

St. Augustine Shores Service Corporation

Architectural Control Committee Manual

(ACC FINAL)

REVISED AS PER COMMENTS FROM LEGAL COUNCIL AND BOARD OF DIRECTORS

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Section 1: PREFACE

A. The St. Augustine Shores Service Corporation Board of Directors, hereinafter referred to as the BOD, on _____, has approved this manual outlining the requirements, and guidelines contained herein as intended for the use of the property owners in the St. Augustine Shores Sub Division, hereinafter referred to as the Shores. As the community evolves and changes, additional requirements may be added by the Architectural Control Committee, hereinafter referred to as the ACC and, at the direction, or with the approval, of the BOD, incorporated in the Declaration of Restrictions for St. Augustine Shores. These guidelines are intended to aid the property owner in obtaining other permits, such as County Building, Health, etc. and to help the owner make intelligent decisions regarding contractors and procedures.

B. These requirements further define the specifications in the St. Augustine Shores Deed Restrictions, By-Laws, and Articles of Incorporation as filed in the Official Records of the County of St. Johns at various times.

C. The ACC does not enforce County requirements, Southern Building Code requirements, or other regulatory agency requirements, but does advise the property owner when these permits are also required. These agencies will advise the property owners of their requirements and will perform their own inspections.

Procedures for the application, hearing and the decision process for a variance are set fourth later in this manual.

D. The ACC will perform an inspection of the property within 6 months to insure that the requirements of the committee have been met.

Section 2: INTRODUCTION

A. The ACC is established under the authority of the duly recorded Declaration of Restrictions applying to St. Augustine Shores. The ACC membership serves at the pleasure of the BOD. The ACC Chair and Vice-Chair are appointed by the President of the Board of Directors subject to the review and approval by the Board of Directors.

B. Regular meeting dates and times are scheduled by the ACC and announced to owners and other interested parties. The ACC shall consist of a minimum of two (2) members, or any number of members as determined appropriate by the Board of Directors. To act upon any issue brought before it, a quorum of the ACC is required to be in attendance. A simple majority of the appointed Committee membership in attendance shall constitute a quorum.

C. The ACC may recommend to the Board of Directors that the application fee be modified by the Board of Directors at their annual budget meeting. Said fee shall be the minimum fee necessary to cover costs incurred to process the application for review and action by the ACC.

Section 3: ARCHITECTURAL AUTHORITY

A. No residences, lot or property, additions thereto, add-ons, accessories, pools, fences or any other such structures, shall be erected, placed, constructed, altered or maintained upon any portion of said lots, unless a complete set of plans and specifications together with a plot plan indicating the exact location on the building site, shall have been submitted to, and approved by the ACC in writing. Such plans and specifications submitted for approval with the signature of the owner or his duly authorized agent, on a form which may be prepared by, and shall be satisfactory to, the ACC and receipted therefore. The approval of said plans and specifications may be withheld, not only because of their noncompliance with any of the specific restrictions contained in this and other clauses hereof, but also by reason of the reasonable dissatisfaction of the ACC or its agent with the grading plan, location of the structure on the building site, the engineering, finish, design, proportions, architecture, shape or height of the proposed structure or altered structure, the material used therein, the kind, pitch or type of roof proposed to be placed thereon, or because of its reasonable dissatisfaction with any or all other matters or things which, in the reasonable judgment of the ACC or its agent, would render the proposed structure inharmonious or out-of-keeping with the general plan of improvement of the Subdivision or with the structures erected on other building sites in the immediate vicinity of the building site on which said structure is proposed to be erected or altered.

B. The ACC, with the approval of the BOD, shall be authorized to establish further reasonable rules and regulations for approval of plans as required by this Manual and for approval or interpretation of other matters requiring the approval or interpretation of the ACC as otherwise set forth in these restrictions.

C. The approval of the ACC for use on any lot of any plans or specifications submitted for approval, as herein specified, shall not be deemed to be a waiver by the ACC of its right to object to any of the features or elements embodied in such plans or specifications if and when the same features or elements are embodied in any subsequent plans and specifications submitted for approval as herein provided, for use on other lots.

