


## MEMORANDUM

**TO:** Mayor Samora  
Vice Mayor Rumrell  
Commissioner England  
Commissioner George  
Commissioner Torres

**FROM:** Max Royle, City Manager 

**DATE:** December 21, 2021

**SUBJECT:** Ordinance 21-15, Third Reading and Final Public Hearing: to Amend Sections of the Land Development Regulations to Add Definitions for Fences, Patio Covers, Screen Enclosures, Sheds, Stairs, Stairways; and to Provide Setback Requirements for Exterior Stairs, Pool Equipment, A/C Units, Generators, Decks, Sheds and Other Accessory Structures

You reviewed Ordinance 21-15 at your December 6<sup>th</sup> meeting, when you held a public hearing and approved it on second reading.

Attached for your review is the following information:

- a. Pages 1-3, the minutes of that part of your December 6<sup>th</sup> meeting when you discussed the Ordinance.
- b. Pages 4-5, information that was presented to you at the meeting.
- c. Pages 6-13, Ordinance 21-15.

### ACTION REQUESTED

It is that you hold the public hearing, discuss the Ordinance, and then decide whether to pass it on its final reading.

## REGULAR COMMISSION MEETING

DECEMBER 6, 2021

2. Ordinance 21-15, Second Reading, Final Public Hearing: to Amend Sections of the Land Development Regulations to Add Definitions for Fences, Patio Covers, Screen Enclosures, Sheds, Stairs, Stairways; and to Provide Setback Requirements for Exterior Stairs, Pool Equipment, A/C Units, Generators, Decks, Sheds, and Other Accessory Structures (Presenter: Jennifer Thompson, Planner)

Mayor England introduced Item 2 and asked Planner Thompson for her staff report.

Planner Thompson explained that this is the second reading of Ordinance 21-15 and there were a few modifications to the definitions to clarify the ordinance. She advised that the first reading was approved unanimously by the Comprehensive Planning and Zoning Board meeting.

Mayor England asked if patio covering language regarding “attached to the primary dwelling” was important because it was limiting.

Planner Thompson advised that that language was inserted to differentiate between a shade structure. This would be a temporary shade that is attached to the home.

Commissioner George suggested to remove the word temporary. She would like to know if this temporary structure would be a pergola.

Planner Thompson advised that there is a definition for pergola.

Discussion ensued regarding free-standing structures in the code; what language should be used that would be less limiting; pergola definition is an open-air arbor or trellis; whether a patio attached to a carport would be a secondary structure; and accessory structures should be separated by at least ten feet.

Mayor England asked staff if the phrase “attached to the primary dwelling” is necessary or would removing that language be less limiting because of the enforcement of setbacks for patio covers.

Commissioner George advised that it would help if there were no free-standing patio cover definitions.

Building Official Law explained why it was important language to have in the codes. He said if the shade structure is not attached to the primary structure, then it must be ten feet away for the primary structure. He said it was his recommendation to leave the language in.

Vice Mayor Samora asked about the reference to the exterior stairs in relation to the deck setbacks. There are several different setbacks for decks depending on the height of the deck. He asked to make it clearer.

Planner Thompson read the definition of the deck and advised that previously stairs were a series of connected decks. She explained that that was why staff put the language in the code.

Vice Mayor Samora said what he was looking for is the setback restrictions for decks and non-structural and whether it is dependent on the height of the deck.

Mayor England asked City Attorney Taylor if he has reviewed the ordinance.

City Attorney Taylor advised yes.

Mayor England opened the Public Hearing. Being none, Mayor England closed the Public Hearing and asked City Attorney Taylor to read the preamble.

City Attorney Taylor read the preamble.

Mayor England asked for a motion.

**Motion:** to approve Ordinance 21-15. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George.

Mayor England asked for a rollcall vote.

City Clerk Raddatz called the roll as follows:

Commissioner George	Yes
Commissioner Rumrell	Yes
Mayor England	Yes
Vice Mayor Samora	Yes
Commissioner Torres	Yes

**Motion passed unanimously.**

Mayor England made a comment that on A1A Beach Boulevard, she would like staff to be thinking of having new development to come closer to the Boulevard so parking can be behind the building.

Building Official Law advised that in the last several years applicants for new businesses, etc. have been accomplishing what Mayor England requested.

Mayor England advised that there has not been a complete teardown of a building on the Boulevard, but it could happen, and she would like to have the parking in the back of the building when rebuilt along A1A Beach Boulevard.

Building Official Law advised that he would discuss it with City Manager Royle.



**City of St. Augustine Beach Building and Zoning Department**

**To:** Max Royle, City Manager  
**From:** Jennifer Thompson, Planner  
**CC:** Brian Law, Building Official and Bonnie Miller, Senior Planner  
**Date:** 11-17-2021  
**Re:** Ordinance No. 21- 15

Please be advised at its regular monthly meeting held Tuesday, November 16, 2021, the City of St. Augustine Beach Comprehensive Planning and Zoning Board voted unanimously to recommend the City Commission approve the draft of proposed Ordinance No. 21-15.

