-of-way by the St. Augustine Police Department and/or Public Works Department. No road race signage may be installed or displayed before the full closure of the public roads or public rights-of-way prior to the start of the road race, and all road race signage must be removed from the public roads or public rights-of-way not later than one (1) hour after conclusion of the road race or at such time as directed by the St. Augustine Police Department and/or Public Works Department in order to timely reopen the public road or public rights-of-way.~~

(11) Mural, artistic.

(12) Flag.

...

(d) *Sign locations.* Notwithstanding more specific or stringent requirements of this article, all signs shall meet the following location requirements:

- (1) ~~R~~Public right-of-way. No sign other than government signs and traffic control devices may be located on a right-of-way for a public street, road, highway, alleyway, sidewalk or trail, or private street or alleyway open to the public. Signs placed in the public right-of-way may be removed without notice by law enforcement, the code enforcement officers, building official, and/or the city engineer, or any other city employee at the direction of the city manager. The cost of such removal shall be charged to the sign owner and/or contractor, or the owner. Failure to submit payment within thirty (30) days shall result in the case being brought before the code enforcement board except as specifically outlined in section 3-23(b)(10).
- (2) Intersections. No freestanding, pole or post sign shall be installed within thirty (30) feet of an intersection when such sign is more than three (3) feet in height or has less than eight (8) feet in ground clearance to the bottom edge of the sign. Any freestanding sign over three (3) feet in height located within twenty-five (25) feet of a driveway shall be set back at least ten (10) feet from the right-of-way of the street to which such driveway provides access.

- (3) Clearance. No projecting sign over a pedestrian access, street or alley shall be less than eight (8) feet above the ground surface; provided, however, that within historic districts no projecting sign over a pedestrian access, street or walkway shall be less than seven (7) feet above the ground surface.
- (4) Location on a structure. No wall-mounted or bracket sign may be installed above the ground floor of a structure or extend above the eave of the roof, unless provided for and approved pursuant to entry corridor district regulations or the specific terms of a PUD. No banner, pennant, streamer, or bunting may be installed above the ground floor eave of the roof of a building or structure in excess of the frequency and duration time limitations for a temporary interval sign. No banner, pennant, streamer or bunting may cover more than ten percent of the façade of the structure.
- (5) Signs, other than government signs, polling place signs, governmental tenant or licensee signs, and traffic control devices, cannot be placed, posted, or affixed to government owned or controlled property. Credit card signs. No credit card, charge card, bank card or other financial services card signs shall be allowed in an historic zone, and those in existence shall be removed by March 1, 2000, or considered in violation of the Code of the city.

...

(j) *Special use signs.* Special use signs shall meet the following requirements:

- (1) Temporary Ancillary Use On-site development signs may be installed only for the duration of time of the ancillary use on-site after a building permit has been issued and shall be removed within fourteen (14) days of the expiration of the ancillary use related to the signage permit or the issuance of a certificate of occupancy. For commercial, industrial, or institutional use properties, oOne (1) sign is permitted per street frontage, not to exceed sixteen (16) square feet and shall not be erected within fifteen (15) feet of any property line. For residential use properties, one (1) sign is permitted per street frontage, not to exceed two (2) feet by four (4) feet in size and must be a minimum of five (5) feet from the right-of-way and fifteen (15) feet from all side property lines.
- (2) Real estate signs shall be removed within seven (7) days of the sale or lease of the property. One (1) sign is permitted per street frontage, not to exceed two (2) feet by four (4) feet in size and must be a minimum of five (5) feet from the right-of-way and fifteen (15) feet from all side property lines.
- (3) Political signs shall be removed within seven (7) days following the election. All signs shall be located on private property and shall meet the requirements of the zone in which they are located. No political sign shall exceed forty (40) square feet. Signs placed in the public right-of-way may be removed without notice by the building official and/or city engineer. The cost of such removal shall be charged to the candidate and his organization. Failure to submit payment within thirty (30) days

shall result in the case being brought before the code enforcement board and the amount owed shall become a lien against the real property and/or assets of the candidate and organization.

- ~~(4) Seasonal/holiday signs shall be approved in writing by the planning and building department and shall meet the dimension requirements of the zone in which they are located. These signs may be authorized for a period of up to twenty-eight (28) consecutive days, not to exceed a total of forty-five (45) days in a calendar year.~~
- ~~(5) Temporary Interval Sign (large) shall not be placed above the ground floor of the structure. Special event signs shall be approved in writing by the planning and building department and shall meet the dimension requirements of the zone in which they are located. These signs shall be removed within three (3) days following the advertised event.~~
- ~~(6) Banners, streamers and pennants shall be approved in writing by the planning and building department and may be authorized for up to one hundred (100) days in a calendar year.~~
- ~~(7) Temporary window signs shall be approved in writing by the planning and building department. All temporary window signs shall relate to the use conducted on the premises and no such sign or signs shall exceed ten (10) percent of the glassed area of the window. These signs may be authorized for up to forty-five (45) days in a calendar year.~~
- ~~(8) Home occupation signs shall be located within two (2) feet of the primary entrance and shall not exceed one (1) square foot in area.~~

(k) *Nonconforming signs.*

...

- (6) A nonconforming sign may continue to exist so long as it is not destroyed, abandoned or discontinued. "Destroyed," "abandoned" and "discontinued" have the following meanings:
 - a. "Destroyed" means more than fifty (50) percent of the upright supports of a sign structure are physically damaged such that normal repair practices of the industry would call for, in the case of wooden sign structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least twenty-five (25) percent of the length above ground of each broken, bent or twisted support. A sign will not be considered "destroyed" within the meaning of this section where the destruction is caused by vandalism or other criminal or tortious act.
 - b. A nonconforming sign is "abandoned" or "discontinued" when a sign structure no longer exists at the permitted location or the sign owner fails to operate and maintain the sign for a period of twelve (12) months or longer. ~~Signs displaying bona fide public interest messages are not 'abandoned' or 'discontinued' within the meaning of this section. The following conditions shall be considered failure to operate and maintain the sign:~~

- ~~1. Signs displaying only an "available for lease" or similar message;~~
- ~~2. Signs displaying advertising for a product or service which is no longer available;~~
- ~~3. Signs which are blank or do not identify a particular product, service or facility.~~

(l) *Prohibited signs.* All signs not expressly permitted under this ordinance, or signs not expressly exempt from permit requirements under this ordinance, are prohibited. Such signs include but are not limited to the following:

...

- (11) Unauthorized traffic control devices located upon or in view of any rights-of-way open to the public, consistent with the prohibitions of Section 316.077, Florida Statutes. Signs, other than traffic control signs, which use the words "stop," "yield," "caution" and "danger" or which contain red, amber and green lights which may resemble traffic control signs or lights;
- (12) Billboards and offsite or off-premises signs ~~unrelated to the principal use or uses of the premises on which the sign is located~~, except as provided in this ordinance;
- (13) Illuminated signs which direct the illumination onto adjacent streets or onto property other than the premises on which the sign is located;
- ~~(14) Signs which resemble city street identification signs;~~
- (14) Signs attached to, or painted on, vehicles or trailers which are parked and visible from a street or limited access highway, except where such vehicles or trailers are regularly and customarily used to transport persons, goods or materials as part of the principal use of the premises;
- (15) Signs which by reason of position, ~~wording~~, illumination, size, shape or color obstruct, impair, obscure, interfere with the view of or may be confused with any traffic control sign, signal or device; and
- (16) Electronic message center type signs.
- (17) Flyer signs or wearable sandwich board signs.

..."

"Sec. 3-26. - Same—Changeable copy signs.

Notwithstanding any other provisions of this article, there shall be no fee for a change of ~~message~~ copy on changeable copy sign.

..."

"Sec. 3-29. - Same—Temporary window signs.

All temporary ancillary use or temporary interval window signs shall ~~relate to the business conducted within the structure or establishment and no such sign shall~~ not exceed ten (10) percent of the glassed area of the window or fifty (50)

percent of the maximum size for a sign permitted in the appropriate zone, whichever is smaller.

...

Section 2. Creating Chapter 3, Article II, Section 3-45. Chapter 3, Article II, Section 3-45 of the Code of the City of St. Augustine, Florida is hereby created, as follows:

“Sec. 3-45. - Sign zones.

- (1) Commercial Zone 1. All commercially or industrially zoned lots (or PUDs with commercial or industrial uses unless a specific sign plan is approved for the PUD) and all lots zoned RGO, MU, OL and GU, except those lots immediately abutting Anastasia Boulevard; that portion of San Marco avenue lying north of Williams Street; Ponce de Leon Boulevard; State Road 16; State Road 207; and all commercially or residentially zoned lots (or PUDs with commercial or industrial uses unless a specific sign plan is approved for the PUD) whose boundaries lie south of the easterly right-of-way line of N. Ponce de Leon Boulevard (U.S. 1) and east of the easterly mean high waterline of the San Sebastian River and west of the westerly right-of-way line of Malaga Street and the extension of the westerly right-of-way line of Malaga Street lying south of King Street to the San Sebastian River.
- (2) Commercial Zone 2. All commercially or industrially zoned lots (or PUDs with commercial or industrial uses unless a specific sign plan is approved for the PUD) immediately abutting Anastasia Boulevard, San Marco Avenue lying north of Williams Street, Mizell Road and State Road 312.
- (3) Commercial Zone 3. All commercially or industrially zoned lots (or PUDs with commercial or industrial uses unless a specific sign plan is approved for the PUD) immediately abutting Ponce de Leon Boulevard, State Road 16 and State Road 207, and that portion of Historic Preservation Zoning District 5 lying south of Castillo Drive, north of Orange Street, east of Ponce de Leon Boulevard and west of Riberia Street.
- (4) Commercial Zone 4. All commercially or ~~residentially~~ industrially zoned lots (or PUDs with commercial or residential uses unless a specific sign plan is approved for the PUD) whose boundaries lie south of the easterly right-of-way line of N. Ponce de Leon Boulevard (U.S. 1) and east of the easterly mean high waterline of the San Sebastian River and west of the westerly right-of-way line of Malaga Street and the extension of the westerly right-of-way line of Malaga Street lying south of King Street to the San Sebastian River , as well as lots 1, 2, 3, 4, 10, 11, 12, 13, 14, 15 and 16 of the Worley Subdivision, whose boundaries lie at the end of Prawn Street and south of Heron Street and east of Lewis Boulevard

and west of the mean high waterline of the San Sebastian River and bounded on the south by the San Sebastian River marshlands.

- (5) *Historic Zone 1.* All lots contained in Historic Preservation Zoning Districts 1, 2, and 3 (HP-1, HP-2, HP-3), or PUDs previously zoned HP-1, HP-2, HP-3 unless a specific sign plan is approved for the PUD.
- (6) *Historic Zone 2.* All lots contained in Historic Preservation Zoning District 4 (HP-4), or PUDs previously zoned HP-4 unless a specific sign plan is approved for the PUD.
- (7) *Historic Zone 3.* All lots contained in Historic Preservation Zoning District 5 (HP-5), or PUDs previously zoned HP-5 unless a specific sign plan is approved for the PUD, except such portion thereof as may be included within Commercial Zone 3 pursuant to subsection (3) hereof.-
- (8) *Residential Zone 1.* All lots contained in Zoning Districts RS-1 and RS-2, or PUDs previously zoned RS-1 and RS-2 unless a specific sign plan is approved for the PUD.
- (9) *Residential Zone 2.* All lots contained in Zoning District RG-1, or PUDs previously zoned RG-1 unless a specific sign plan is approved for the PUD.
- (10) *Residential Zone 3.* All lots contained in Zoning District RG-2, or PUDs previously zoned RG-2 unless a specific sign plan is approved for the PUD.

Section 3. Amendment to Chapter 3, Article II, Amending Sections 3-46, 3.66, and 3.86. Chapter 3, Article II, Sections 3-46, 3.66, and 3.86 of the Code of the City of St. Augustine, Florida are hereby amended, as follows:

“Sec. 3-46. - Historic zone signs.

- (a) All signs, including temporary window, temporary ~~interval, and temporary ancillary use signs~~seasonal/holiday, special event and banners, streamers and pennant signs in Historic Zones 1, 2 and 3 shall be approved by the historic architectural review board prior to issuance of a permit or shall meet preapproved size, color, material and location guidelines.
- (b) No review required. Notwithstanding any other requirements of this article, the following signs may be installed and displayed without review:
 - (1) ~~Road race signage~~ Signage installed on approved structures and displayed on the closed portion of a public road or public right-of-way and after ~~full~~ closure of the public road or public right-of-way by the St. Augustine Police Department and/or Public Works Department. No ~~road race~~ signage may be installed or displayed before the ~~full~~ closure of the public roads or public rights-of-way prior to the start of the road race, and all ~~road race~~ signage must be removed from the public roads or public

rights-of-way not later than one (1) hour after conclusion of the [road-race event](#) or at such time as directed by the St. Augustine Police Department and/or Public Works Department in order to timely reopen the public road or public rights-of-way.

~~(c) Seasonal/holiday, temporary Temporary window, special event, banner, streamer and pennant-type signs may be authorized by the planning and building department for any one (1) event of up to twenty-eight (28) days, provided such seasonal/holiday, temporary window, special event, banner, streamer or pennant signs will not be authorized for any one (1) location for more than one hundred (100) days in any one (1) calendar year.~~

(1) *Historic Zone 1.*

a. *Permitted signs.* The following signs shall be permitted signs:

1. Bracket.
2. Wall.
3. Facia.
4. Post.
5. Freestanding.
6. [Directory](#).
7. [Index/informational](#).
- 8-6 [Accessory/auxiliary](#).
9. [Affiliation](#).
10. [Menu board](#).

b. *Prohibited signs.* The following signs shall be prohibited signs:

1. Animated.
2. Awning.
3. Billboard.
4. Bench.
5. Canopy.
6. Changeable copy, manual and automatic.
7. Surface graphics.
8. Window; provided, however, that one (1) window sign (painted or etched) shall be allowed for each window not to exceed six (6) square feet or two (2) feet by three (3) feet. Such window signs will be counted toward the total maximum number of signs permitted for each business. Additionally, one (1) sign per window may be permitted in addition to all other signs authorized to be placed within three (3) feet of a window on the interior of the building and not to exceed four (4) square feet (two (2) feet by two (2) feet).
9. Off-premises.
10. Roof [or above ground floor](#).
11. Sidewalk/sandwich.
12. [Shopping center](#).
13. [Political](#).

- ~~14~~12. Portable.
- ~~15~~13. Illuminated/electrical, including interior signs visible from any public right-of-way, notwithstanding any other provision of this Code.
- ~~16~~14. Marquee.
- ~~17~~15. Disfiguring.
- ~~18~~16. Vehicle.
- ~~19~~17. Flashing.

c. *Number of signs.* The maximum number of signs per entrance is two (2). The maximum number of signs per business is three (3). No business identification sign shall be permitted along a street or public way not providing direct public access to the principal use or activity. Where public access is through a common entrance or through another principal use establishment, a directory or index-informational sign shall be used.

d. *Specific requirements:*

	Maximum Width or Length	Total Size (sq. ft.)	Height to Bottom	Miscellaneous
Bracket/projecting	36 inch/24 inch;	6	8 ft.	36-inch-wide-maximum bracket and sign projection from wall = 44 inch — 24-inch-wide maximum bracket and sign projection from wall = 32 inch.
Freestanding	36 inch/30 inch;	7.5	N/A	Maximum 4 ft. 6 inch; to top of sign structure
Post	36 inch/30 inch;	7.5	8 ft.	
Index, informational, affiliation	2 ft.	4	N/A	
Accessory/auxiliary		2	N/A	1 per business, wall only
Wall directory Wall	2 ft./3ft	6	N/A	
Facia	1ft wide 6 ft. long	6	N/A	Must be placed above windows and doors
Menu board	18 inch	2.25		72 inch to top of sign structure

...