D. After any application has been approved, no alterations may be made unless submitted to the ACC for approval.

E. Any agent or officer of the Service Corporation or the Management staff, may from time to time at any reasonable hour or hours, in the presence of the occupant thereof, enter and inspect any property subject to these restrictions as to its maintenance or improvement in compliance with the provisions hereof to assure compliance and the ACC and/or any agent thereof shall not thereby be deemed guilty of any manner of trespass for such entry or inspection.

F. For the purpose of making a search upon, or guaranteeing or insuring title to, or any lien on and/or interest in, any of said lots and for the purpose of protecting purchasers and encumbrances for value and in good faith as against the performance or nonperformance of any of the acts in the restrictions authorized, permitted or to be approved by the ACC, the records of the ACC shall be prima facie evidence as to all matters shown by such records; and the issuance of a Certificate of Deed Restriction Compliance status by the ACC showing that the plans and specifications for the improvements or other matters herein provided for or authorized have been approved, and that said improvements have been made in accordance therewith, or of a certificate as to any matters relating to the ACC shall be prima facie evidence and shall fully justify and protect any title company or persons certifying, guaranteeing or insuring said title, or any lien thereof and/or any interest therein, and shall also fully protect any purchaser or encumbrance in good faith and for value in acting thereon, as to all matters within the

jurisdiction of the ACC. In any event, after the expiration of two (2) years from the date of the completion of construction for any structure, work, improvement or alteration, said structure, work, improvement or alteration, shall, in favor of purchasers and encumbrances in good faith and for value, be deemed to be in compliance with all the provisions hereof, unless actual notice executed by the ACC of such no completion and/or noncompliance shall appear of record in the office of the Clerk of the Circuit Court of St. Johns County, Florida, or legal proceedings shall have been instituted to enforce compliance with these restrictions. In the event the ACC or its duly authorized agent fails to take official action with respect to approval or disapproval of any such design or designs or location or any other matter or thing referred to herein, within thirty (30) days after being submitted and receipted for in writing, then such approval will not be required, provided that the design and location on the lot conform to and are in harmony with the existing structures on the lots in this Subdivision. In any event, either with or without the approval of the ACC or its agent, the size and setback requirements of residences shall conform with the requirements contained in these restrictions.

G. Any act, decision or other matter which is required to be done or which may be done in accordance with the provisions of these restrictions by the ACC, may be done by the duly appointed agent or agents of the ACC which authority may be further delegated.

H. Requests not covered specifically by the Manual and Guidelines, or not approved by the ACC, may then be referred to the BOD, by the property owner.

Section 4: APPLICATION PROCESS

- A. A time and date schedule for all meetings of the ACC shall be established, and may be modified, at the sole discretion of the ACC. Homeowner or contractor should attend meeting. If there are any questions or issues and there is no one at the meeting representing applicant, the application may be tabled until the next scheduled meeting.
- B. All paperwork must be submitted to the St. Augustine Shores office at least one week prior to the meeting for review. There is a charge for each application. The homeowner must sign the application.
- C. Submit three (3) surveys/plot plan and three (3) site plans if a county permit is needed, otherwise only two (2) copies are required.
- D. Site plans must show location of addition or renovation (to scale) with dimensions and dimension setbacks from proposed structure to property lines.
- E. All drawings submitted to St. Johns County Building Department, including surveys, must first be submitted to the St. Augustine Shores Architectural Control Committee.

Section 5: LOT LINE SETBACK REQUIREMENTS

A. Setback requirements as indicated in the Deed Restrictions for each unit are as follows:

Unit	Front	Interior Side (s)	Rear	Side Street Corner
1	25	6	15	15
2	25	8	15-20 corner	15
3	25	6	15	15
4	25	8	15*	20
5	25	8	10-15 corner	20
6	25	8	10	20
7	25	8	10	20
8	25	8	10	20

B. Units 1, 3, 7 and 8-Eaves and steps are not considered part of the building. Setback is measured from property line to the closest point of existing wall.