Proposed Ordinance No. 21-15 amends Sections 2.00.00, 6.01.03, and 7.01.01 of the City of St. Augustine Beach Land Development Regulations (LDRS) to add definitions for fences, patio covers, screen enclosures, sheds, stairs, and stairways, and clarify building setback requirements for exterior stairs, equipment such as pool equipment, air-conditioning units, and generators, decks, sheds, and other accessory structures.

The motion to recommend the City Commission approve passage of Ordinance No. 21-15 as drafted on first reading and first public hearing was made by Mr. Einheuser, seconded by Mr. Sarris, and passed 7-0 by unanimous voice-vote.

Sincerely,

*Jennifer Thompson*

Planner  
Planning and Zoning Division



**City of St. Augustine Beach Building and Zoning Department**

**To:** Comprehensive Planning & Zoning Board  
**From:** Jennifer Thompson, Planner  
**CC:** Brian Law, Director of Building and Zoning  
**Date:** 10-20-2021  
**Re:** Suggested Code Changes

Please see attached suggested Land Development Code changes.

In section 2.00.00 the following definitions have been added:

- fence
- patio cover
- screen enclosure
- shed
- stair
- stairway

In section 6.01.03 it has been clarified that exterior stairs shall be required to have the same setbacks as decks. It is also noted that setbacks for equipment such as pool equipment, AC units, and generators shall be 3 feet from the rear and side property lines and shall not be placed in front of the main structure. Minimum setbacks for decks are also clarified. Additionally, the placement of sheds is clarified.

In section 7.01.01 the location of accessory structures has been clarified.

**ORDINANCE NO: 21- 15**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO SHEDS, PATIOS, STAIRS, AND ENCLOSURES; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF ST. AUGUSTINE BEACH, SECTION 2, DEFINITIONS, SECTION 6, SETBACK REQUIREMENTS, SECTION 7 GENERAL STANDARDS AND REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WITNESSETH:**

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

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

**BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST.**

**AUGUSTINE BEACH, FLORIDA:**

**SECTION 1.** The foregoing recitals are incorporated as legislative findings of fact.

**SECTION 2.** Add the following definitions to **Section 2.00.00 Definitions as used in this Appendix** of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach be, and the same is, hereby amended, revised and restated to read:

Fence – a barrier or structure that encloses an area to mark a boundary, control access, or prevent escape.

Patio Cover – A single-story shade structure covering a patio or deck area consisting of a solid roof and structural supports, attached to the primary dwelling, which is used only for recreational, outdoor

purposes and which is not used as a carport, garage, storage room, or habitable living space.

Screen Enclosure – A building or part thereof, in whole or in part self-supporting, and having walls and a roof of insect screening.

Shed – An accessory structure used for storage.

Stair – A change in elevation, consisting of one or more risers.

Stairway – One or more flights of stairs, either interior or exterior, with the necessary landings and connecting platforms to form a continuous and uninterrupted passage from one level to another within or attached to a building, porch, or deck.

**SECTION 3.** Amend Section 6.01.03 Definitions as used in this Appendix of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach, and the same is, hereby amended, revised and restated to read:

**Sec. 6.01.03. Building setback requirements.**

- A. Subject to paragraph B. and any other provisions of this section, no portion of any building may be located on any lot closer to any lot line or to the street right-of-way line than authorized in the table set forth in this section. This will apply to any subdivision that does not have setback modifications approved by the City Commission, and by approval of respective Homeowner's Associations.

Land Use	Front	Side	Rear	Street
	Yard	Yard	Yard	Side



Single-family	25 ft.	10 ft.	20 ft.	12 ft.
Single-family on 50' by 93' platted lots	20 ft.	7.5 ft.	20 ft.	12 ft.
Multifamily (2 to 8 units)	25 ft.	10 ft.	20 ft.	15 ft.
Multifamily (8 units or more)	35 ft.	15 ft.	20 ft.	15 ft.
Commercial	20 ft.	10 ft.	20 ft.	15 ft.
Other uses (same as commercial)	20 ft.	10 ft.	20 ft.	15 ft.

1. Roof overhangs for single family land use may project past the setbacks up to 18 inches.
2. Flexible setback to save trees for single family land use:
  - a. In all cases, the justification for a change in a setback requirement must be to save a significant tree, which per the Board's motion to approve this Application is defined as being eight (8) inches in diameter at breast height (DBH) or greater, as demonstrated on a site plan with a tree and topography survey.
  - b. Flexible setbacks shall be as per the table below:

	Setbacks as per section 6.01.03	Flexible Adjustment	Combined Total
Front/Rear Yard	25 ft./20 ft.	7.5 ft./2.5 ft.	Front and Rear = 45 ft.
Front/Rear Yard	20 ft./20 ft.	2.5 ft./2.5 ft.	Front and Rear = 40 ft.
Side/Side Yard	10 ft./10 ft.	5 ft./5 ft.	Combined side = 20 ft.
Side/Side yard	7.5 ft./7.5 ft.	2.5 ft./2.5 ft.	Combined side = 15 ft.