(2) *Historic Zone 2.*

a. *Permitted signs.* The following signs shall be permitted signs:

1. Bracket.
2. Wall.

3. Facia.
4. Post.
5. Freestanding.
- ~~6. Directory.~~
- ~~7. Index/informational.~~
- ~~86. Accessory/auxiliary.~~
- ~~9. Affiliation.~~
- ~~10. Menu board.~~

b. *Prohibited signs.* The following signs shall be prohibited signs:

1. Animated.
2. Awning.
3. Billboard.
4. Bench.
5. Canopy.
6. Changeable copy, manual and automatic.
- ~~7. Political.~~
- ~~87. Surface graphics.~~
- ~~98. Off-premises.~~
- ~~109. Roof or above ground level.~~
- ~~1110. Sidewalk/sandwich.~~
- ~~12. Shopping center.~~
- ~~1311. Illuminated/electrical, including interior signs visible from any public right-of-way, notwithstanding any other provision of this Code.~~
- ~~1412. Marquee.~~
- ~~1513. Portable.~~
- ~~1614. Window; provided, however, that one (1) window sign (painted or etched) shall be allowed for each window not to exceed six (6) square feet or two (2) feet by three (3) feet. Such window signs will be counted toward the total maximum number of signs permitted for each business. Additionally, one (1) sign per window may be permitted in addition to all other signs authorized to be placed within three (3) feet of a window on the interior of the building and not to exceed four (4) square feet (two (2) feet by two (2) feet).~~
- ~~1715. Disfiguring.~~
- ~~1816. Vehicle.~~
- ~~1917. Flashing.~~

c. *Number of signs.* The maximum number of signs per entrance is two (2). The maximum number of signs per business is three (3). No ~~business identification~~ sign shall be permitted along a street or public way not providing direct public access to the principal use or activity. ~~Where public access is through a common entrance or through another principal use establishment, a directory or index/informational sign shall be used.~~

d. *Specific requirements:*

	Maximum Width or Length	Total Size (sq. ft.)	Height to Bottom	Height to Top
Bracket/projecting	4 ft.	16	8 ft.	14 ft.
Freestanding	4 ft./8 ft.	32	N/A	10 ft.
Post	4 ft./8 ft.	32	8 ft.	16 ft.
Index, informational, affiliation	30 inch/24 inch	5	N/A	N/A
Wall directory <u>Wall</u>	4 ft.	16	N/A	N/A
Facia	1½ ft. wide 8 ft. long	12	N/A	N/A
Menu board	18 inch	2.25		72 inch to top of sign structure

...

(3) *Historic Zone 3.*

a. *Permitted signs.* The following signs shall be permitted signs:

1. Bracket.
2. Wall.
3. Facia.
4. Post.
5. Freestanding.
6. Directory.
7. Index/informational.
8. Accessory/~~auxiliary~~.
- ~~9. Affiliation.~~
- ~~10. Menu board.~~

b. *Prohibited signs.* The following signs shall be prohibited signs:

1. Animated.
2. Awning.
3. Billboard.
4. Bench.
5. Canopy.
6. Changeable copy, manual and automatic.
- ~~7. Political.~~
- ~~8~~7. Surface graphics.
- ~~9~~8. Off-premises.
- ~~10~~9. Roof or above ground level.
- ~~11~~10. Sidewalk/sandwich.
- ~~12. Shopping center.~~

~~13~~11. Illuminated/electrical, including interior signs visible from any public right-of-way, notwithstanding any other provision of this Code.

~~14~~12. Marquee.

~~15~~13. Portable.

~~16~~14. Window; provided, however, that one (1) window sign (painted or etched) shall be allowed for each window not to exceed six (6) square feet or two (2) feet by three (3) feet. Such window signs will be counted toward the total maximum number of signs permitted for each business. Additionally, one (1) sign per window may be permitted in addition to all other signs authorized to be placed within three (3) feet of a window on the interior of the building and not to exceed four (4) square feet (two (2) feet by two (2) feet).

~~17~~15. Disfiguring.

~~18~~16. Vehicle.

~~19~~17. Flashing.

c. *Number of signs.* The maximum number of signs per entrance is two (2). The maximum number of signs per business is three (3). No ~~business identification~~ sign shall be permitted along a street or public way not providing direct public access to the principal use or activity. ~~Where public access is through a common entrance or through another principal use establishment, a directory or index informational sign shall be used.~~

d. *Specific requirements:*

	Maximum Width or Length	Total Size (sq. ft.)	Height to Bottom	Height to Top
Bracket/projecting	4 ft.	16	8 ft.	14 ft.
Freestanding	4 ft./8 ft.	32	N/A	10 ft.
Post	4 ft./8 ft.	32	8 ft.	16 ft.
Index, informational, affiliation	30 inch/24 inch	5	N/A	N/A
Wall directory <u>Wall</u>	4 ft.	16	N/A	N/A
Facia	1½ ft. wide 8 ft. long	12	N/A	N/A
Menu board	18 inch	2.25		72 inch to top of sign structure

...”

“Sec. 3-66. - Commercial zone signs.

(a) *Commercial Zone 1.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.
- ~~f. Index/informational.~~
- ~~g. Directory.~~
- ~~hf.~~ Changeable copy, manual.
- ~~ig.~~ Illuminated non-flashing electrical.
- ~~j. Shopping center.~~
- ~~kh.~~ Surface graphics.
- ~~lj.~~ Window.
- ~~m. Seasonal/holiday.~~
- ~~nj.~~ Temporary window.
- ~~o. Special event.~~
- ~~p. Affiliation.~~
- ~~q. Menu board.~~
- ~~r. Time and temperature.~~

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- ~~b. Awning.~~
- ~~eb.~~ Billboard.
- ~~ec.~~ Bench.
- ~~e. Canopy.~~
- ~~fd.~~ Marquee.
- ~~ge.~~ Disfiguring.
- ~~hf.~~ Vehicle.
- ~~ig.~~ Off-site.
- ~~jh.~~ Roof.
- ~~ki.~~ Sidewalk/sandwich.
- ~~lj.~~ Portable.
- ~~mk.~~ Banners, streamers, pennants.
- ~~nl.~~ Illuminated, flashing electrical.
- ~~om.~~ Changeable copy, automatic.
- ~~pn.~~ Flashing.

...

(4) *Maximum size and height.* The maximum size of any sign shall be no more than eighty (80) square feet, ~~provided, however, that any time and temperature sign shall not exceed forty (40) square feet and shall be included within the calculation of the number of and maximum square footage for signs as set forth in subparagraph (3) above and shall not be in addition thereto. The maximum height to the top of a ground/pole sign shall not exceed twenty (20) feet.~~

(5) In addition to the above, businesses immediately abutting the San Sebastian River southerly of Bravo Street, are permitted one (1)

~~business-identification~~primary sign, a maximum size of one hundred forty (140) square feet, to be oriented toward the river.

(b) *Commercial Zone 2.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.
- ~~f. Index/informational.~~
- ~~g. Directory.~~
- ~~h. Changeable copy, manual.~~
- ~~i. Illuminated non-flashing electrical.~~
- ~~j. Shopping center.~~
- ~~k. Surface graphics.~~
- ~~l. Window.~~
- ~~m. Seasonal/holiday.~~
- ~~n. Temporary window.~~
- ~~o. Special event.~~
- ~~p. Affiliation.~~
- ~~q. Awning.~~
- ~~r. Canopy.~~
- ~~s. Menu board.~~
- ~~t. Time and temperature.~~

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- ~~b. Awning.~~
- ~~c. Billboard.~~
- ~~d. Bench.~~
- ~~e. Canopy.~~
- ~~f. Marquee.~~
- ~~g. Disfiguring.~~
- ~~h. Vehicle.~~
- ~~i. Off-site.~~
- ~~j. Roof.~~
- ~~k. Sidewalk/sandwich.~~
- ~~l. Portable.~~
- ~~m. Banners, streamers, pennants.~~
- ~~n. Illuminated, flashing electrical.~~
- ~~o. Changeable copy, automatic.~~
- ~~p. Flashing.~~

...

- (4) *Maximum size and height.* The maximum size of any sign shall be no more than one hundred twenty (120) square feet, ~~provided, however, that any time and temperature sign shall not exceed forty (40) square feet and shall be included within the calculation of the number of and~~

~~maximum square footage for signs as set forth in subparagraph (3) above and shall not be in addition thereto.~~ The maximum height to the top of a ground/pole sign shall not exceed twenty-five (25) feet.

...

(c) *Commercial Zone 3.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.
- ~~f. Index/informational.~~
- ~~g. Directory.~~
- ~~h. Changeable copy, manual.~~
- ~~i. Illuminated non-flashing electrical.~~
- ~~j. Shopping center.~~
- ~~k. Surface graphics.~~
- ~~l. Window.~~
- ~~m. Seasonal/holiday.~~
- ~~n. Temporary window.~~
- ~~o. Special event.~~
- ~~p. Affiliation.~~
- ~~q. Awning.~~
- ~~r. Canopy.~~
- ~~s. Menu board.~~
- ~~t. Time and temperature.~~

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- ~~b. Awning.~~
- ~~c. Billboard.~~
- ~~d. Bench.~~
- ~~e. Canopy.~~
- ~~f. Marquee.~~
- ~~g. Disfiguring.~~
- ~~h. Vehicle.~~
- ~~i. Off-site.~~
- ~~j. Roof.~~
- ~~k. Sidewalk/sandwich.~~
- ~~l. Portable.~~
- ~~m. Banners, streamers, pennants.~~
- ~~n. Illuminated, flashing electrical.~~
- ~~o. Changeable copy, automatic.~~
- ~~p. Flashing.~~

...

(4) *Maximum size and height.* The maximum size of any sign shall be no more than one hundred forty (140) square feet, ~~provided, however, that~~

~~any time and temperature sign shall not exceed forty (40) square feet and shall be included within the calculation of the number of and maximum square footage for signs as set forth in subparagraph (3) above and shall not be in addition thereto.~~ The maximum height to the top of a ground/pole sign shall not exceed thirty (30) feet.

(d) *Commercial Zone 4.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall signs, except that within this zone the sign may be located above the ground floor so long as no more than fifteen (15) percent of the total area of the sign extends above the building and/or above the eave of the roof, except that the sign may not extend more than ten (10) inches above the building and/or above the eave of the roof.
- e. Facia.
- ~~f. Index/informational.~~
- ~~g. Directory.~~
- ~~h. Changeable copy, manual.~~
- ~~ig. Illuminated non-flashing electrical—, and as applied to lots 1, 2, 3, 4, 10, 11, 12, 13, 14, 15 and 16 of the Worley Subdivision, whose boundaries lie at the end of Prawn Street and south of Heron Street and east of Lewis Boulevard and west of the mean high waterline of the San Sebastian River and bounded on the south by the San Sebastian River marshlands, this is further restricted to individual channel letters externally illuminated back lit, externally illuminated up lit and externally illuminated down lit fixtures for signage.~~
- ~~j. Shopping center.~~
- ~~kh. Surface graphics.~~
- ~~lj. Window.~~
- ~~m. Seasonal/holiday.~~
- ~~nj. Temporary window.~~
- ~~o. Special event.~~
- ~~p. Affiliation.~~
- ~~q. Menu board.~~
- ~~r. Time and temperature.~~

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- ~~b. Awning.~~
- ~~eb. Billboard.~~
- ~~ec. Bench.~~
- ~~e. Canopy.~~
- ~~fd. Marquee.~~
- ~~ge. Disfiguring.~~
- ~~hf. Vehicle.~~
- ~~ig. Off-site.~~

- ~~jh.~~ Roof, or above the ground level.
- ~~ki.~~ Sidewalk/sandwich.
- ~~lj.~~ Portable.
- ~~mk.~~ Banners, streamers, pennants.
- ~~nl.~~ Illuminated, flashing electrical.
- ~~om.~~ Changeable copy, automatic.
- ~~pn.~~ Flashing.

...

- (4) *Maximum size and height.* The maximum size of any sign shall be no more than one hundred ten (110) square ~~feet, provided, however, that any time and temperature sign shall not exceed forty (40) square feet and shall be included within the calculation of the number of and maximum square footage for signs as set forth in subparagraph (3) above and shall not be in addition thereto.~~ The maximum height to the top of a ground/pole sign shall not exceed twenty (20) feet.

“Sec. 3-86. – Residential zone signs.

- (a) *Residential Zone 1.*

...

- (2) *Prohibited signs.* The following signs are prohibited signs:

- ~~a.~~ ~~Index/informational.~~
- ~~b.~~ ~~Directory.~~
- ~~ea.~~ Changeable copy, manual and automatic.
- ~~eb.~~ Illuminated electrical.
- ~~e.~~ ~~Shopping center.~~
- ~~fc.~~ Surface graphics.
- ~~gd.~~ Window.
- ~~he.~~ Temporary window.
- ~~i.~~ ~~Special event.~~
- ~~j.~~ ~~Affiliation.~~
- ~~kf.~~ Animated.
- ~~lg.~~ Awning.
- ~~mh.~~ Billboard.
- ~~nj.~~ Bench.
- ~~oj.~~ Canopy.
- ~~pk.~~ Marquee.
- ~~ql.~~ Off-site.
- ~~rm.~~ Roof or above ground level.
- ~~sn.~~ Sidewalk/sandwich.
- ~~to.~~ Portable.
- ~~u~~ ~~Banners, streamers, pennants.~~
- ~~vp.~~ Vehicle.
- ~~wq.~~ Disfiguring.
- ~~xr.~~ Flashing.

...

(4) *Specific requirements:*

	Maximum Size (sq. ft.)	Height to Top	Setbacks
Bracket/ projecting	1	N/A	N/A
Freestanding	4	4;ft;6;inch;	5;ft; from all lot lines and 40;ft; from other signs
Post/pole	4	10;ft;	5;ft; from all lot lines and 40;ft; from other signs
Wall	1	N/A	N/A
Facia	1	N/A	N/A
On-site traffic	1	N/A	N/A

(b) *Residential Zone 2.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall
- e. Facia.
- ~~f. Seasonal/holiday.~~

(2) *Prohibited signs.* The following signs are prohibited signs:

- ~~a. Index/informational.~~
- ~~b. Directory.~~
- ~~ea.~~ Changeable copy, manual and automatic.
- ~~eb.~~ Illuminated/electrical.
- ~~e. Shopping center.~~
- ~~fc.~~ Surface graphics.
- ~~gd.~~ Window.
- ~~he.~~ Temporary window.
- ~~i. Special event.~~
- ~~j. Affiliation.~~
- ~~kf.~~ Animated.
- ~~lg.~~ Awning.
- ~~mh.~~ Billboard.
- ~~ni.~~ Bench.
- ~~oj.~~ Canopy.
- ~~pk.~~ Marquee.
- ~~ql.~~ Off-site.
- ~~rm.~~ Roof, or above ground level.
- ~~sn.~~ Sidewalk/sandwich.

- ~~to~~. Portable.
- ~~u~~. ~~Banners, streamers, pennants.~~
- ~~vp~~. Vehicle.
- ~~wq~~. Disfiguring.
- ~~xr~~. Flashing.

...

(4) *Specific requirements:*

	Maximum Size (sq. ft.)	Height to Top	Setbacks
Bracket/ projecting	16	N/A	N/A
Freestanding	16	4;ft;6;inch;	5;ft; from all lot lines and 40;ft; from other signs
Post/pole	16	10;ft;	5;ft; from all lot lines and 40;ft; from other signs
Wall	14	N/A	N/A
Facia	14	N/A	N/A
On-site traffic	1	N/A	N/A

(c) *Residential Zone 3.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.
- ~~f~~. ~~Seasonal/holiday.~~
- ~~gf~~. Temporary window.
- ~~h~~. ~~Special event.~~
- ~~i~~. ~~Affiliation.~~

(2) *Prohibited signs.* The following signs are prohibited signs:

- ~~a~~. ~~Index/informational.~~
- ~~b~~. ~~Directory.~~
- ~~ea~~. Changeable copy, manual and automatic.
- ~~eb~~. Illuminated/electrical.
- ~~e~~. ~~Shopping center.~~
- ~~fc~~. Surface graphics.
- ~~gd~~. Window.
- ~~he~~. Animated.
- ~~if~~. Awning.

jg. Billboard.
 kh. Bench.
 lj. Canopy.
 mj. Marquee.
 nk. Off-site.
 el. Roof or above ground level.
 pm. Sidewalk/sandwich.
 en. Portable.
~~r. Banners, streamers, pennants.~~
 so. Vehicle.
 tp. Disfiguring.
 uq. Flashing.