C. Units 2, 4, and 6-Eaves are considered part of the building. Setback is measured from property line to the closest point of eave of roof.

Section 6: SPECIAL RESTRICTIONS:

A. *Unit 4 Those lots which abut the Matanzas River (Intracoastal Waterway) shall have no building erected nearer than twenty (20) feet to rear line. (Book 386/Page 636)

B. Unit 6 There shall be a conservation and preservation easement along the rear property line of the following described lots for the purpose of protecting and preserving a natural stream bed which runs along the boundary of said lots. No construction or alteration including the placement or removal of all fill materials or the construction of any fence, wall, or similar obstruction shall be permitted within any portion of any lot lying within such easement. (Book 482/Page 201)

1. There shall be a (30) foot conservation and preservation easement across the entire rear property line of the following lots: Lots 10, 11, 12, 13, 17 and 18 of block 172.
2. There shall be a twenty (20) foot conservation and preservation easement across the entire rear property line of the following lots: Lots 19, 20, and 21 of block 172.

Section 7: GENERAL REQUIREMENTS FOR NEW HOMES AND/OR ADDITIONS TO EXISTING HOMES

A. Each residence shall not be less than the allowable square footage for that unit, exclusive of porches, patios, garages and carports. Applicants should be aware that approval by the ACC does not alter any easement right. Any structures built or placed within easements are subject to removal without compensation for any utility repair or construction.

B. The ACC shall have thirty (30) days for review and approval or rejection of submitted drawings.

C. Square footage per Unit: With written consent of the ACC, the minimum ground floor area of any home may be reduced by not more than 50 square feet, if such reduction, in the opinion of the Committee, would not be detrimental to the appearance of such home and to the subdivision.

1. **Unit #1:** 650 square feet
2. **Unit #2:** 850 square feet
3. **Unit #3:** 650 square feet
4. **Unit #4:** 1500 square feet following Addendum A”; no building having a ground floor area of less than 1200 square feet shall be erected on those lots described in Addendum 8”; no building having a ground floor area of less than 1000 square feet shall be erected on the following lots described in Addendum C”. On all other lots, no building shall be erected having a ground floor area of less than 850 square feet.
5. **Unit #5:** 650 square feet
6. **Unit #6:** 650 square feet
- Unit #7:** 1800 square feet on following described lots.

7.

- a. Block Lots
- b. 208 1 thru 13
- c. 209 1 thru 45
- d. 210 1 thru 16
- e. 211 1 thru 33
- f. 212 1 thru 47
- g. 213 1 thru 5
- h. All other lots: 1,300 square feet

8. **Unit #8:** 1,300 square feet
Exclusive for all units (porches, patios, garages and carports).

D. St. Johns County and St. Augustine Shores Service Corporation Building Permits must be prominently displayed at front of property and be visible from the street. No other signs may be erected without approval of the ACC.

E. When the ACC approval has been received, no changes, additions, or deletions are to be made without written approval from the ACC. Plans of proposed changes must be submitted to the ACC for their approval.

F. Certificate of occupancy will be granted by the St. Johns County Building Department.

G. Contractors must appear and provide the ACC with working drawings including the following:

1. Site and landscape plan (1"=20') showing the following:
 - a. Proposed building or buildings (to be shown on drawings) including setbacks from all property lines. A picture or architectural rendering of the front must be provided, as well as a grading plan of the property showing the proper drainage.
 - b. Driveway shape and size shall conform to the regulations of St. Johns County, or any other regulatory agency.
 - c. All sodded (front, sides, rear and swales) and landscaped areas (showing type, quantity and location of landscaping) and location of trees sought to be removed should be on the drawing. Specimen trees should be kept if possible. Stones or bushes in lieu of sod are not desirable; however, appropriate landscaping will be considered.