- c. All requests for flexible setbacks to save trees must have the approval of the City's Building Official, the applicable Homeowners Association (if required) and the Comprehensive Planning and Zoning Board.
3. Certain architectural features, such as roofs over exterior doors, bump outs, bay windows, etc. may project no more than 2.5 feet including overhangs into the required minimum setbacks as prescribed in section 6.01.03.A. These architectural features shall not exceed 25% of the wall that they are serving, nor shall they be supported by the earth.
4. Any lot with a width of fifty (50) feet or less shall have a 7.5-foot side setback.
5. Exterior stairs shall be required to have the same setbacks as decks.
6. Setbacks for equipment such as pool equipment, AC units, generators, etc., shall be placed a minimum of three (3) feet from the side and rear property lines. No equipment shall be placed in the front of a main structure.

B. Minimum setbacks for decks and for non-structural components of a structure.

1. *Decks:* Any deck less than twelve (12) inches above finished grade is not subject to setbacks requirements. However, this type of deck is not allowed within two (2) feet of an adjacent property line.
  - a. Any deck exceeding thirty (30) inches in height is subject to the setback requirements as specified in the table and is required to be permitted by the Building Department. If the main structure is built to the twenty (20') foot setback line, a deck over twelve (12) inches and less than thirty (30) inches is exempt from permitting and may encroach into the rear yard setback a distance not to exceed eight (8) feet from the principal structure and may encroach into the front setback a distance of five (5) feet from the principal structure. If

the main structure is built to the twenty-five (25') foot setback line, a deck may extend twelve (12') feet into the rear setback and for the front, the deck may extend ten (10') feet into the front setback.

- b. For second and third level decks, the allowable extension from the main structure built at the twenty (20') foot setback is five (5) feet into the front or rear setback from the main structure. For a structure built at the twenty-five (25') foot setback, the allowable extension is ten (10') feet into the front or rear setback.

2. *Auxiliary structures:*

- a. This applies to features such as open air arbors, trellises and free standing tiki bars that do not exceed twelve (12) feet in height. These structures shall have a minimum setback of five (5) feet from the rear and side lot lines. Tiki bars are not allowed in front yards.
- b. Screen rooms and patio covers are allowed to encroach a maximum of ten (10) feet into the rear yard setback providing the roof line for the enclosure does not exceed twelve (12) feet in height and the addition to new or existing construction does not exceed the allowed impervious surface coverage as specified in the city's land development regulations. The screen room shall comply with the allowed side setbacks as established by these land development regulations.
- c. Swimming pools and screen enclosures (regardless of whether or not enclosing a pool) shall be, at a minimum five (5) feet from the rear and side setbacks. This applies to the water line or the screen enclosure.
- d. Storage sheds not exceeding eight (8) feet in width and twelve (12) feet in length shall be allowed a five (5) foot rear and side setback. Any storage shed exceeding ninety-six (96)

square feet shall meet the same setbacks as specified in the table for new and existing construction. Storage sheds are not allowed in the front setback area, nor shall a shed be placed forward of the existing main structure.

3. *Minimum setbacks between buildings:*

- a. The minimum setback between adjacent structures shall be ten (10) feet except that no setback is required where an attachment easement has been created.
- b. Distance shall be measured at the narrowest point between structures of the main living unit, principal structure, an allowable attachment or an accessory use or to the ordinary projections of chimneys or flues, not exceeding two feet (2) feet. The measurement shall be taken from the structure's walls, not including overhangs.
- c. Dry cleaning establishments must meet the required commercial setbacks and cannot be located in a shopping center where zero (0) setbacks are allowed between adjacent stores. The exception shall be where a facility is for pick-up only with no actual dry-cleaning performed within the facility.

4. Variances to section 6.01.03.B of the city's Land Development Code require a hardship which may not be self-created and must comply with all the requirements of section 1002.00 of the city's Land Development Code.

(Ord. No. 18-08 , § 1(Exh. 1), 7-2-18; Ord. No. 20-02 , § 6(Exh. 1), 3-2-20; Ord. No. 21-04 , § 2, 6-7-21; Ord. No. 21-\_\_\_, § 3)

**SECTION 4.** Amend Section 7.01.01 Definitions as used in this Appendix of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach be, and the same is, hereby amended, revised and restated to read:

**Sec. 7.01.01. General standards and requirements.**

Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

- A. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code.
- B. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- C. Accessory structures shall not be located in a required buffer, landscape area, front yard or minimum building setback area in the side or rear yard, or in the front of the structure, beyond the front building wall of the main structure.
- D. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- E. Accessory structures shall be shown on any concept development plan with full supporting documentation as required in Article XII of this Code.

(Ord. No. 91-7, § 2; Ord. No. 95-1, § 7 Ord. No. 21-\_\_\_, § 4)

**SECTION 5.** All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

**SECTION 6.** 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.** This Ordinance shall take effect thirty (30) days after passage, pursuant to Section 166.041(4), Florida Statutes

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this \_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

EXAMINED AND APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MAYOR

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