...

(4) *Specific requirements:*

	Maximum Size (sq. ft.)	Height to Top	Setbacks
Bracket/ projecting	16	N/A	N/A
Freestanding	16	4;ft;6;inch;	5;ft; from all lot lines and 40;ft; from other signs
Post/pole	16	15;ft;	5;ft; from all lot lines and 40;ft; from other signs
Wall	14	N/A	N/A
Facia	14	N/A	N/A
On-site traffic	—1	N/A	N/A

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

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

Section 6. Severance of Invalid Provisions. 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 7. Effective Date. This ordinance shall become effective ten (10) days following effective date, pursuant to s. 166.041(4), Florida Statutes.

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

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

Tracy Upchurch, Mayor-Commissioner

Proposed “Clean Copy” Version of the revised Sign Code

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 3, ARTICLE II OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR AMENDMENTS TO THE DEFINITIONS OF SIGNS; PROVIDING FOR REMOVAL OF CONTENT BASED REGULATIONS; 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, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances by municipalities; and

WHEREAS, it is the City's intent to confirm that the definitions in its code are in compliance with all constitutional and legal requirements; and

WHEREAS, the City acknowledges that certain definitions in the City's code regarding signs require deletion or amendment in light of the recent United States Supreme Court decision in Reed v. Town of Gilbert, Arizona, and lower courts further interpretation of this decision; and

WHEREAS, the Supreme Court maintained in Reed v. Town of Gilbert, Arizona, that content-based regulation is presumptively unconstitutional and requires a compelling governmental interest; and

WHEREAS, per Supreme Court standard, a law that is content-based is subject to strict scrutiny under the First Amendment of the United States Constitution, and such law must therefore satisfy a compelling governmental interest; and

WHEREAS, the Supreme Court held that government regulation of speech is content based if a law applies to particular speech because of the topic discussed, the idea, or message expressed; and

WHEREAS, in Reed v. Town of Gilbert, Arizona, the Supreme Court held that even a purely directional message, which merely gives the time and location of a specific event, is one that conveys an idea about a specific event, so that a category for directional signs is therefore content-based, and event-based regulations are not content neutral; and

WHEREAS, commercial speech is not afforded the same level of protection as non-commercial speech, and can therefore be regulated as commercial speech; and

WHEREAS, under established Supreme Court precedent, aesthetics is not a compelling governmental interest but is a substantial governmental interest; and

WHEREAS, the regulation of signage for purposes of aesthetics is a substantial governmental interest and directly serves the policy articulated in Article II, Section 7, of the Florida Constitution, by conserving and protecting its scenic beauty; and

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

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

Section 1. Amendment to Chapter 3, Article II, Amending Sections 3-21, 3.22, 3.23, 3.26, and 3.29. Chapter 3, Article II, Sections 3-21, 3.22, 3.23, 3.26, and 3.29 of the Code of the City of St. Augustine, Florida are hereby amended, as follows:

“Sec. 3-21. - Purpose and legislative intent.

- (a) The purpose of this article is to develop sign regulations which encourage designs that reflect the historic character, small scale and pedestrian orientation of the historic preservation districts within the city. The purpose is to also encourage designs that reflect the architectural character, residential nature and predominately pedestrian orientation of residentially zoned districts within the city. The purpose is also to encourage designs that reflect the architectural scale, aesthetic quality and vehicular and pedestrian orientation of commercially zoned districts within the city.
- (b) This article contains regulations which promote signs that are subordinate to and in aesthetic harmony with their location on buildings and the surrounding environment; to identify requirements for size, type and location to protect significant architectural features of the original historic and reconstructed buildings; to eliminate the dangers of visual clutter along public streets and rights-of-way; and to define requirements which fulfill the functions clearly and efficiently with a high degree of design quality.
- (c) Defined terms are intended for ease of reference, they are not intended to regulate content. Similarly, named sign examples, samples, and illustration figures are intended to show common industry examples of the sign

regulation being described or depicted, and are not intended to be exhaustive or exclusive, nor are they intended to regulate content.

“Sec. 3-22. - Definitions.

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

Sign means any letter, number, emblem, logo, symbol, color, advertising display, copy, billboard, poster, panel, bulletin or placard, and all printed, painted, lettered, illuminated or figured devices, structures or attention-getting devices used to convey First Amendment speech, or to convey commercial speech, attached to or painted on any building or structure or attached to the ground by post, footing or other contrivance, visible from the nearest public right-of-way or private road open to public travel, and legible from a distance of ten (10) feet or more, not otherwise excluded from the definition of a sign in this code.

Sign, area of, means the total surface of a sign, including the background, frame and ornamentation, but not including structural supporting elements outside of its frame. For double-faced signs that are parallel and supported by the same structure, the area of the sign equals one-half of the total area of both faces. The area of signs with two (2) or more faces not parallel equals the total area of all faces.

a) Sign Categories:

Accessory sign means a sign smaller than the primary sign and for primary or accessory uses allowed under the property's zoning and comprehensive plan designation.

Billboard means an off-site commercial outdoor sign upon which content may be displayed and whose surface is sold, licensed, or leased to another for the display of their content.

Minor sign means a sign of no more than 20 inches by 34 inches, that is displayed either on or behind a window, door, glass, or plexiglass on the building or other permanent on-site structure, or an A-frame sign lawfully placed on private property on the primary entrance frontage and removed daily outside the front entry of the commercial business utilizing the sign. The minor signs may not exceed one A-frame sign plus one glass sign, or two glass signs, for the primary entrance frontage of each commercial business. Each minor glass sign may aggregate its copy to be equal to, or less than, the equivalent of 20 inches by 34 inches. Each Sign that does not comply with these requirements shall be calculated as part of the maximum square footage and maximum number of signs. An industry example of a minor sign is a restaurant may have a daily specials menu under glass of no more than a total of 20 inches by 34 inches, and also have hours of operation and forms of credit cards accepted totaling less than 20 inches by 34 inches in the aggregate, as its two allowable minor signs. In the alternative, the restaurant could place an A-frame daily specials menu board at its entrance and aggregate its hours of

operation and forms of credit cards accepted on glass. The copy or content displayed may be permanently affixed to the glass or A-frame sign, or it may be manually changed frequently. Industry examples of permanent minor signs may be hours of operation and forms of payment accepted affixed by paint or adhesive to the glass. *Industry examples* of temporary minor signs may be a closed or open sign turned twice a day behind the glass door, or a menu board placed outside.

Primary sign means the largest of the allowable signs for the premises, when more than one sign is allowed, consistent with the zone where it is located. This sign type is for primary uses allowed under the property's zoning and comprehensive plan designation.

Temporary ancillary sign means an on-site sign utilized for a temporary ancillary activity related to the property's primary uses allowed under the property's zoning and comprehensive plan. The sign's duration must coincide with termination of that temporary ancillary activity. This sign type is not for the primary uses allowed under the property's zoning and comprehensive plan designation. Typical industry examples include real estate for sale or lease, or development or construction activity.

Temporary interval sign, large means a temporary sign for primary commercial, industrial, or institutional zoned properties no larger than three (3) feet by two (2) feet for one week duration or less and no more than four times per calendar year, or permitted under the terms and duration specified as part of an event permit or road closure permit. Typical industry examples of temporary interval signs include seasonal sale signs, grand opening signs, decorative seasonal bunting, pennants, and banners.

Temporary interval sign, small means a sign for primary residential use zoned properties no larger than twenty-four (24) inches by eighteen (18) inches, with a maximum of two signs per physical residential address. These signs cannot otherwise be off-site signs or off-premises signs regulated by this code. Typical industry examples of small temporary interval signs include, political candidate signs, and yard of the month signs.

Temporary interval sign, special means a sign for primary commercial, institutional, or public use located on the primary street frontage of a building of four stories or more, for a duration of thirty days or less and no more than four times per calendar year, as part of on-site uses. The sign materials must be of temporary flexible material, such as coated fabric, not permanently affixed to the structure, vertical in orientation, no wider than four feet wide and no longer than twenty feet long. Typical industry examples are temporary museum exhibit signs.

b) Sign Types:

A-frame sign means a small portable sign structure, generally two-sided and held open with a hinge mechanism, designed to be placed and moved manually at ground level.

Animated sign means any sign or part of a sign which changes physical position by movement or rotation or gives the appearance of movement or rotation or uses movement or change of lighting to depict action or to create a special effect or scene. See changeable copy (manual), changeable copy (automatic) and flashing sign.

Awning sign means a sign that is part of or attached to the face of an awning, which shall be constructed in the same fabric or material as the awning.

Banner means a sign having the characters, letters, illustrations or ornamentations applied to cloth, paper or fabric of any kind with only such material for a backing. "Banner" shall include, but not be limited to, any animated rotating and/or fluttering devices designated to attract attention.

Bench sign means a sign on any part of a bench or seat placed on or adjacent to a public right-of-way.

Bracket sign means any sign, single- or double- faced, mounted on brackets, poles or beams projecting at right angles from the front or side of any building and supported solely by brackets, poles or beams.

Canopy sign means a sign which is suspended from, attached to, supported from or forms a part of a canopy.

Changeable copy sign (manual) means a sign on which the copy or content is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels. A sign on which the copy or content changes more than once every three (3) hours shall be considered an animated and not a changeable copy sign for the purposes of this ordinance.

Changeable copy sign (automatic) means a sign on which the copy or content changes automatically on a lamp bank or through mechanical or electronic means. A sign on which the copy or content changes more than once every three (3) hours shall be considered an animated sign for the purposes of this ordinance.

Disfiguring sign means any sign placed upon a structure in any manner so as to disfigure or conceal any window, door or significant architectural feature or detail of any building.

Double-faced sign means a sign with two (2) faces which are usually, but not necessarily, parallel.

Facia means a wall sign placed or attached to the building surface above a window or door.

Flashing sign means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. It does not include changeable copy signs, animated signs or signs which through reflection or other means create an illusion of flashing or intermittent light.

Flyer sign means a handheld off-site or off-premises commercial sign, *see offsite or off-premises sign, and portable sign.*

Freestanding/ground sign means a sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support.

Government sign means any sign or device placed by a governmental agency or public utility in furtherance of its speech on property owned or controlled by a governmental agency or utility.

Government tenant sign means a sign lawfully permitted and placed on the premises of government or public utility owned or controlled property by its tenant or licensee.

Illuminated electric sign means a self-illuminated or internally illuminated sign or sign structure in which electric wiring, connections, or fixtures are used as part of the sign proper.

Marquee sign means any sign attached to or hung from a marquee.

Mural, Commercial is an attention getting device regulated by this code and design standards for entry corridors.

Nonconforming sign means any sign which does not conform to the regulations of this article.

Off-site sign (also known as off-premise sign) means a sign not utilized for the primary or accessory uses allowed on that property's zoning and comprehensive plan designation.

On-site sign means a sign utilized for the primary or accessory uses allowed on that property's zoning and comprehensive plan designation.

Pole sign means any sign mounted on a metal pole on private property, that is not a post sign under this code.

Portable sign means a sign that has no permanent attachment to a building or to a ground by means of a footing, including, but not limited to, an A-frame sign, sign with wheels, pull attachments, posters, banners, streamers, pennants, search light stands, hot air or gas filled balloons or umbrellas.

Post sign means any sign mounted on a post on private property. The post shall be no higher than forty-five (45) inches in height from the ground, and no wider than four inches by four inches (4"x4"), or equivalent circumference. The post sign must not extend above the maximum height of the post.

Projecting sign means any sign which is affixed to any building, wall or structure and extends beyond the building wall, structure, building line or property line more than twelve (12) inches.

Roof sign means any sign erected or constructed wholly upon or over the roof of any building and supported solely or partially on the roof structure.

Sandwich sign means any sign, double- or single-faced which is portable and may be readily moved from place to place; *see also A-frame sign*.

Shopping center sign means a sign shared with three (3) or more owners or tenants that share a common structure or premises and that shall not exceed the maximum size of signs for the zone in which it is located.

Snipe sign means any small sign of less than four (4) square feet of any material, including paper, cardboard, plastic, wood and metal when tacked, nailed or attached in any way to trees, poles, stakes, fences or other objects, or inserted into the ground utilizing a wire frame or similar device, where such sign is an off-site sign and not a government sign or polling place sign.

Surface graphics means any sign painted directly on any exterior building wall or door surface, exclusive of window and door glass area. Murals approved pursuant to Entry Corridor regulations are excluded from this definition.

Vehicle sign means a sign containing commercial speech attached to or painted on vehicles of any type that are parked on-site or on adjacent public property visible from the right-of-way for the purpose of creating additional signage for the premises. A vehicle sign primarily used as an off-site sign, commonly referred to as a rolling billboard, and not used as a sign ancillary to the vehicle's primary use for the transportation of persons, goods, or materials, will be regulated in the same manner as off-site signs.

Wall sign means any sign attached to the facade of a structure, which is attached and supported throughout its entire length by the facade and not extending above the building, ground floor and/or the eave of the roof.

Window sign means any sign affixed to, in contact with a window, or located within three (3) feet of any window surface facing the outside and which it is intended to be seen from the exterior.”

c) Devices not regulated as Signs in this section:

Art installation is not a sign pursuant to this code, and means an artistic genre consisting of multi-dimensional art created for a site-specific display. This does not include signage regulated pursuant to this code, commercial wares, physical elements of a structure's architecture, commercial window displays, art displayed for sale, or activities and items otherwise regulated in this code, and is intended to be applied in harmony with other regulations, including but not limited to, section 22-10. An art installation on public property or that is visible from the public right-of-way may require permit approval consistent with this code.

Mural, Artistic is not a sign pursuant to this code, and means a non-commercial, artistic surface graphic painted or otherwise affixed onto the outside walls of a structure and may be approved as provided for in this code and design standards for entry corridors.

Polling place sign means a sign erected at polling places regulated by Florida law and in compliance with sections 101.71 and 102.031, Florida Statutes.

Political campaign advertisement is a paid expression defined and regulated by Florida law as described in section 106.1435, Florida Statutes. The prohibitions on placement of political campaign advertisement on road rights-of-way shall include those roads, streets, highways or alleyways designated locally as city streets.

Seasonal décor, residential means string lights, figurines, bunting, or other temporary ornamentation put up and taken down during each observance or holiday on a primary residential use zoned property.

Seasonal or holiday lighting means a series of clear colorless or white lights, either bare or shielded within an enclosure displayed outdoors for commercial and institutional uses within the historic districts. Seasonal or holiday lighting is not a sign under this code, but must meet the illumination standards found in section 3-23 (e)(6).

Time and temperature device is not a sign under this code and shall mean any mechanically, electronically or electrically controlled device used to display time or temperature. If signage as defined in this code is located on the clock or thermometer, or on its frame, panel, or supporting structure, the signage will be counted as part of the allowable signage calculation consistent with this code.

Traffic control device means a sign or device installed by a governmental agency on or adjacent to any public highway, including but not limited to, any road, street, alley, sidewalk, pedestrian walkway, bikeway or multiuse path, consistent with the Manual on Uniform Traffic Control Devices for Streets and Highways, or MUTCD, that defines standards used to install and maintain traffic control devices on all rights-of-way open to public travel, as published by the Federal Highway Administration (FHWA) under 23 CFR, Part 655, Subpart F. Private agencies with ownership and control of private rights-of-way open to the public, may also place official traffic control devices upon their private rights-of-way consistent with this code.

d) *Other defined terms:*

AGHP means the architectural guidelines for historic preservation of the city as from time to time promulgated by the historic architectural review board or the city commission from time to time as authorized by section 28-89.