2. Foundation plan (1/4" = 1') will show square footage of heated and air-conditioned living space, exclusive of porches, patios, garages and other non-living areas. Square footage of non-living areas shall be shown separately.
3. Floor plan (1/4" = 1')
4. Typical exterior wall section (3/4" = 1')
5. Four (4) exterior elevations (front elevation 1/4" = 1') others may be 1/8" = 1')

H. One Service Corporation application form completed and signed by owner and contractor must be provided.

1. NOTE: Additional drawings are needed for the County. Working drawings are defined as the minimum required by the St. Johns County Building and Zoning Department.

I.

Requirement Details:

1. The proposed structure must be harmonious and in keeping with the general plan for improvement of the area and with structures on building sites in the immediate vicinity. Setbacks must be in accordance with Deed Restrictions of the relevant unit.
2. Structure must be a single family home with a minimum of 2 covered or enclosed parking spaces. Other than the approved storage sheds, as set forth in Section 12 of this manual, no detached building shall be permitted.
3. Exteriors of all structures shall consist of wood, brick, stone, stucco or other approved materials.
4. Roofs should be asphalt, fiberglass, wood shake shingle or Spanish type tile or other approved material. Skylights, wind turbines, and solar panels are acceptable. Roof pitch must comply with applicable code specifications.
5. Wall elevations of structures should not have more than three treatments, i.e. wood, brick, stone or stucco, or other approved materials. Doors, windows and garage doors are not considered as treatments.
6. All swales and lots (front, sides and rear) should be sodded. In-ground sprinkler systems are permitted on lots. Irrigation wells are encouraged, for which county permits must be obtained.
7. To preserve the beauty of the environment, trees not prohibiting construction should be preserved.
8. Temporary portable toilets used during construction should be placed on the rear portion of the lot behind the home being constructed. In no case may they be placed on the swales surrounding the house.
9. All structures must have:
 - a. A level, damage free, concrete sidewalk, four (4) feet wide, parallel to the street, in front of the property, from side property line to side property line.

- b. A level ground contour conforming to the concrete sidewalk. A concrete or other approved driveway, pitched from garage, leveled at the sidewalk, and thence pitched to street so as to enable a proper water runoff, thus conforming to St. Johns County specifications.
- c. Termite protection is required under the foundations for homes, pools, decks or patios. If a foundation is to be used for a Florida Room with windows of glass, footings roof supports approved by the Standard Building Code are required.

THIS INFORMATION MUST BE FURNISHED TO THE ACC WITH THE APPLICATION.

Section 8: FLORIDA ROOMS AND PORCHES

A. Florida rooms and porches (and enclosed screen porches or porch additions), garage or any similar addition may be approved if they meet the following criteria:

1. The requirements of all applicable Building Codes must be met.
2. Any Florida room, porch, garage or similar addition must be fully attached to the exterior wall of the house and may be constructed of any approved building material.
3. Minimum height: 8' from floor to bottom of rafter or bottom of structural supporting beams. Fifty per cent (50%) of room must be over 7' high.
4. Access: Must have access to house through at least one doorway and have an exterior doorway. Doorway locations to be shown on plot plan.
5. Setbacks: Setbacks to front, rear and side shall conform to unit setback requirements.

Section 9: FOUR OR MORE OF THE SAME MODEL HOUSE PLAN

A. The ACC must review and act upon the application to build the first model of any house. A picture or architectural rendering or drawing showing the building from the front is to be provided.

B. The applicant may obtain approval of subsequent applications for the same model, provided the following criteria are met:

1. The contractor must appear and identify the model by name or number and location where prior approved structure was built. An address providing owner's name and address, etc. is required.
2. The subsequent unit may not be adjacent to a like model with the same front elevation. All elevations must have a previous approval of the ACC.

3. A site plan is to be provided to assure compliance with setback requirements and landscape requirements.
4. A description of the Block and Lot number and the street address and names of the owners (if available) is to be provided.
5. The Contractor need not submit complete plans with application for approval of subsequent units (except where a variance is granted) of a model previously approved unless required by the County or unless there are design changes of any kind. The ACC will retain the set of plans originally approved and require only a site plan with the application form. Changes to elevations of previously authorized models must be approved by the ACC.