Alteration means any change to a sign, including copy changes and repainting in different colors, but excluding routine maintenance.

Attention-getting device means any gadget or mechanical contrivance, scheme, drawing, ruse or trick, symbol, emblem, insignia, regalia or motto, including commercial murals except where otherwise provided for pursuant to entry corridor regulations, but excluding ornate architectural features of a building, selectively narrowing or focusing consciousness and receptivity.

Awning means a shelter extending from a building that is supported entirely from the exterior wall of a building and composed of nonrigid materials except for supporting framework.

Canopy means a structure constructed of rigid materials including, but not limited to metal, wood, concrete, plastic or glass, which is attached to and supported by a building or by columns, poles or braces extended to the ground

False facade/roof, see "canopy sign."

Flag means the flying of a cloth of a rectangular shape, attached on only one side so as to allow the flag to move in the wind, to a freestanding pole mounted on the ground or to a flagstaff attached to the facade of a structure. Flags are limited to a total of one flag for every ten (10) feet of primary entrance frontage, with a maximum of five (5) flags per structure or physical address, whichever is lesser. Flags larger than three (3) feet by five (5) feet shall be considered signs and shall be calculated as part of the maximum square footage and maximum number of signs.

Frontage means the length of street surface that the building faces.

- (1) Primary frontage means the street surface that the building's main entry faces.
- (2) Secondary frontage means any other street surface that a building is adjacent to.

Mansard, see "canopy sign."

Marquee means a permanent roof-like structure projecting more than three (3) feet beyond a building wall at an entrance to a building.

Premises means a lot, building site, leased area of a building or lot, or other singular, identifiable location owned or controlled by one (1) independent entity, business, or residence. Each of the multiple tenants of an industrial park, shopping center, subdivision or condominium constitutes a separate premise for the purpose of this article unless combining their signage onto one shopping center sign.

"Sec. 3-23. - Sign regulations generally.

...

- (b) *No permit required.* The following items do not require a sign permit so long as they otherwise comply with all other requirements of this code, including but not limited to, sign code regulations, building or construction plan review, historic architectural review, entry corridor review, special event permit, or state statutes, as applicable:

- (1) Time or temperature device.
- (2) Traffic control device.
- (3) Government sign. Government signs as defined in this code are allowed in all sign zones, including automatic changeable copy signs.
- (4) Temporary interval sign, large or small.
- (5) Minor sign.
- (6) Temporary ancillary use sign.
- (7) Political campaign advertisements.
- (8) Polling place sign.
- (9) Seasonal décor (residential) and seasonal or holiday lighting.
- (10) Art installation.
- (11) Mural, artistic.
- (12) Flag.

...

- (d) *Sign locations.* Notwithstanding more specific or stringent requirements of this article, all signs shall meet the following location requirements:
- (1) Right-of-way. No sign other than government signs and traffic control devices may be located on a right-of-way for a public street, road, highway, alleyway, sidewalk or trail, or private street or alleyway open to

the public. Signs placed in the right-of-way may be removed without notice by law enforcement, code enforcement officers, building official, the city engineer, or any other city employee at the direction of the city manager. The cost of such removal shall be charged to the sign owner and/or contractor, or the owner. Failure to submit payment within thirty (30) days shall result in the case being brought before the code enforcement board except as specifically outlined in section 3-23(b)(10).

- (2) Intersections. No freestanding, pole or post sign shall be installed within thirty (30) feet of an intersection when such sign is more than three (3) feet in height or has less than eight (8) feet in ground clearance to the bottom edge of the sign. Any freestanding sign over three (3) feet in height located within twenty-five (25) feet of a driveway shall be set back at least ten (10) feet from the right-of-way of the street to which such driveway provides access.
- (3) Clearance. No projecting sign over a pedestrian access, street or alley shall be less than eight (8) feet above the ground surface; provided, however, that within historic districts no projecting sign over a pedestrian access, street or walkway shall be less than seven (7) feet above the ground surface.
- (4) Location on a structure. No wall-mounted or bracket sign may be installed above the ground floor of a structure or extend above the eave of the roof, unless provided for and approved pursuant to entry corridor district regulations or the specific terms of a PUD. No banner, pennant, streamer, or bunting may be installed above the ground floor eave of the roof of a building or structure in excess of the frequency and duration time limitations for a temporary interval sign. No banner, pennant, streamer or bunting may cover more than ten percent of the façade of the structure.
- (5) Signs, other than government signs, polling place signs, governmental tenant or licensee signs, and traffic control devices, cannot be placed, posted, or affixed to government owned or controlled property.

...

(j) *Special use signs.* Special use signs shall meet the following requirements:

- (1) Temporary Ancillary Use signs may be installed only for the duration of time of the ancillary use on-site and shall be removed within fourteen (14) days of the expiration of the ancillary use related to the signage. For commercial, industrial, or institutional use properties, one (1) sign is permitted per street frontage, not to exceed sixteen (16) square feet and shall not be erected within fifteen (15) feet of any property line. For residential use properties, one (1) sign is permitted per street frontage, not to exceed two (2) feet by four (4) feet in size and must be a minimum of five (5) feet from the right-of-way and fifteen (15) feet from all side property lines.
- (2) Temporary Interval Sign (large) shall not be placed above the ground floor of the structure.

(k) *Nonconforming signs.*

...

(6) A nonconforming sign may continue to exist so long as it is not destroyed, abandoned or discontinued. "Destroyed," "abandoned" and "discontinued" have the following meanings:

- a. "Destroyed" means more than fifty (50) percent of the upright supports of a sign structure are physically damaged such that normal repair practices of the industry would call for, in the case of wooden sign structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least twenty-five (25) percent of the length above ground of each broken, bent or twisted support. A sign will not be considered "destroyed" within the meaning of this section where the destruction is caused by vandalism or other criminal or tortious act.
- b. A nonconforming sign is "abandoned" or "discontinued" when a sign structure no longer exists at the permitted location or the sign owner fails to operate and maintain the sign for a period of twelve (12) months or longer.

(l) *Prohibited signs.* All signs not expressly permitted under this ordinance, or signs not expressly exempt from permit requirements under this ordinance, are prohibited. Such signs include but are not limited to the following:

...

- (11) Unauthorized traffic control devices located upon or in view of any rights-of-way open to the public, consistent with the prohibitions of Section 316.077, Florida Statutes.
- (12) Billboards and offsite or off-premises signs , except as provided in this ordinance;
- (13) Illuminated signs which direct the illumination onto adjacent streets or onto property other than the premises on which the sign is located;
- (14) Signs attached to, or painted on, vehicles or trailers which are parked and visible from a street or limited access highway, except where such vehicles or trailers are regularly and customarily used to transport persons, goods or materials as part of the principal use of the premises;
- (15) Signs which by reason of position, illumination, size, shape or color obstruct, impair, obscure, interfere with the view of or may be confused with any traffic control sign, signal or device; and
- (16) Electronic message center type signs.
- (17) Flyer signs or wearable sandwich board signs.

..."

“Sec. 3-26. - Same—Changeable copy signs.

Notwithstanding any other provisions of this article, there shall be no fee for a change of copy on changeable copy sign.

...”

“Sec. 3-29. - Same—Temporary window signs.

All temporary ancillary use or temporary interval window signs shall not exceed ten (10) percent of the glassed area of the window or fifty (50) percent of the maximum size for a sign permitted in the appropriate zone, whichever is smaller.

...”

Section 2. Creating Chapter 3, Article II, Section 3-45. Chapter 3, Article II, Section 3-45 of the Code of the City of St. Augustine, Florida is hereby created, as follows:

“Sec. 3-45. - Sign zones.

- (1) *Commercial Zone 1.* All commercially or industrially zoned lots (or PUDs with commercial or industrial uses unless a specific sign plan is approved for the PUD) and all lots zoned RGO, MU, OL and GU, except those lots immediately abutting Anastasia Boulevard; that portion of San Marco avenue lying north of Williams Street; Ponce de Leon Boulevard; State Road 16; State Road 207; and all commercially or residentially zoned lots (or PUDs with commercial or industrial uses unless a specific sign plan is approved for the PUD) whose boundaries lie south of the easterly right-of-way line of N. Ponce de Leon Boulevard (U.S. 1) and east of the easterly mean high waterline of the San Sebastian River and west of the westerly right-of-way line of Malaga Street and the extension of the westerly right-of-way line of Malaga Street lying south of King Street to the San Sebastian River.
- (2) *Commercial Zone 2.* All commercially or industrially zoned lots (or PUDs with commercial or industrial uses unless a specific sign plan is approved for the PUD) immediately abutting Anastasia Boulevard, San Marco Avenue lying north of Williams Street, Mizell Road and State Road 312.
- (3) *Commercial Zone 3.* All commercially or industrially zoned lots (or PUDs with commercial or industrial uses unless a specific sign plan is approved for the PUD) immediately abutting Ponce de Leon Boulevard, State Road 16 and State Road 207, and that portion of Historic Preservation Zoning District 5 lying south of Castillo Drive, north of Orange Street, east of Ponce de Leon Boulevard and west of Riberia Street.
- (4) *Commercial Zone 4.* All commercially or industrially zoned lots (or PUDs with commercial or residential uses unless a specific sign plan is approved

for the PUD) whose boundaries lie south of the easterly right-of-way line of N. Ponce de Leon Boulevard (U.S. 1) and east of the easterly mean high waterline of the San Sebastian River and west of the westerly right-of-way line of Malaga Street and the extension of the westerly right-of-way line of Malaga Street lying south of King Street to the San Sebastian River , as well as lots 1, 2, 3, 4, 10, 11, 12, 13, 14, 15 and 16 of the Worley Subdivision, whose boundaries lie at the end of Prawn Street and south of Heron Street and east of Lewis Boulevard and west of the mean high waterline of the San Sebastian River and bounded on the south by the San Sebastian River marshlands.

- (5) *Historic Zone 1.* All lots contained in Historic Preservation Zoning Districts 1, 2, and 3 (HP-1, HP-2, HP-3), or PUDs previously zoned HP-1, HP-2, HP-3 unless a specific sign plan is approved for the PUD.
- (6) *Historic Zone 2.* All lots contained in Historic Preservation Zoning District 4 (HP-4), or PUDs previously zoned HP-4 unless a specific sign plan is approved for the PUD.
- (7) *Historic Zone 3.* All lots contained in Historic Preservation Zoning District 5 (HP-5), or PUDs previously zoned HP-5 unless a specific sign plan is approved for the PUD, except such portion thereof as may be included within Commercial Zone 3 pursuant to subsection (3) hereof.
- (8) *Residential Zone 1.* All lots contained in Zoning Districts RS-1 and RS-2, or PUDs previously zoned RS-1 and RS-2 unless a specific sign plan is approved for the PUD.
- (9) *Residential Zone 2.* All lots contained in Zoning District RG-1, or PUDs previously zoned RG-1 unless a specific sign plan is approved for the PUD.
- (10) *Residential Zone 3.* All lots contained in Zoning District RG-2, or PUDs previously zoned RG-2 unless a specific sign plan is approved for the PUD.

Section 3. Amendment to Chapter 3, Article II, Amending Sections 3-46, 3.66, and 3.86. Chapter 3, Article II, Sections 3-46, 3.66, and 3.86 of the Code of the City of St. Augustine, Florida are hereby amended, as follows:

“Sec. 3-46. - Historic zone signs.

- (a) All signs, including temporary window, temporary interval, and temporary ancillary use signs, in Historic Zones 1, 2 and 3 shall be approved by the historic architectural review board prior to issuance of a permit or shall meet preapproved size, color, material and location guidelines.
- (b) No review required. Notwithstanding any other requirements of this article, the following signs may be installed and displayed without review:

- (1) Signage installed on approved structures and displayed on the closed portion of a public road or public right-of-way and after closure of the public road or public right-of-way by the St. Augustine Police Department and/or Public Works Department. No signage may be installed or displayed before the closure of the public roads or public rights-of-way prior to the start of the road race, and all signage must be removed from the public roads or public rights-of-way not later than one (1) hour after conclusion of the event or at such time as directed by the St. Augustine Police Department and/or Public Works Department in order to timely reopen the public road or public rights-of-way.

(1) *Historic Zone 1.*

a. *Permitted signs.* The following signs shall be permitted signs:

1. Bracket.
2. Wall.
3. Facia.
4. Post.
5. Freestanding.
6. Accessory.

b. *Prohibited signs.* The following signs shall be prohibited signs:

1. Animated.
2. Awning.
3. Billboard.
4. Bench.
5. Canopy.
6. Changeable copy, manual and automatic.
7. Surface graphics.
8. Window; provided, however, that one (1) window sign (painted or etched) shall be allowed for each window not to exceed six (6) square feet or two (2) feet by three (3) feet. Such window signs will be counted toward the total maximum number of signs permitted for each business. Additionally, one (1) sign per window may be permitted in addition to all other signs authorized to be placed within three (3) feet of a window on the interior of the building and not to exceed four (4) square feet (two (2) feet by two (2) feet).
9. Off-premises.
10. Roof or above ground floor.
11. Sidewalk/sandwich.
12. Portable.
13. Illuminated/electrical, including interior signs visible from any public right-of-way, notwithstanding any other provision of this Code.
14. Marquee.

15. Disfiguring.
16. Vehicle.
17. Flashing.

c. *Number of signs.* The maximum number of signs per entrance is two (2). The maximum number of signs per business is three (3). No business identification sign shall be permitted along a street or public way not providing direct public access to the principal use or activity. Where public access is through a common entrance or through another principal use establishment, a directory or index-informational sign shall be used.

d. *Specific requirements:*

	Maximum Width or Length	Total Size (sq. ft.)	Height to Bottom	Miscellaneous
Bracket/projecting	36 inch/24 inch;	6	8 ft.	36-inch-wide-maximum bracket and sign projection from wall = 44 inch — 24-inch-wide maximum bracket and sign projection from wall = 32 inch.
Freestanding	36 inch/30 inch;	7.5	N/A	Maximum 4 ft. 6 inch; to top of sign structure
Post	36 inch/30 inch;	7.5	8 ft.	
Accessory		2	N/A	1 per business, wall only
Wall	2 ft./3ft	6	N/A	
Facia	1ft wide 6 ft. long	6	N/A	Must be placed above windows and doors

...

(2) *Historic Zone 2.*

a. *Permitted signs.* The following signs shall be permitted signs:

1. Bracket.
2. Wall.
3. Facia.
4. Post.
5. Freestanding.
6. Accessory

b. *Prohibited signs.* The following signs shall be prohibited signs:

1. Animated.
2. Awning.
3. Billboard.
4. Bench.
5. Canopy.
6. Changeable copy, manual and automatic.
7. Surface graphics.
8. Off-premises.
9. Roof or above ground level.
10. Sidewalk/sandwich.
11. Illuminated/electrical, including interior signs visible from any public right-of-way, notwithstanding any other provision of this Code.
12. Marquee.
13. Portable.
14. Window; provided, however, that one (1) window sign (painted or etched) shall be allowed for each window not to exceed six (6) square feet or two (2) feet by three (3) feet. Such window signs will be counted toward the total maximum number of signs permitted for each business. Additionally, one (1) sign per window may be permitted in addition to all other signs authorized to be placed within three (3) feet of a window on the interior of the building and not to exceed four (4) square feet (two (2) feet by two (2) feet).
15. Disfiguring.
16. Vehicle.
17. Flashing.

c. *Number of signs.* The maximum number of signs per entrance is two (2). The maximum number of signs per business is three (3). No sign shall be permitted along a street or public way not providing direct public access to the principal use or activity.

d. *Specific requirements:*

	Maximum Width or Length	Total Size (sq. ft.)	Height to Bottom	Height to Top
Bracket/projecting	4 ft.	16	8 ft.	14 ft.
Freestanding	4 ft./8 ft.	32	N/A	10 ft.
Post	4 ft./8 ft.	32	8 ft.	16 ft.
Wall	4 ft.	16	N/A	N/A
Facia	1½ ft. wide 8 ft. long	12	N/A	N/A

...

(3) *Historic Zone 3.*

a. *Permitted signs.* The following signs shall be permitted signs:

1. Bracket.
2. Wall.
3. Facia.
4. Post.
5. Freestanding.
6. Directory.
7. Index/informational.
8. Accessory.

b. *Prohibited signs.* The following signs shall be prohibited signs:

1. Animated.
2. Awning.
3. Billboard.
4. Bench.
5. Canopy.
6. Changeable copy, manual and automatic.
7. Surface graphics.
8. Off-premises.
9. Roof or above ground level.
10. Sidewalk/sandwich.
11. Illuminated/electrical, including interior signs visible from any public right-of-way, notwithstanding any other provision of this Code.
12. Marquee.
13. Portable.
14. Window; provided, however, that one (1) window sign (painted or etched) shall be allowed for each window not to exceed six (6) square feet or two (2) feet by three (3) feet. Such window signs will be counted toward the total maximum number of signs permitted for each business. Additionally, one (1) sign per window may be permitted in addition to all other signs authorized to be placed within three (3) feet of a window on the interior of the building and not to exceed four (4) square feet (two (2) feet by two (2) feet).
15. Disfiguring.
16. Vehicle.
17. Flashing.

c. *Number of signs.* The maximum number of signs per entrance is two (2). The maximum number of signs per business is three (3). No sign shall be permitted along a street or public way not providing direct public access to the principal use or activity.

d. *Specific requirements:*

	Maximum Width or Length	Total Size (sq. ft.)	Height to Bottom	Height to Top
Bracket/projecting	4 ft.	16	8 ft.	14 ft.
Freestanding	4 ft./8 ft.	32	N/A	10 ft.
Post	4 ft./8 ft.	32	8 ft.	16 ft.
Wall	4 ft.	16	N/A	N/A
Facia	1½ ft. wide 8 ft. long	12	N/A	N/A

...”

“Sec. 3-66. - Commercial zone signs.

(a) *Commercial Zone 1.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.
- f. Changeable copy, manual.
- g. Illuminated non-flashing electrical.
- h. Surface graphics.
- i. Window.
- j. Temporary window.

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- b. Billboard.
- c. Bench.
- d. Marquee.
- e. Disfiguring.
- f. Vehicle.
- g. Off-site.
- h. Roof.
- i. Sidewalk/sandwich.
- j. Portable.
- k. Banners, streamers, pennants.
- l. Illuminated, flashing electrical.
- m. Changeable copy, automatic.
- n. Flashing.

...

- (4) *Maximum size and height.* The maximum size of any sign shall be no more than eighty (80) square feet.
- (5) In addition to the above, businesses immediately abutting the San Sebastian River southerly of Bravo Street, are permitted one (1) primary sign, a maximum size of one hundred forty (140) square feet, to be oriented toward the river.

(b) *Commercial Zone 2.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.
- f. Changeable copy, manual.
- g. Illuminated non-flashing electrical.
- h. Surface graphics.
- i. Window.
- j. Temporary window.
- k. Awning.
- l. Canopy.

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- b. Billboard.
- c. Bench.
- d. Marquee.
- e. Disfiguring.
- f. Vehicle.
- g. Off-site.
- h. Roof.
- i. Sidewalk/sandwich.
- j. Portable.
- k. Banners, streamers, pennants.
- l. Illuminated, flashing electrical.
- m. Changeable copy, automatic.
- n. Flashing.

...

- (4) *Maximum size and height.* The maximum size of any sign shall be no more than one hundred twenty (120) square feet. The maximum height to the top of a ground/pole sign shall not exceed twenty-five (25) feet.

...

(c) *Commercial Zone 3.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.
- f. Changeable copy, manual.
- g. Illuminated non-flashing electrical.
- h. Surface graphics.
- i. Window.
- j. Temporary window.
- k. Awning.
- l. Canopy.

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- b. Billboard.
- c. Bench.
- d. Marquee.
- e. Disfiguring.
- f. Vehicle.
- g. Off-site.
- h. Roof.
- i. Sidewalk/sandwich.
- j. Portable.
- k. Banners, streamers, pennants.
- l. Illuminated, flashing electrical.
- m. Changeable copy, automatic.
- n. Flashing.

...

(4) *Maximum size and height.* The maximum size of any sign shall be no more than one hundred forty (140) square feet. The maximum height to the top of a ground/pole sign shall not exceed thirty (30) feet.

(d) *Commercial Zone 4.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall signs, except that within this zone the sign may be located above the ground floor so long as no more than fifteen (15) percent of the total area of the sign extends above the building and/or above the eave of the roof, except that the sign may not extend more than ten (10) inches above the building and/or above the eave of the roof.

- e. Facia.
- f. Changeable copy, manual.
- g. Illuminated non-flashing electrical, and as applied to lots 1, 2, 3, 4, 10, 11, 12, 13, 14, 15 and 16 of the Worley Subdivision, whose boundaries lie at the end of Prawn Street and south of Heron Street and east of Lewis Boulevard and west of the mean high waterline of the San Sebastian River and bounded on the south by the San Sebastian River marshlands, this is further restricted to individual channel letters externally illuminated back lit, externally illuminated up lit and externally illuminated down lit fixtures for signage.
- h. Surface graphics.
- i. Window.
- j. Temporary window.

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- b. Billboard.
- c. Bench.
- d. Marquee.
- e. Disfiguring.
- f. Vehicle.
- g. Off-site.
- h. Roof, or above the ground level
- i. Sidewalk/sandwich.
- j. Portable.
- k. Banners, streamers, pennants.
- l. Illuminated, flashing electrical.
- m. Changeable copy, automatic.
- n. Flashing.

...

(4) *Maximum size and height.* The maximum size of any sign shall be no more than one hundred ten (110) square. The maximum height to the top of a ground/pole sign shall not exceed twenty (20) feet.

“Sec. 3-86. – Residential zone signs.

(a) *Residential Zone 1.*

...

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Changeable copy, manual and automatic.
- b. Illuminated electrical.
- c. Surface graphics.
- d. Window.
- e. Temporary window.
- f. Animated.

- g. Awning.
- h. Billboard.
- i. Bench.
- j. Canopy.
- k. Marquee.
- l. Off-site.
- m. Roof or above ground level.
- n. Sidewalk/sandwich.
- o. Portable.
- p. Vehicle.
- q. Disfiguring.
- r. Flashing.

...

(4) *Specific requirements:*

	Maximum Size (sq. ft.)	Height to Top	Setbacks
Bracket/ projecting	1	N/A	N/A
Freestanding	4	4;ft;6;inch;	5;ft; from all lot lines and 40;ft; from other signs
Post/pole	4	10;ft;	5;ft; from all lot lines and 40;ft; from other signs
Wall	1	N/A	N/A
Facia	1	N/A	N/A

(b) *Residential Zone 2.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall
- e. Facia.

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Changeable copy, manual and automatic.
- b. Illuminated/electrical.
- c. Surface graphics.
- d. Window.
- e. Temporary window.
- f. Animated.

- g. Awning.
- h. Billboard.
- i. Bench.
- j. Canopy.
- k. Marquee.
- l. Off-site.
- m. Roof, or above ground level.
- n. Sidewalk/sandwich.
- o. Portable.
- p. Vehicle.
- q. Disfiguring.
- r. Flashing.

...

(4) *Specific requirements:*

	Maximum Size (sq. ft.)	Height to Top	Setbacks
Bracket/ projecting	16	N/A	N/A
Freestanding	16	4;ft;6;inch;	5;ft; from all lot lines and 40;ft; from other signs
Post/pole	16	10;ft;	5;ft; from all lot lines and 40;ft; from other signs
Wall	14	N/A	N/A
Facia	14	N/A	N/A

(c) *Residential Zone 3.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.
- f. Temporary window.

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Changeable copy, manual and automatic.
- b. Illuminated/electrical.
- c. Surface graphics.
- d. Window.
- e. Animated.
- f. Awning.

- g. Billboard.
- h. Bench.
- i. Canopy.
- j. Marquee.
- k. Off-site.
- l. Roof or above ground level.
- m. Sidewalk/sandwich.
- n. Portable.
- o. Vehicle.
- p. Disfiguring.
- q. Flashing.

...

(4) *Specific requirements:*

	Maximum Size (sq. ft.)	Height to Top	Setbacks
Bracket/ projecting	16	N/A	N/A
Freestanding	16	4;ft;6;inch;	5;ft; from all lot lines and 40;ft; from other signs
Post/pole	16	15;ft;	5;ft; from all lot lines and 40;ft; from other signs
Wall	14	N/A	N/A
Facia	14	N/A	N/A

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

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

Section 6. Severance of Invalid Provisions. 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 7. Effective Date. This ordinance shall become effective ten (10) days following effective date, pursuant to s. 166.041(4), Florida Statutes.

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

ATTEST:

Darlene Galambos, City Clerk
(SEA

Tracy Upchurch, Mayor-Commissioner

Existing Chapter 3 Sign Code text

ARTICLE II. - SIGNS^[2]

DIVISION 1. - GENERALLY

Sec. 3-21. - Purpose and legislative intent.

(a) The purpose of this article is to develop sign regulations which encourage designs that reflect the historic character, small scale and pedestrian orientation of the historic preservation districts within the city. The purpose is to also encourage designs that reflect the architectural character, residential nature and predominately pedestrian orientation of residentially zoned districts within the city. The purpose is also to encourage designs that reflect the architectural scale, aesthetic quality and vehicular and pedestrian orientation of commercially zoned districts within the city.

(b) This article contains regulations which promote signs that are subordinate to and in aesthetic harmony with their location on buildings and the surrounding environment; to identify requirements for size, type and location to protect significant architectural features of the original historic and reconstructed buildings; to eliminate the dangers of visual clutter along public streets and rights-of-way; and to define requirements which fulfill the functions of identifying and advertising only the business concerned clearly and efficiently with a high degree of design quality.

Sec. 3-22. - Definitions.

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

Accessory sign means an attachment to a business identification sign or auxiliary business sign which gives additional information to the larger sign.

Affiliation sign means a sign which identifies a person or business on the subject premises with an association, union, profession or similar organization.

AGHP means the architectural guidelines for historic preservation of the city as from time to time promulgated by the historic architectural review board or the city commission from time to time as authorized by [section 28-89](#).

Alteration means any change to a sign, including copy changes and repainting in different colors, but excluding routine maintenance.

Animated sign means any sign or part of a sign which changes physical position by movement or rotation or gives the appearance of movement or rotation, or uses movement or change of lighting to depict action or to create a special effect or scene. See changeable copy (manual), changeable copy (automatic) and flashing sign.

Attention-getting device means any gadget or mechanical contrivance, scheme, drawing, ruse or trick, symbol, emblem, insignia, regalia or motto, including murals but excluding ornate architectural features of a building, selectively narrowing or focusing consciousness and receptivity.

Auxiliary business sign means a secondary size and type of sign, smaller than the business identification sign, which clarifies the nature of the business or services offered therein.

Awning means a shelter extending from a building that is supported entirely from the exterior wall of a building and composed of nonrigid materials except for supporting framework.

Awning sign means a sign that is part of or attached to the face of an awning, which shall be constructed in the same fabric or material as the awning.

Banner means a sign having the characters, letters, illustrations or ornamentations applied to cloth, paper or fabric of any kind with only such material for a backing. "Banner" shall include any animated rotating and/or fluttering devices designated to attract attention.

Bench sign means a sign on any part of a bench or seat placed on or adjacent to a public right-of-way.

Billboard means an outdoor advertising sign erected and maintained by an advertising business or service, upon which advertising matter may be displayed and which generally advertises firms and organizations that along with their goods and services, are not located on the same premises as the sign; and whose surface is sold, rented or leased for display of advertising material.

Bracket sign means any sign, single- or double- faced, mounted on brackets, poles or beams projecting at right angles from the front or side of any building and supported solely by brackets, poles or beams.

Business identification sign means the main sign of a business (informs potential clients of a business, the name and/or type of service; may contain name of business, list up to three (3) services or products; may include logos).

Canopy means a structure constructed of rigid materials including, but not limited to metal, wood, concrete, plastic or glass, which is attached to and supported by a building or by columns, poles or braces extended to the ground.

Canopy sign means a sign which is suspended from, attached to, supported from or forms a part of a canopy.

Changeable copy sign (manual) means a sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels. A sign on which the message changes more than once every three (3) hours shall be considered an animated and not a changeable copy sign for the purposes of this ordinance.

Changeable copy sign (automatic) means a sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units. A sign on which the message changes more than once every three (3) hours shall be considered an animated sign for the purposes of this ordinance.

Directional sign means a sign permanently erected or permitted in the public right-of-way or private property by the city, county, state or other governmental agency to denote the name of any thoroughfare, the route to any city, town, village, educational institution, public building, historic place, shrine or hospital, to direct and regulate traffic, to denote any railroad crossing, bridge, ferry or other transportation or transmission company for the direction or safety of the public.

Directory sign means a sign listing only the names and/or use, or location of more than one (1) business, activity or professional office conducted within a building, group of buildings or commercial center.

Disfiguring sign means any sign placed upon a structure in any manner so as to disfigure or conceal any window, door or significant architectural feature or detail of any building.

Double-faced sign means a sign with two (2) faces which are usually, but not necessarily, parallel.

Facia means a wall sign placed or attached to the building surface above a window or door.

False facade/roof, see "canopy sign."

Flag means the flying of individual national, state, city or historic flags attached to freestanding poles mounted on the ground or to flagstaffs attached to the facade of a structure, limited to a total of five (5) in number, provided that such flags shall not be used in such a way as to attract the attention of the public for commercial purposes. Flags larger than three (3) feet by five (5) feet shall be considered signs and shall be calculated as part of the maximum square footage and maximum number of signs.

Flashing sign means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. It does not include changeable copy signs, animated signs or signs which through reflection or other means create an illusion of flashing or intermittent light.

Freestanding/ground sign means a sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support.

Frontage means the length of street surface that the building faces.

(1) *Primary frontage* means the street surface that the building's main entry faces.

(2) *Secondary frontage* means any other street surface that a building is adjacent to.

Government pole banner means a device, limited to government speech of the City of St. Augustine, attached to a bracket located on an electric light pole owned and controlled by the City of St. Augustine.

Illuminated electric sign means a self-illuminated or internally illuminated sign or sign structure in which electric wiring, connections, or fixtures are used as part of the sign proper.

Index sign means a guide or an indicator of contents inside a building.

Informational sign means a sign indicating by words or symbols the types of services available at location or events occurring thereon.

Mansard, see "canopy sign."

Marquee means a permanent roof-like structure projecting more than three (3) feet beyond a building wall at an entrance to a building.

Marquee sign means any sign attached to or hung from a marquee.

Menu board means an auxiliary business sign display case containing a menu or a chalk board used for advertising daily menu specials for a restaurant or other food-related establishment, wall or pedestal mounted, with no identification or other signage attached to or painted on the frame or the glass face, not exceeding two (2) per business and located on the same facade as the primary street frontage or entrance.

Nonconforming sign means any sign which does not conform to the regulations of this article.

Off-site sign means a sign identifying, advertising or directing the public to a business, merchandise, service, institution, residential area, entertainment or activity which is located, sold, rented, based, produced, manufactured, furnished or taking place at a location other than on the property on which the sign is located.

On-site development sign means a sign identifying the developer, architect, contractor or realtor located on property upon which there is active construction.

On-site traffic control sign means a sign of less than four (4) square feet, permanently erected on private property by the property owner, lessee or agent to direct and control on-site vehicular and pedestrian traffic and parking.

Pedestrian pole sign means a sign supported by one or two poles in the ground fully independent of any building, fence, vehicle, or object. This is only allowed for the residential typology, and is only allowed in entranceway corridors where specifically allowed in the corridor's design standards.

Pole sign means any sign mounted on a metal pole on private property.

Political sign means a sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the city shall vote.