Section 10:SWIMMING POOLS

A. ACC approval is required for all swimming pools above or below ground. For swimming pools, approval will be granted provided the following criteria are met:

1. All pools must meet all applicable State and County Code requirements.
2. Location of in-ground and above ground pools and enclosures must comply with lot line setback requirements as outlined in Unit Deed Restrictions for St. Augustine Shores.
3. Excavation must avoid endangering foundation of house. Edge of pool from building (excluding decking) must be no less than the depth of the pool at the point closest to the house. Depth is determined by the angle of repose (minimum of the depth nearest structure). Termite protection should be provided under pool and decking.
4. Enclosure around pool and decking shall meet all State and Local standards. Refer to Fences and Walls (Section 14 of this manual), for type of fences allowed.
5. Above ground pools must meet same requirements as in-ground pools and have a removable ladder.
6. Screening around and over pools must meet minimum setback requirements.
7. Pool pumps and related equipment must be installed upon a concrete pad(s), or other similar support, immediately adjacent to the house wall but not closer than five (5) feet to the nearest lot line. Said pump and equipment may be located in any required side or rear yard provided that it cannot be viewed from the front property line, either by distance, angle, by being screened with landscaping, or by utility enclosure as set fourth in Section 15 of this manual.

THIS INFORMATION MUST BE FURNISHED TO THE ACC WITH APPLICATION.

Section 11: STORAGE SHEDS

A. Construction or installation of storage sheds may be approved if the following criteria are met:

1. The ground area covered shall be limited to a maximum of one hundred (100) square feet. Only one shed permitted per residence.
2. The height of the structure from ground level to peak may not exceed nine (9) feet nor extend above the fascia of the house, whichever is lesser.
3. The location must be to the rear of the house and shown on a plot plan; it must meet setback limitations of a minimum of three (3) feet from sideline and three (3) feet from rear lot line. If the shed is within ten (10) feet of house, it must conform to unit setback requirements. In any case, sheds located within established electrical or other easements are subject to removal at owner's expense.
4. Sheds must conform to Standard Building Code requirements and require a permit issued by St. Johns County.
5. Any exceptions must be approved by the ACC.

Section 12: TEMPORARY STORAGE UNITS AND DUMPSTERS

A. A temporary storage unit shall include such items or facilities as Pods, shipping containers, tractor trailers, vehicles, etc., or any container, item or thing used to store goods or materials of any kind. A dumpster shall include a container of any kind used to hold trash and debris. The following conditions apply:

1. The placement and use of these requires the approval and permit of the ACC.
2. A temporary storage unit may be placed for a period of time not to exceed thirty (30) days. Due to reasonable conditions and circumstances, as determined appropriate by the ACC, a time extension may be granted by the ACC for an additional thirty (30) day period. Each time extension requires a re-application and fee for review by the ACC.
3. The placement and use of a dumpster may be permitted for a period of time not to exceed one (1) year, must be used in conjunction with a construction or remodeling activity within the property upon which the dumpster is to be located, and must be depicted upon the plan(s) submitted as a part of the application for review and action by the ACC. Due to reasonable conditions and circumstances, as determined appropriate by the ACC, a time extension may be granted by the ACC for a thirty (30) day period. Each time extension requires a re-application and fee for review by the ACC. At completion of work, dumpster must be removed within thirty (30) days.
4. No storage unit or dumpster shall be permitted in any swale, or any similar area designated or used for storm drainage purposes, and must be located completely within the property line of the lot upon which it is to be placed.

THIS INFORMATION MUST BE FURNISHED TO THE ACC WITH THE APPLICATION.