Portable sign means a sign that has no permanent attachment to a building or to a ground by means of a footing, including, but not limited to, an A-frame sign, sign with wheels, pull attachments, search light stands, hot air or gas filled balloons or umbrellas.

Post sign means any sign mounted on a wooden post on private property.

Premises means a lot, building site, lease area of a building or lot, or other independent entity by one (1) business or residence. Each of the multiple tenants of an industrial park, shopping center, subdivision or condominium constitutes a separate premise for the purpose of this article.

Projecting sign means any sign which is affixed to any building, wall or structure and extends beyond the building wall, structure, building line or property line more than twelve (12) inches.

Real estate sign means any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

Road race signage means a sign of identification or direction used to indicate the path direction for racers, mile markers, time clocks and start and finish of a foot or non-motorized vehicle road race over public roads or public rights-of-way requiring the temporary closure of the road or right-of-way under permit issued by the St. Augustine Police Department and/or the City of St. Augustine Public Works Department or any other agency exercising jurisdiction over public roads, streets or rights-of-way located within the municipal boundaries of the City of St. Augustine.

Roof sign means any sign erected or constructed wholly upon or over the roof of any building and supported solely or partially on the roof structure.

Sandwich sign means any sign, double- or single-faced which is portable and may be readily moved from place to place.

Seasonal/holiday sign means a sign, including holiday wreaths and other holiday decorations, used for emphasizing the celebration of an historic American holiday, which is erected for a four-week period of time. As used herein the term "an historic American holiday" shall refer to any day made a public holiday by the laws of Florida, the laws of the United States or by resolution of the city commission, together with the following holidays:

- (1) Greek Landing Day.
- (2) The anniversary of the founding of the city.
- (3) Birthday of Pedro Menendez.
- (4) Days in Spain, sponsored by the St. Augustine Jaycees.
- (5) Any day upon which there is a Grand Illumination or Spanish Night Watch.

Seasonal or holiday lighting means a series of clear, white or colored lights, either bare or shielded within an enclosure.

Shopping center sign means a sign with three (3) or more businesses listed that share a common structure or premises and which shall not exceed the maximum size of signs for the zone in which it is located.

Sign means any letter, number, emblem, logo, symbol, color, advertising display, billboard, poster, panel, bulletin or placard, and all printed, painted, lettered, illuminated or figured devices, structures or attention-getting devices used for advertising, identifying or calling attention to a business, attached to or painted on any building or structure or attached to the ground by post, footing or other contrivance, visible from the nearest public right-of-way or in a group of buildings, and legible from a distance of ten (10) feet or more. Government pole banners are specifically excluded from the definition of a sign in the regulations of this article.

Sign, area of, means the total surface of a sign, including the background, frame and ornamentation, but not including structural supporting elements outside of its frame. For double-faced signs that are parallel and supported by the same structure, the area of the sign equals one-half of the total area of both faces. The area of signs with two (2) or more faces not parallel equals the total area of all faces.

Sign zones means:

(1) *Commercial Zone 1*. All commercially or industrially zoned lots and all lots zoned RGO, MU, OL and GU, except those lots immediately abutting Anastasia Boulevard; that portion of San Marco avenue lying north of Williams Street; Ponce de Leon Boulevard; State Road 16; State Road 207; and all commercially or residentially zoned lots whose boundaries lie south of the easterly right-of-way line of N. Ponce de Leon Boulevard (U.S. 1) and east of the easterly mean high waterline of the San Sebastian River and west of the westerly right-of-way line of Malaga Street and the extension of the westerly right-of-way line of Malaga Street lying south of King Street to the San Sebastian River.

(2) *Commercial Zone 2*. All commercially or industrially zoned lots immediately abutting Anastasia Boulevard, San Marco Avenue lying north of Williams Street, Mizell Road and State Road 312.

(3) *Commercial Zone 3*. All commercially or industrially zoned lots immediately abutting Ponce de Leon Boulevard, State Road 16 and State Road 207, and that portion of Historic Preservation Zoning District 5 lying south of Castillo Drive, north of Orange Street, east of Ponce de Leon Boulevard and west of Riberia Street.

(4) *Commercial Zone 4*. All commercially or residentially zoned lots whose boundaries lie south of the easterly right-of-way line of N. Ponce de Leon Boulevard (U.S. 1) and east of the easterly mean high waterline of the San Sebastian River and west of the westerly right-of-way line of Malaga Street and the extension of the westerly right-of-way line of Malaga Street lying south of King Street to the San Sebastian River.

(5) *Historic Zone 1*. All lots contained in Historic Preservation Zoning Districts 1, 2, and 3 (HP-1, HP-2, HP-3).

(6) *Historic Zone 2*. All lots contained in Historic Preservation Zoning District 4 (HP-4).

(7) *Historic Zone 3*. All lots contained in Historic Preservation Zoning District 5 (HP-5) except such portion thereof as may be included within Commercial Zone 3 pursuant to subsection (3) hereof.

(8) *Residential Zone 1*. All lots contained in Zoning Districts RS-1 and RS-2.

(9) *Residential Zone 2*. All lots contained in Zoning District RG-1.

(10) *Residential Zone 3*. All lots contained in Zoning District RG-2.

Signs, special use, means:

- (1) On-site development signs.
- (2) Real estate signs.
- (3) Political signs.
- (4) Seasonal/holiday signs.
- (5) Special event signs.
- (6) Banners, streamers and pennants.
- (7) Temporary window signs.
- (8) Home occupation signs.

Signs, types, means:

- (1) Bracket.
- (2) Wall.
- (3) Facia.
- (4) Freestanding.
- (5) Post.
- (6) Pole.
- (7) Animated.
- (8) Awning.
- (9) Billboard.
- (10) Bench.
- (11) Canopy.
- (12) Changeable copy.
- (13) Illuminated electrical.
- (14) Marquee.
- (15) Off-premises.
- (16) Sidewalk/sandwich.
- (17) Shopping center.
- (18) Portable.
- (19) Surface graphics.
- (20) Window.
- (21) Disfiguring.
- (22) Vehicle.

Signs, use, means:

- (1) Index/informational.
- (2) Directory.
- (3) Affiliation.
- (4) Business identification.

- (5) Accessory.
- (6) Auxiliary.
- (7) Directional.

Snipe sign means any small sign of less than four (4) square feet of any material, including paper, cardboard, wood and metal when tacked, nailed or attached in any way to trees, poles, stakes, fences or other objects where such sign may or may not be applicable to the present use of the premises upon which sign is located (includes garage sign).

Special event sign means a sign which carries a message regarding a special event or function which is of general interest to the community and may be banners, streamers, pennants, temporary window signs or any type of permitted sign.

Surface graphics means any sign painted directly on any exterior building wall or door surface, exclusive of window and door glass area.

Temporary sign means a sign permitted for temporary use by the planning and building department.

Time and temperature sign shall mean any sign mechanically, electronically or electrically controlled to display time, temperature and business name only. No other signage or information other than time, temperature and business name may be located within such an area which may be determined as signage nor may any additional signage be attached to a time and temperature sign.

Traffic sign means a sign which functions primarily to provide for the efficient, safe and orderly flow of traffic.

Vehicle sign means a sign attached to or painted on vehicles of any type which are conspicuously parked on or near the premises of the use being advertised and obviously used in such a way as to advertise, identify or draw attention to such use of passing motorists and pedestrians.

Wall sign means any sign attached to the facade of a structure, which is attached and supported throughout its entire length by the facade and not extending above the building, ground floor and/or the eave of the roof.

Window sign means any sign affixed to, in contact with a window, or located within three (3) feet of any window surface facing the outside and which it is intended to be seen from the exterior.

Window sign, temporary, means a window sign of a temporary nature used to direct attention to the sale of merchandise or a change in the status of the business.

Sec. 3-23. - Sign regulations generally.

(a) *Permits.* No sign of any kind shall be installed, erected, painted, altered or relocated by any person, business or institution, except as described in subsection (b) below, until a permit has been issued by the planning and building department. Applications for sign permits shall be accompanied by a survey of existing signs to remain, linear dimensions of primary and secondary street frontages, a complete list of proposed signs (including sign types, heights, widths, individual and cumulative square feet, letter styles, colors and materials used), a site plan indicating all sign locations, a sketch of all proposed signs and elevations showing all sign locations, as well as any additional specific information required by the planning and building department. Failure to submit all required information will delay review of the application. Continued failure to submit all required information within fifteen (15) working days following notification by the planning and building department shall result in the nullification of the application. A new, complete application must then be filed.

(1) Failure to obtain a permit prior to installation or other work on a sign shall result in the permit fee being tripled. Any property owner and/or his agent who has failed to obtain a permit prior to such work shall be guilty of an offense and subject to enforcement procedures as outlined in this article.

(2) Failure to obtain a permit prior to installation or other work on a sign on more than three (3) occasions within a one-year period shall result in the property owner, agent and/or sign contractor being cited and brought before the code enforcement board and shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than two hundred fifty dollars (\$250.00) per violation. Such property owner, agent and/or sign contractor who has failed to obtain a permit on more than three (3) occasions within a one-year period shall be brought before the city commission, who may revoke such person's occupational license and/or suspend such person from obtaining sign permits for a period of up to one (1) year.

(b) *No permit required.* Notwithstanding meeting other requirements of this article, the following signs may be erected without a permit:

(1) Bulletin boards and identification signs for public, non-profit or religious facilities, located on the premises and not exceeding twelve (12) square feet in area.

(2) On-site development signs; provided however, that notwithstanding any other provision of this Code, there shall be no setback requirement from the front property line.

(3) Political signs.

(4) Real estate signs; provided, however, that notwithstanding any other provision of this Code, there shall be no setback requirement from the front property line.

(5) Directional signs.

(6) On-site directional signs not exceeding two (2) square feet.

(7) Signs indicating "open" and "closed", and operating hours not exceeding one (1) square foot.

(8) Menu boards not exceeding two and one-quarter (2¼) square feet.

(9) Except for historic zones, credit card, charge card, bank card or other financial services card signs not exceeding one (1) square foot.

(10) Road race signage shall be allowed only on approved structures located on the permitted closed portion of public roads or public rights-of-way and only after full

closure of the public road or public right-of-way by the St. Augustine Police Department and/or Public Works Department. No road race signage may be installed or displayed before the full closure of the public roads or public rights-of-way prior to the start of the road race, and all road race signage must be removed from the public roads or public rights-of-way not later than one (1) hour after conclusion of the road race or at such time as directed by the St. Augustine Police Department and/or Public Works Department in order to timely reopen the public road or public rights-of-way.

(c) *Sign area determination.* The surface area of a sign shall include the background, frame and ornamentation. When separate letters or graphics are attached to or painted on a surface, the area shall be determined by the smallest geometric shape that encloses all letters, graphics and borders as a complete sign. Double-faced sign areas shall be determined as the area of a single face of such sign.

(d) *Sign locations.* Notwithstanding more specific or stringent requirements of this article, all signs shall meet the following location requirements:

(1) Public right-of-way. No sign may be located on a right-of-way for a public or private street or alleyway. Signs placed in the public right-of-way may be removed without notice by the building official and/or the city engineer. The cost of such removal shall be charged to the sign owner and/or contractor. Failure to submit payment within thirty (30) days shall result in the case being brought before the code enforcement board except as specifically outlined in [section 3-23\(b\)\(10\)](#).

(2) Intersections. No freestanding, pole or post sign shall be installed within thirty (30) feet of an intersection when such sign is more than three (3) feet in height or has less than eight (8) feet in ground clearance to the bottom edge of the sign. Any freestanding sign over three (3) feet in height located within twenty-five (25) feet of a driveway shall be set back at least ten (10) feet from the right-of-way of the street to which such driveway provides access.

(3) Clearance. No projecting sign over a pedestrian access, street or alley shall be less than eight (8) feet above the ground surface; provided, however, that within historic districts no projecting sign over a pedestrian access, street or walkway shall be less than seven (7) feet above the ground surface.

(4) Location on a structure. No wall-mounted or bracket sign may be installed above the ground floor of a structure or extend above the eave of the roof. Signs consistent with the Anastasia Boulevard Design Standards may be installed above the ground floor.

(5) Credit card signs. No credit card, charge card, bank card or other financial services card signs shall be allowed in an historic zone, and those in existence shall be removed by March 1, 2000, or considered in violation of the Code of the city.

(e) *Illumination.* Illumination of signs shall be in accordance with the following requirements:

(1) White is the only color of light permitted in the historic and residential zones.

(2) Flashing signs are prohibited.

(3) Floodlights or spotlights are permitted provided that they are positioned so that no light or glare is directed onto adjacent property or into the eyes of motorists or pedestrians.

(4) Bare bulb illumination shall not be permitted in historic or residential zones.

(5) Signs shall be marked with the maker's name; and, for incandescent signs, with the number of lampholders; and, for electrical-discharge-lamp signs, with input amperes at full load and input voltage. This marking shall be visible after installation.

(6)

a. Only clear colorless or white lights may be permitted for the exterior display of seasonal or holiday lights within the historic districts, except single-family residences within the HP-1 district.

b. The exterior display of seasonal or holiday lights within historic zones is allowed only during the holiday season from the third Saturday of November of each year through January 31 of the ensuing year. The lights shall not be illuminated between February 1 and the third Friday of November of each year. The city commission, by resolution, may extend the last date for display of the lights to the Sunday following January 31 of any year.

c. Commencing 1996 and each year thereafter, the lights must be removed from the exterior of the premises below ten (10) feet from either the grade of the right-of-way, sidewalk or the ground immediately adjacent to the building, whichever is applicable, no later than thirty (30) days from the close of the designated holiday season.

d. Section (c) hereinabove shall not be applicable to properties within the entry corridors, unless such properties are also within the historic districts.

(f) *Maintenance.* All visible portions of a sign and its supporting structure shall be maintained in safe condition and neat appearance. Illuminated signs will be maintained in working order and functioning in a safe manner. Painted signs shall be kept in good condition and repainted as necessary. All signs shall be kept in such manner as to constitute a complete sign at all times. The area within five (5) feet of ground-mounted signs shall be kept clear of all debris as well as weeds and grass to a height of twelve (12) inches.

(g) *Relocation.* No sign shall be moved to a location other than that approved without applying for a permit for the new location.

(h) *Alteration.* Except for maintenance to match an existing sign, no alteration or addition to a permitted sign shall be made until a new permit has been issued.

(i) *Obsolete signs, removal.* Any sign which advertises a use no longer existing shall be removed by the property owner or agent within fifteen (15) days after written notification from the planning and building department. Failure to remove the sign shall result in the case being brought before the code enforcement board.

(ii)

(j) *Special use signs.* Special use signs shall meet the following requirements:

(1) On-site development signs may be installed only after a building permit has been issued and shall be removed within fourteen (14) days of the expiration of the permit or the issuance of a certificate of occupancy. One (1) sign is permitted per street frontage, not to exceed sixteen (16) square feet and shall not be erected within fifteen (15) feet of any property line.

(2) Real estate signs shall be removed within seven (7) days of the sale or lease of the property. One (1) sign is permitted per street frontage, not to exceed two (2) feet by four

(4) feet in size and must be a minimum of five (5) feet from the right-of-way and fifteen (15) feet from all side property lines.

(3) Political signs shall be removed within seven (7) days following the election. All signs shall be located on private property and shall meet the requirements of the zone in which they are located. No political sign shall exceed forty (40) square feet. Signs placed in the public right-of-way may be removed without notice by the building official and/or city engineer. The cost of such removal shall be charged to the candidate and his organization. Failure to submit payment within thirty (30) days shall result in the case being brought before the code enforcement board and the amount owed shall become a lien against the real property and/or assets of the candidate and organization.

(4) Seasonal/holiday signs shall be approved in writing by the planning and building department and shall meet the dimension requirements of the zone in which they are located. These signs may be authorized for a period of up to twenty-eight (28) consecutive days, not to exceed a total of forty-five (45) days in a calendar year.