Section 13: FENCES and WALLS

A. Fences may be approved if they meet the following criteria:

1. Lot survey stakes are clearly located to establish lot lines.
2. Finished side of wood fence shall face outward, and shall be erected as close as possible to inside of property line.
3. Fences may extend from the real property line but not forward of a line parallel and adjacent to rear line of the house (excluding porches or Florida rooms).
4. If fence encloses yard, a minimum of one gate must be provided.
5. Maximum height of fence shall not exceed six (6) feet, except as noted in paragraph 8 below of this Section.
6. Fence may be constructed of chain link, wood, masonry, vinyl or any other material approved by the ACC.
 - a. Masonry fences or walls of not more than five (5) feet in height shall be eight (8) inches thick and shall not be required to have tie columns but shall be required to have coping; or such fences or walls may be four (4) inches thick with tie columns and coping not less than eight (8) inches thick.
 - b. Masonry fences or walls exceeding five (5) feet in height (but not exceeding six (6) feet) shall be not less than eight (8) inches thick, shall have tie columns as required for exterior walls and shall have coping.
7. Fences may be attached to fences of adjacent property owners with the written approval of the owners.
8. Fences on golf course, lake front, or intra-costal lots shall be limited to a maximum height of five (5) feet, and shall not interfere with rear or side site line view. A chain link fence or other open fencing may be used on these properties, however, visual barriers, such as but not limited to, opaque slats within or attached to chain link fencing are expressly prohibited. Any solid or opaque fence or wall comprised of any other material shall be limited to a maximum height of five (5) feet. Hedges or other landscaping along the rear and/or side property lines along said lots shall also be limited to a maximum height of five (5) feet.
9. Refer to Section 6 (Setback Requirements) for special setback restrictions in Units IV and VI.
10. To maintain and protect vehicular and pedestrian sight visibility and safety on corner lots, a fence or wall may extend into a street side yard to a point no closer than twenty-five (25) feet to the street side lot line, or to a point that is determined by the ACC that will serve to protect and maintain said visibility and safety.

THIS INFORMATION MUST BE FURNISHED TO THE ACC WITH THE APPLICATION.

Section 14: UTILITY ENCLOSURES

A. The placement or erection of any utility enclosure requires the approval of the ACC. Utility enclosure used to enclose irrigation pumps, exposed plumbing, HVAC units, whole house generators and other similar items may be permitted in any side yard, provided that they abut the side exterior wall of the house, that they are located to the rear of the front building line of the house, and that they are visually obstructed from the front and side property lines by landscaping.

B. No utility enclosure may exceed the height of six (6) feet. Said enclosure shall not be attached to, or be considered to be any part of a fence placed, constructed or erected of walls, fencing or opaque landscaping.

Section 15: COMMUNICATION DEVICES OR SATELLITE DISHES

A. Personal, non-commercial, radio, TV antennae or satellite dish structure not exceeding thirty-six (36) inches in diameter, and radio antennae used exclusively for amateur radio purposes that comply with all the rules and regulations of the Federal Communications Commission are permitted, provided the following standards are met:

All appropriate standards or regulations dealing with the construction, placement, erection, location, or attachment of such devices or dishes as set forth by St. Johns County or any other regulatory agency shall be met.

Section 16: VARIANCE

A. The ACC is not empowered to grant a variance to any section of this manual and is expressly prohibited from granting a variance to any section of the St. Augustine Shores Deed Restrictions.

B. Any application denied by the ACC may be appealed to the Board of Directors for review.

Section 17: APPEALS

A. The ACC, acting within its quasi-judicial appellate authority, may hear request for appeals to interpret the terms, procedures, or requirements set forth in this manual.

B. An interpretation or opinion of the ACC provides definition and guidance only. It in no way alters, varies or otherwise modifies the terms, procedures, or requirements of this Manual, the Deed Restrictions of St. Augustine Shores, or the approved PUD as on file with St. Johns County. Said interpretation or opinion does not automatically grant or approve any activity, construction, or development without all applicable requirements of this section and Manual being met.

THIS INFORMATION MUST BE FURNISHED TO THE ACC WITH THE APPLICATION.

C. An interpretation or an opinion of the ACC that is contrary to that of the applicant may be appealed to the BOD. If the action of the BOD is found to be in favor of the applicant, the matter shall then be sent back to the ACC for further action if necessary.

D. An appeal shall stay all administrative proceedings in furtherance of the action appealed until such time as a final determination has been made by the ACC or the BOD on the appeal. No action shall be taken by the applicant, the ACC or the BOD during such time which would change the status of the matter being appealed.