(5) Special event signs shall be approved in writing by the planning and building department and shall meet the dimension requirements of the zone in which they are located. These signs shall be removed within three (3) days following the advertised event.

(6) Banners, streamers and pennants shall be approved in writing by the planning and building department and may be authorized for up to one hundred (100) days in a calendar year.

(7) Temporary window signs shall be approved in writing by the planning and building department. All temporary window signs shall relate to the use conducted on the premises and no such sign or signs shall exceed ten (10) percent of the glassed area of the window. These signs may be authorized for up to forty-five (45) days in a calendar year.

(8) Home occupation signs shall be located within two (2) feet of the primary entrance and shall not exceed one (1) square foot in area.

(k) Nonconforming signs.

(1) A nonconforming sign must remain in substantially the same perimeter dimensions in face area, height above ground level, materials of construction, type of structure and type of sign as it was as of the date it became nonconforming.

(2) Reasonable repair and maintenance of nonconforming signs, including change of advertising message, is permitted and is not a change which would terminate the nonconforming status. Reasonable repair and maintenance means the work necessary to keep the sign structure in a state of good repair, including the replacement in kind of materials in the sign structure. Where the replacement of materials is involved, such replacement may not exceed either fifty (50) percent of the structural materials in the sign, or fifty (50) percent of the current fair market value of the sign, within any twelve-month period. "Structural materials" means all those materials incorporated into the sign as load-bearing parts, including vertical supports, horizontal stringers, braces, bracing wires, brackets and catwalks. Structural materials do not include the sign face, any skirt, any electrical service or electric lighting, except in cases where such items have been incorporated into the sign as load-bearing parts. The following are examples of modifications which do not constitute reasonable repair or maintenance and which

constitute substantial changes to a nonconforming sign which will result in the loss of nonconforming status:

a. Modification which changes the structure of, or the type of structure of, the sign, such as conversion of a back-to-back sign to a V-type or conversion of a wooden sign structure to a metal structure;

1. The city may authorize structural alterations to a nonconforming sign in instances where the Occupational Safety and Health Administration (OSHA) requirements or other safety related requirements necessitate alterations, provided that the reconstruction shall not be authorized primarily for the purpose of replacement of deteriorated materials. The city will accept a notice or other writing from OSHA or other regulatory body to the permittee requiring the intended alteration as documentation of safety requirements. If the structural alterations are intended to be made to comply with OSHA regulations, the permittee must submit to the Department a statement in writing citing the OSHA regulation with which the permittee is intending to comply and explaining how the intended alteration is required by the cited OSHA regulation. If the structural alterations are required to comply with building codes applicable to existing structures, the permittee must submit to the city a statement in writing citing the specific requirement of the building code which the alterations are intended to meet. Structural alterations are allowed only if no alternatives are available which address safety requirements. Documentation of the requirements must be submitted to, and approved by, the city prior to making any structural alterations. The location, structural configuration, number of faces, size of the sign faces, sign structure height and the materials used in the sign structure and sign faces must be the same type as those used in the sign prior to approval of the alterations. Structural configuration means the physical arrangement of a sign whether arranged as a single-faced, V-type, back-to-back, side-to-side or stacked sign. During the period of temporary removal for those approved structural alterations, the permittee must permanently display the permit tag at the sign location.

2. The addition of a catwalk or other fall protection device for safety reasons, where the device does not increase the structural integrity of the sign or prolong the life of the sign, is allowed without obtaining prior approval from the city.

b. Modification which changes the area of the sign facing or the height above ground level (HAGL) of the sign, however:

1. Reduction in the area of the sign facing or the HAGL of the sign, which reduction is required by this ordinance, is not a change which would terminate the nonconforming status of the sign, provided like materials are used and no enhancements are made to the visibility of the sign.

2. Embellishments may be added to nonconforming signs subject to the limitations regarding size of sign facing and provided they do not exceed ten (10) percent of the area of the sign facing prior to the addition of the embellishment.

c. Modification which enhances the visibility of the sign's message, or the period of time that the sign's message is visible;

d. Modification which adds automatic changeable faces; or

e. Modification which adds artificial lighting or changes the existing lighting such that the illumination to the sign facing is substantially increased.

(3) Prohibited modifications need not be physically part of the sign if they have the effect of enhancing the sign's message, the visibility of the message or the period of time the

message is visible. However, in such cases, the modifications will not be considered a modification to the sign if:

a. The modification is the result of removal, cutting or trimming of vegetation in front of the sign pursuant to a permit for such removal, cutting or trimming from the department; or

b. The modification only incidentally affects the visibility of the sign's message, and the bona fide purpose of the modification is unrelated to the sign.

(4) A nonconforming sign may not be disassembled and re-erected at the same location except as provided in paragraph (6)(a), below.

(5) A nonconforming sign may not be relocated, except to a conforming location.

(6) A nonconforming sign may continue to exist so long as it is not destroyed, abandoned or discontinued. "Destroyed," "abandoned" and "discontinued" have the following meanings:

a. "Destroyed" means more than fifty (50) percent of the upright supports of a sign structure are physically damaged such that normal repair practices of the industry would call for, in the case of wooden sign structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least twenty-five (25) percent of the length above ground of each broken, bent or twisted support. A sign will not be considered "destroyed" within the meaning of this section where the destruction is caused by vandalism or other criminal or tortious act.

b. A nonconforming sign is "abandoned" or "discontinued" when a sign structure no longer exists at the permitted location or the sign owner fails to operate and maintain the sign for a period of twelve (12) months or longer. Signs displaying bona fide public interest messages are not 'abandoned' or "discontinued" within the meaning of this section. The following conditions shall be considered failure to operate and maintain the sign:

1. Signs displaying only an "available for lease" or similar message;
2. Signs displaying advertising for a product or service which is no longer available;
3. Signs which are blank or do not identify a particular product, service or facility.

(l) *Prohibited signs.* All signs not expressly permitted under this ordinance, or signs not expressly exempt from permit requirements under this ordinance, are prohibited. Such signs include but are not limited to the following:

(1) Signs which physically or visually move, rotate or create an illusion of movement or which have parts or surfaces that physically or visually move, rotate or create the illusion of movement or which emit audible sound or noise;

(2) Beacons or any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source;

(3) Pennants, inflated signs and tethered balloons;

(4) Signs painted directly on the exterior surface of a building;

(5) On corner lots, signs of a height between two and one-half (2½) and eight (8) feet above curb grade in a triangular area bounded by the adjacent street right-of-way lines and a straight line joining points on the right-of-way lines which are thirty (30) feet from the point of intersection of the right-of-way lines, except that the distance from the intersection may be reduced to twenty (20) feet along the right-of-way lines where the intersection of the adjacent streets is controlled by a traffic signal;

- (6) Signs, or any point on a sign, located higher than the roof ridge, the plate of a flat roof or the highest point of the roof;
- (7) Signs, other than signs erected by or on behalf of a governmental body, that are located in or on a public right-of-way;
- (8) Signs which appear animated or projected or which are intermittently or intensely illuminated or which are of a traveling, tracing, scrolling or sequential light type or which contain or are illuminated by animated or flashing light;
- (9) Wall signs located such that any part thereof covers, obstructs or is placed over any existing windows on the same wall or placed above the sills of the first level of windows above the first story on the same wall or placed more than twenty-five (25) feet above grade, except as may otherwise be allowed where a conditional use permit has been granted by the planning and zoning board pursuant to this ordinance;
- (10) Signs attached to a tree, utility pole, fence or rock;
- (11) Signs, other than traffic control signs, which use the words "stop," "yield," "caution" and "danger" or which contain red, amber and green lights which may resemble traffic control signs or lights;
- (12) Billboards and signs unrelated to the principal use or uses of the premises on which the sign is located, except as provided in this ordinance;
- (13) Illuminated signs which direct the illumination onto adjacent streets or onto property other than the premises on which the sign is located;
- (14) Signs which resemble city street identification signs;
- (15) Signs attached to, or painted on, vehicles or trailers which are parked and visible from a street or limited access highway, except where such vehicles or trailers are regularly and customarily used to transport persons, goods or materials as part of the principal use of the premises;
- (16) Signs which by reason of position, wording, illumination, size, shape or color obstruct, impair, obscure, interfere with the view of or may be confused with any traffic control sign, signal or device; and
- (17) Electronic message center type signs.

(m) *Violations.* Any person violating any section, subsection or requirement of this article shall be guilty of an offense and shall be cited and brought before the code enforcement board. The code enforcement board may impose a fine of up to two hundred fifty dollars (\$250.00) per day for each day the violation exists.

Sec. 3-24. - Vacant on-site commercial signs and sign structures prohibited.

- (a) An on-site commercial sign or sign structure primarily used to support such sign, as defined in [section 3-22](#) of this Code, shall be prohibited when such commercial sign or sign structure is deemed vacant pursuant to this Code.
- (b) An on-site sign or sign structure may be deemed vacant based on a finding of the existence of one (1) or more of the following commercial vacancy criteria:
 - (1) Physical vacancy of the on-site business, or

- (2) Cessation, disconnection or closing of any related account for any essential utilities such as water, sewer or power to the on-site business, or
- (3) Lapse or termination of business tax receipt related to the on-site business.
- (c) The property owner of the premises where a commercial sign or sign structure is deemed vacant pursuant to the criteria in subsection (b) shall be required to:
 - (1) Remove all on-site signs as defined in [section 3-22](#) of this Code from the building, structure or premises no later than fifteen (15) days following commercial vacancy.
 - (2) Remove all on-site commercial sign structures from the building, structure or premises no later than six (6) months following commercial vacancy.
 - (3) Repair and restore any finish or façade left exposed after the on-site commercial sign or sign structure is removed to its usual, customary finished appearance.
- (d) Prior to the expiration of the time period described in subsection (c)(2), above, an extension allowing an on-site commercial sign structure to remain on the property may be granted by the planning and zoning board as a use by exception for up to an additional two-year time period under the following conditions:
 - (1) Submittal by the property owner of an application with the appropriate fee and allow for inspection of the vacated commercial sign structure.
 - (2) A finding that the commercial sign structure will not be a hazard, safety concern or blight for the duration of the extended time period.
 - (3) A finding that no part of the commercial sign structure contains a sign, as defined in [section 3-22](#) of this Code.
 - (4) The availability of a code enforcement action for removal of the sign structure if a commercial sign structure becomes damaged during the extension period and is found to be a safety hazard.

Sec. 3-25. - Same—Canopy signs.

Signs located on the face of a canopy may not exceed thirty (30) percent of the area of the canopy. Canopy signs shall not project above the upper edge of the canopy/roof joint or above the upper edge of the canopy. Mansards and other false roofs shall be defined as canopies.

Sec. 3-26. - Same—Changeable copy signs.

Notwithstanding any other provisions of this article, there shall be no fee for a change of message copy on changeable copy sign.

Sec. 3-27. - Same—On-site development signs.

The maximum size of an on-site development sign shall not exceed sixteen (16) square feet and shall not be erected within fifteen (15) feet of any property line.

Sec. 3-28. - Same—Shopping centers.

Only one (1) sign shall be permitted in any shopping center.

Sec. 3-29. - Same—Temporary window signs.

All temporary window signs shall relate to the business conducted within the structure or establishment and no such sign shall exceed ten (10) percent of the glassed area of the window or fifty (50) percent of the maximum size for a sign permitted in the appropriate zone, whichever is smaller.

Secs. 3-30—3-45. - Reserved.

DIVISION 2. - HISTORIC ZONES^[3]

Sec. 3-46. - Historic zone signs.

(a) All signs, including temporary window, seasonal/holiday, special event and banners, streamers and pennant signs in Historic Zones 1, 2 and 3 shall be approved by the historic architectural review board prior to issuance of a permit or shall meet preapproved guidelines.

(b) No review required. Notwithstanding any other requirements of this article, the following signs may be installed and displayed without review:

(1) Road race signage installed on approved structures and displayed on the closed portion of a public road or public right-of-way and after full closure of the public road or public right-of-way by the St. Augustine Police Department and/or Public Works Department. No road race signage may be installed or displayed before the full closure of the public roads or public rights-of-way prior to the start of the road race, and all road race signage must be removed from the public roads or public rights-of-way not later than one (1) hour after conclusion of the road race or at such time as directed by the St. Augustine Police Department and/or Public Works Department in order to timely reopen the public road or public rights-of-way.

(c) Seasonal/holiday, temporary window, special event, banner, streamer and pennant-type signs may be authorized by the planning and building department for any one (1) event of up to twenty-eight (28) days, provided such seasonal/holiday, temporary window, special event, banner, streamer or pennant signs will not be authorized for any one (1) location for more than one hundred (100) days in any one (1) calendar year.

(1) Historic Zone 1.

a. *Permitted signs.* The following signs shall be permitted signs:

1. Bracket.
2. Wall.
3. Facia.
4. Post.
5. Freestanding.

6. Directory.
 7. Index/informational.
 8. Accessory/auxiliary.
 9. Affiliation.
 10. Menu board.
- b. *Prohibited signs.* The following signs shall be prohibited signs:
1. Animated.
 2. Awning.
 3. Billboard.
 4. Bench.
 5. Canopy.
 6. Changeable copy, manual and automatic.
 7. Surface graphics.
 8. Window; provided, however, that one (1) window sign (painted or etched) shall be allowed for each window not to exceed six (6) square feet or two (2) feet by three (3) feet. Such window signs will be counted toward the total maximum number of signs permitted for each business. Additionally, one (1) sign per window may be permitted in addition to all other signs authorized to be placed within three (3) feet of a window on the interior of the building and not to exceed four (4) square feet (two (2) feet by two (2) feet).
 9. Off-premises.
 10. Roof.
 11. Sidewalk/sandwich.
 12. Shopping center.
 13. Political.
 14. Portable.
 15. Illuminated/electrical, including interior signs visible from any public right-of-way, notwithstanding any other provision of this Code.
 16. Marquee.
 17. Disfiguring.
 18. Vehicle.
 19. Flashing.
- c. *Number of signs.* The maximum number of signs per entrance is two (2). The maximum number of signs per business is three (3). No business identification sign shall be permitted along a street or public way not providing direct public access to the principal use or activity. Where public access is through a common entrance or through another principal use establishment, a directory or index-informational sign shall be used.
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d. *Specific requirements:*

	Maximum Width or Length	Total Size (sq. ft.)	Height to Bottom	Miscellaneous
Bracket/projecting	36;inch;/24;inch;	6	8;ft;	36;inch; wide-maximum bracket and sign projection from wall = 44;inch;—24;inch; wide maximum bracket and sign projection from wall = 32;inch;
Freestanding	36;inch;/30;inch;	7.5	N/A	Maximum 4;ft;6;inch; to top of sign structure
Post	36;inch;/30;inch;	7.5	8;ft;	
Index, informational, affiliation	2;ft;	4	N/A	
Accessory/auxiliary		2	N/A	1 per business, wall only
Wall directory	2;ft;/3;ft;	6	N/A	
Facia	1;ft; wide 6;ft; long	6	N/A	Must be placed above windows and doors
Menu board	18;inch;	2.25		72;inch; to top of sign structure

e. *Exception.* Notwithstanding the above, businesses fronting on Avenida Menendez between Cuna Street and Bridge Street having a one-hundred-fifty-linear-foot street frontage on Avenida Menendez are permitted to have three (3) signs with a total square footage not to exceed eighty (80) square feet, and provided further that businesses, having sixty-linear foot street frontage on Castillo Drive south of Orange Street shall be permitted a total of three (3) signs with a total square footage not to exceed forty (40) square feet, all in accordance with requirements otherwise applicable to Historic Zone 3 pursuant to subsection (3).

f. *Multiple frontage lots.* One (1) additional sign allowed if the structure or use is located on more than two (2) street frontages; provided that the business has an entrance on more than two (2) streets and provided further that a single business located in a single building occupying one hundred (100) lineal feet on one (1) street will be allowed sixty (60) square feet of signs with no single sign to exceed twenty-four (24) square feet.