Section 18: SUPPLEMENTAL REGULATIONS

A. Reference to, or use and application of the St. Johns County Land Development.

B. May from time to time be necessary to assist the ACC or the BOD in the deliberation of issues presented to them for review or action.

Section 19: DEFINITIONS

This Section contains the definitions for use with this Manual. For definitions of other words, terms, and phrases not found in this Section, the relevant definition commonly found in the Webster's Dictionary, the St. Johns County Land Development Code, Standard Building Code, or other code or ordinance applied or enforced by St. Johns County shall prevail.

Abut: Any publicly or privately owned property which actually touches a subject property.

ACC: The abbreviation for the Architectural Control Committee of the St. Augustine Shores Service Corporation, also referred to as the Architectural Design Committee.

Accessory Building or Structure: A separate, subordinate building or structure devoted to an accessory use on the same plot with a building which is occupied by, or devoted to a principal use.

Accessory Use: A use of a nature customarily incidental and subordinate to the principal use or structure, on the same premises.

Add-on or Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall

Address: A number and roadway name assigned to properties, buildings and/or structures located on, or with access from, officially named public and private roadways.

Adjacent: Adjacent properties shall be those which surround the subject property, separated by a public right-of-way, easement, or other public or private properties which abut the subject property.

Alteration: Alter or alteration shall mean any change in size, shape, character, or use of a Building or Structure.

Agent: Any person with valid authority provided by the owner, as evidenced by a notarized document authorizing the Agent to represent the owner, and acting on behalf of the owner of land submitting an application to the ACC.

Appeal: A request for a review of the interpretation of any provision or restriction within this Manual.

Applicant: Any person or the persons who submits plans or other required submittals to the ACC to obtain a Development Permit as defined herein.

Application, Complete: The proper document (s) that includes all of the information required by the application form, or by the ACC.

Awning: A shelter supported entirely from the exterior wall of a building that projects from a perimeter wall of a building, including a building canopy.

BOD: The abbreviation of the Board of Directors of the St. Augustine Shores Service Corporation

Building: Any Structure, either temporary or permanent having a roof impervious to weather and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building Footprint: That land area that is, or is proposed to be, covered by a building or structure.

Building Line:

Front: The wall of a building approximately parallel and nearest to the front property line..

Rear: The wall of a building approximately parallel and nearest to the rear property line.

Side: The wall of a building approximately parallel and nearest to the side property line.

Building Pad: The horizontal limits of the area defined by the Building foundation and up to five (5) feet outside of the Building foundation.

Building Permit: Any permit issued by the staff of the St. Augustine Shores Service Corporation and/or Building Official of St. Johns County for vertical construction for any buildings for occupancy or use.

Carport: An portion of a residence, consisting of a roof and supporting members such as columns or beams unenclosed from the ground to the roof on at least two sides, and designed or used for the parking of motor driven vehicles owned and used by the occupants of the building of the residence.

Certificate of Occupancy (CO): The official certification that a premise conforms to the provisions of the St. Johns County Land Development Regulations and Building Codes, and may be used or occupied.

Code Enforcement Official or Code Enforcement Officer: The Code Enforcement Official of St. Johns County, Florida or such other person or office designated by the County Administrator of St. Johns County.

Construction: Any activity which results in the modification of surface features, including but not limited to grading, land clearing, or the placement or alteration of Buildings. Structures or utilities unless specifically exempted by this or any other applicable St. Johns County Ordinance. Hand clearing as necessary for land surveying shall not constitute Construction.

Communication Device: An antenna or structure, either free standing or attached, designed and intended for the reception or transmission of standard or digital radio and/or television signals.

County: Any relevant agency, department, official, staff, or document of St. Johns County, Florida

Deck: A flat roofless structure adjoining a house usually built of wood. It may have rails, but no walls, and may be of single or multiple levels and is used for sitting, relaxing, eating, or other similar activity.

Developed: Land upon which a permitted building, structure, other improvement or use has been constructed or established.

Developed Area: That portion of a plot or parcel upon which a building, structure, paved ground surface area, gravel landscaping or other improvements have been placed.