(2) *Historic Zone 2.*

a. *Permitted signs.* The following signs shall be permitted signs:

1. Bracket.
2. Wall.
3. Facia.
4. Post.
5. Freestanding.
6. Directory.

7. Index/informational.

8. Accessory/auxiliary.

9. Affiliation.

10. Menu board.

b. *Prohibited signs.* The following signs shall be prohibited signs:

1. Animated.

2. Awning.

3. Billboard.

4. Bench.

5. Canopy.

6. Changeable copy, manual and automatic.

7. Political.

8. Surface graphics.

9. Off-premises.

10. Roof.

11. Sidewalk/sandwich.

12. Shopping center.

13. Illuminated/electrical, including interior signs visible from any public right-of-way, notwithstanding any other provision of this Code.

14. Marquee.

15. Portable.

16. Window; provided, however, that one (1) window sign (painted or etched) shall be allowed for each window not to exceed six (6) square feet or two (2) feet by three (3) feet. Such window signs will be counted toward the total maximum number of signs permitted for each business. Additionally, one (1) sign per window may be permitted in addition to all other signs authorized to be placed within three (3) feet of a window on the interior of the building and not to exceed four (4) square feet (two (2) feet by two (2) feet).

17. Disfiguring.

18. Vehicle.

19. Flashing.

c. *Number of signs.* The maximum number of signs per entrance is two (2). The maximum number of signs per business is three (3). No business identification sign shall be permitted along a street or public way not providing direct public access to the principal use or activity. Where public access is through a common entrance or through another principal use establishment, a directory or index/informational sign shall be used.

d. *Specific requirements:*

	Maximum Width or Length	Total Size (sq. ft.)	Height to Bottom	Height to Top
Bracket/projecting	4;ft;	16	8;ft;	14;ft;
Freestanding	4;ft;/8;ft;	32	N/A	10;ft;
Post	4;ft;/8;ft;	32	8;ft;	16;ft;
Index/informational affiliation	30;inch;/24;inch;	5	N/A	N/A
Wall directory	4;ft;	16	N/A	N/A
Facia	1½;ft; wide 8;ft; long	12	N/A	N/A
Menu board	18;inch;	2.25		72;inch; to top of sign structure

e. *Multiple frontage lots.* One (1) additional sign allowed if the structure or use is located on more than two (2) street frontages; provided that the business has an entrance on more than two (2) streets and provided further that a single business located in a single building occupying one hundred (100) lineal feet on one (1) street will be allowed sixty (60) square feet of signs with no single sign to exceed twenty-four (24) square feet.

(3) *Historic Zone 3.*

a. *Permitted signs.* The following signs shall be permitted signs:

1. Bracket.
2. Wall.
3. Facia.
4. Post.
5. Freestanding.
6. Directory.
7. Index/informational.
8. Accessory/auxiliary.
9. Affiliation.
10. Menu board.

b. *Prohibited signs.* The following signs shall be prohibited signs:

1. Animated.
2. Awning.
3. Billboard.
4. Bench.
5. Canopy.
6. Changeable copy, manual and automatic.
7. Political.
8. Surface graphics.
9. Off-premises.
10. Roof.
11. Sidewalk/sandwich.

12. Shopping center.
13. Illuminated/electrical, including interior signs visible from any public right-of-way, notwithstanding any other provision of this Code.
14. Marquee.
15. Portable.
16. Window; provided, however, that one (1) window sign (painted or etched) shall be allowed for each window not to exceed six (6) square feet or two (2) feet by three (3) feet. Such window signs will be counted toward the total maximum number of signs permitted for each business. Additionally, one (1) sign per window may be permitted in addition to all other signs authorized to be placed within three (3) feet of a window on the interior of the building and not to exceed four (4) square feet (two (2) feet by two (2) feet).
17. Disfiguring.
18. Vehicle.
19. Flashing.

c. *Number of signs.* The maximum number of signs per entrance is two (2). The maximum number of signs per business is three (3). No business identification sign shall be permitted along a street or public way not providing direct public access to the principal use or activity. Where public access is through a common entrance or through another principal use establishment, a directory or index informational sign shall be used.

d. *Specific requirements:*

	Maximum Width or Length	Total Size (sq. ft.)	Height to Bottom	Height to Top
Bracket/projecting	4;ft;	16	8;ft;	14;ft;
Freestanding	4;ft;/8;ft;	32	N/A	10;ft;
Post	4;ft;/8;ft;	32	8;ft;	16;ft;
Index/informational affiliation	30;inch;/24;inch;	5	N/A	N/A
Wall directory	4;ft;	16	N/A	N/A
Facia	1½;ft; wide 8;ft; long	12	N/A	N/A
Menu board	18;inch;	2.25		72;inch; to top of sign structure

e. *Multiple frontage lots.* One (1) additional sign allowed if the structure or use is located on more than two (2) street frontages; provided that the business has an entrance on more than two (2) streets and provided further that a single business located in a single building occupying one hundred (100) lineal feet on one (1) street will be allowed sixty (60) square feet of signs with no single sign to exceed twenty-four (24) square feet.

Secs. 3-47—3-65. - Reserved.

DIVISION 3. - COMMERCIAL ZONES^[4]

Sec. 3-66. - Commercial zone signs.

(a) *Commercial Zone 1.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.
- f. Index/informational.
- g. Directory.
- h. Changeable copy, manual.
- i. Illuminated nonflashing electrical.
- j. Shopping center.
- k. Surface graphics.
- l. Window.
- m. Seasonal/holiday.
- n. Temporary window.
- o. Special event.
- p. Affiliation.
- q. Menu board.
- r. Time and temperature.

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- b. Awning.
- c. Billboard.
- d. Bench.
- e. Canopy.
- f. Marquee.
- g. Disfiguring.
- h. Vehicle.
- i. Off-site.
- j. Roof.
- k. Sidewalk/sandwich.
- l. Portable.
- m. Banners, streamers, pennants.
- n. Illuminated, flashing electrical.
- o. Changeable copy, automatic.
- p. Flashing.

(3) *Number of signs:*

Frontage	Number	Maximum Square Footage
0—49 feet	3	100
50—100 feet	4	150
Over 100 feet	5	200

(4) *Maximum size and height.* The maximum size of any sign shall be no more than eighty (80) square feet, provided, however, that any time and temperature sign shall not exceed forty (40) square feet and shall be included within the calculation of the number of and maximum square footage for signs as set forth in subparagraph (3) above and shall not be in addition thereto. The maximum height to the top of a ground/pole sign shall not exceed twenty (20) feet.

(5) In addition to the above, businesses immediately abutting the San Sebastian River southerly of Bravo Street, are permitted one (1) business identification sign, a maximum size of one hundred forty (140) square feet, to be oriented toward the river.

(b) *Commercial Zone 2.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.
- f. Index/informational.
- g. Directory.
- h. Changeable copy, manual.
- i. Illuminated nonflashing electrical.
- j. Shopping center.
- k. Surface graphics.
- l. Window.
- m. Seasonal/holiday.
- n. Temporary window.
- o. Special event.
- p. Affiliation.
- q. Awning.
- r. Canopy.
- s. Menu board.
- t. Time and temperature.

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- b. Awning.
- c. Billboard.
- d. Bench.
- e. Canopy.
- f. Marquee.

- g. Disfiguring.
- h. Vehicle.
- i. Off-site.
- j. Roof.
- k. Sidewalk/sandwich.
- l. Portable.
- m. Banners, streamers, pennants.
- n. Illuminated flashing electrical.
- o. Changeable copy, automatic.
- p. Flashing.

(3) *Number of signs:*

Frontage	Number	Maximum Square Footage
0—49 feet	3	120
50—100 feet	4	170
100—199 feet	5	220
200 feet and over	5	250

(4) *Maximum size and height.* The maximum size of any sign shall be no more than one hundred twenty (120) square feet, provided, however, that any time and temperature sign shall not exceed forty (40) square feet and shall be included within the calculation of the number of and maximum square footage for signs as set forth in subparagraph (3) above and shall not be in addition thereto. The maximum height to the top of a ground/pole sign shall not exceed twenty-five (25) feet.

(5) *Signs installed above the ground floor.* Proposed signs that are consistent with the Anastasia Boulevard Design Standards and within the entranceway corridor area may be installed above the ground floor.

(c) *Commercial Zone 3.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.
- f. Index/informational.
- g. Directory.
- h. Changeable copy, manual.
- i. Illuminated nonflashing electrical.
- j. Shopping center.
- k. Surface graphics.
- l. Window.
- m. Seasonal/holiday.
- n. Temporary window.
- o. Special event.

- p. Affiliation.
- q. Awning.
- r. Canopy.
- s. Menu board.
- t. Time and temperature.

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- b. Awning.
- c. Billboard.
- d. Bench.
- e. Canopy.
- f. Marquee.
- g. Disfiguring.
- h. Vehicle.
- i. Off-site.
- j. Roof.
- k. Sidewalk/sandwich.
- l. Portable.
- m. Banners, streamers, pennants.
- n. Illuminated flashing electrical.
- o. Changeable copy, automatic.
- p. Flashing.

(3) *Number of signs:*

Frontage	Number	Maximum Square Footage
0—49 feet	3	140
50—99 feet	4	190
100—199 feet	5	240
200 feet and over	6	290

(4) *Maximum size and height.* The maximum size of any sign shall be no more than one hundred forty (140) square feet, provided, however, that any time and temperature sign shall not exceed forty (40) square feet and shall be included within the calculation of the number of and maximum square footage for signs as set forth in subparagraph (3) above and shall not be in addition thereto. The maximum height to the top of a ground/pole sign shall not exceed thirty (30) feet.

(d) *Commercial Zone 4.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall signs, except that within this zone the sign may be located above the ground floor so long as no more than fifteen (15) percent of the total area of the sign extends above the building and/or above the eave of the roof, except that the sign may not extend more than ten (10) inches above the building and/or above the eave of the roof.

- e. Facia.
- f. Index/informational.
- g. Directory.
- h. Changeable copy, manual.
- i. Illuminated nonflashing electrical.
- j. Shopping center.
- k. Surface graphics.
- l. Window.
- m. Seasonal/holiday.
- n. Temporary window.
- o. Special event.
- p. Affiliation.
- q. Menu board.
- r. Time and temperature.

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Animated.
- b. Awning.
- c. Billboard.
- d. Bench.
- e. Canopy.
- f. Marquee.
- g. Disfiguring.
- h. Vehicle.
- i. Off-site.
- j. Roof.
- k. Sidewalk/sandwich.
- l. Portable.
- m. Banners, streamers, pennants.
- n. Illuminated, flashing electrical.
- o. Changeable copy, automatic.
- p. Flashing.

(3) *Number of signs:*

Frontage	Number	Maximum Square Footage
0—49 feet	3	100
50—100 feet	4	150
Over 100 feet	5	250

(4) *Maximum size and height.* The maximum size of any sign shall be no more than one hundred ten (110) square feet, provided, however, that any time and temperature sign shall not exceed forty (40) square feet and shall be included within the calculation of the number of and maximum square footage for signs as set forth in subparagraph (3) above

and shall not be in addition thereto. The maximum height to the top of a ground/pole sign shall not exceed twenty (20) feet.

(e) *Multiple frontage lots*. One (1) additional sign and an additional ten (10) percent of total square footage is allowed if the structure or use is located on multiple street frontages.

(f) *Multi-occupancy complex*. The owner or agent shall designate primary and secondary frontages. Signage on a secondary frontage shall only include identification of the complex with one (1) ground-mounted sign not exceeding twenty-four (24) square feet on each secondary frontage.

Secs. 3-67—3-85. - Reserved.

DIVISION 4. - RESIDENTIAL ZONES^[5]

Sec. 3-86. - Residential zone signs.

(a) *Residential Zone 1.*

(1) *Permitted signs*. The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.

(2) *Prohibited signs*. The following signs are prohibited signs:

- a. Index/informational.
- b. Directory.
- c. Changeable copy, manual and automatic.
- d. Illuminated electrical.
- e. Shopping center.
- f. Surface graphics.
- g. Window.
- h. Temporary window.
- i. Special event.
- j. Affiliation.
- k. Animated.
- l. Awning.
- m. Billboard.
- n. Bench.
- o. Canopy.
- p. Marquee.
- q. Off-site.
- r. Roof.
- s. Sidewalk/sandwich.
- t. Portable.

u. Banners, streamers, pennants.

v. Vehicle.

w. Disfiguring.

x. Flashing.

(3) *Number of signs.* The maximum number of signs per business is one (1). The sign shall be oriented towards the primary frontage.

(4) *Specific requirements:*

	Maximum Size (sq. ft.)	Height to Top	Setbacks
Bracket/ projecting	1	N/A	N/A
Freestanding	4	4;ft;6;inch;	5;ft; from all lot lines and 40;ft; from other signs
Post/pole	4	10;ft;	5;ft; from all lot lines and 40;ft; from other signs
Wall	1	N/A	N/A
Facia	1	N/A	N/A
On-site traffic	1	N/A	N/A

(b) *Residential Zone 2.*

(1) *Permitted signs.* The following signs are permitted signs:

a. Bracket.

b. Freestanding.

c. Post.

d. Wall.

e. Facia.

f. Seasonal/holiday.

(2) *Prohibited signs.* The following signs are prohibited signs:

a. Index/informational.

b. Directory.

c. Changeable copy, manual and automatic.

d. Illuminated/electrical.

e. Shopping center.

f. Surface graphics.

g. Window.

h. Temporary window.

i. Special event.

j. Affiliation.

k. Animated.

l. Awning.

m. Billboard.

n. Bench.

o. Canopy.

p. Marquee.

- q. Off-site.
- r. Roof.
- s. Sidewalk/sandwich.
- t. Portable.
- u. Banners, streamers, pennants.
- v. Vehicle.
- w. Disfiguring.
- x. Flashing.

(3) *Number of signs.* The maximum number of signs per business is two (2), not to exceed a maximum of eighteen (18) square feet. Signs shall be oriented towards the primary frontage, with a sixteen (16) square feet maximum size for any one (1) sign.

(4) *Specific requirements:*

	Maximum Size (sq. ft.)	Height to Top	Setbacks
Bracket/ projecting	16	N/A	N/A
Freestanding	16	4;ft;6;inch;	5;ft; from all lot lines and 40;ft; from other signs
Post/pole	16	10;ft;	5;ft; from all lot lines and 40;ft; from other signs
Wall	14	N/A	N/A
Facia	14	N/A	N/A
On-site traffic	1	N/A	N/A

(c) *Residential Zone 3.*

(1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. Wall.
- e. Facia.
- f. Seasonal/holiday.
- g. Temporary window.
- h. Special event.
- i. Affiliation.

(2) *Prohibited signs.* The following signs are prohibited signs:

- a. Index/informational.
- b. Directory.
- c. Changeable copy, manual and automatic.
- d. Illuminated/electrical.
- e. Shopping center.
- f. Surface graphics.
- g. Window.
- h. Animated.
- i. Awning.
- j. Billboard.

- k. Bench.
- l. Canopy.
- m. Marquee.
- n. Off-site.
- o. Roof.
- p. Sidewalk/sandwich.
- q. Portable.
- r. Banners, streamers, pennants.
- s. Vehicle.
- t. Disfiguring.
- u. Flashing.

(3) *Number of signs.* The maximum number of signs per business is three (3), not to exceed a maximum of thirty-six (36) square feet. Two (2) signs are permitted for fifty (50) feet or less of primary frontage. Signs shall be oriented towards the primary frontage, with a sixteen (16) square feet maximum size for any one (1) sign.

(4) *Specific requirements:*

	Maximum Size (sq. ft.)	Height to Top	Setbacks
Bracket/ projecting	16	N/A	N/A
Freestanding	16	4;ft;6;inch;	5;ft; from all lot lines and 40;ft; from other signs
Post/pole	16	15;ft;	5;ft; from all lot lines and 40;ft; from other signs
Wall	14	N/A	N/A
Facia	14	N/A	N/A
On-site traffic	1	N/A	N/A

Sec. 2-395. - Effective date.