Developer: Any person, individual, partnership, association, syndicate, firm, corporation, trust or legal entity engaged in developing or subdividing land under the terms of the St. Johns County Land Development Code. The term "developer" is intended to include the term "sub-divider," even though the persons involved in successive stages of a Development Project may vary.

Driveway: A concrete, asphalt, or other similar hard surface paved area providing access to a garage, carport, or other vehicle parking area.

Dumpster: A canister or container designed solely for the temporary, or short-term holding of trash, rubbish, debris, or garbage.(See also Temporary Storage Unit)

Dwelling: Any building, or part thereof, occupied in whole or in part, as the residence or living quarters of one (1) or more persons, permanently, temporarily, or continuously, with cooking and plumbing facilities.

Dwelling Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease on monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping facilities and cooking and plumbing facilities.

Dwelling, One Family or Single Family: A building containing only one (1) dwelling unit.

Easement: A non-possessing interest held by one (1) person in land of another whereby the first person is accorded partial use of such land for a specific conservation, preservation, utility, or drainage purpose. An easement restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land.

Eaves: The lowest horizontal line of a sloping roof.

Exterior Elevation: A pictorial demonstration or display on a set of construction drawings depicting , to scale, the exterior walls and roof structure of a proposed residence or

Family Unit: Shall include the land owner's spouse, lineal ascendants, lineal descendants, brothers and sisters and the descendants of deceased brothers and sisters.

Family: One (1) or more domestic partners related by blood, marriage, adoption, legal guardianship, or similar formal care giving relationship recognized by Florida law, allowing for an additional group not to exceed three (3) unrelated persons; but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families. The term family shall not be construed to mean a fraternity, sorority, club, monastery, or convent, or institutional group

Fascia: A flat horizontal trim board that caps the rafter tail ends of a roof having the form of a flat band.

Florida Room: A room within the existing footprint of a residence, or later constructed as an addition thereto. For illustrative purposes, the use or intended use can serve as, but is not limited to, a family room, den, recreation room, library, sun porch, or other similar use.

Foundation Plan: The layout of the footprint of the proposed building or structure as drawn by a Civil engineer, architect, or land surveyor each of which is registered in the State of Florida.

Fence: A vertical structure made of wood, vinyl, chain link, or other approved material placed on or erected to serve as an enclosing or dividing barrier between abutting properties.

Garage: An attached portion of the residence designed or used for inside parking of private passenger vehicles by the occupants.

Grading Plan: A pictorial or drawn depiction of proposed and existing ground elevations including direction and methods of storm water drainage.

Harmony: A construction style or appearance which is consistent with that of the surrounding neighborhood or St. Augustine Shores in general. Also the effect produced when different construction types come together without clashing or disagreement.

Height of a Building: The vertical distance from the lowest point of the established grade surrounding the perimeter of the building to the highest point of the roof or parapet.

Improvement: Changes in the condition of real property brought about by the expenditure of labor or money for restoration, renovation or rehabilitation of such property. Improvements include new construction or attached additions (i.e., a garage) necessary for efficient contemporary use

Kitchen: A room or area within a building used primarily for providing food storage and food preparation which contains at least a sink, refrigerator and conventional gas or electric cooking facilities.

Land, Platted: Any land recorded by plat in the St. Johns County Circuit Court Clerk's office.

Landscape: Trees, shrubs, ground cover, vines, or grass installed in planting areas for the purpose of fulfilling the requirements of this Manual.

Landscape Plan: A pictorial or drawn depiction of proposed and existing, if any, landscape including common names of all landscape types and material.

Lot: A parcel or tract of land designated and identified as a single unit of area in a subdivision plat officially recorded in the St. Johns County Circuit Court Clerk's office.

Lot Frontage: The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots, all sides of a lot adjacent to street shall be considered frontage, and yards shall be provided as set out in this manual.

Lot Line: The perimeter of a subject property.

Lot Measurement, Depth: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear.

Lot Measurement, Width: The distance between straight lines connecting front and rear lot lines at each side of the Lot measured across the rear of the required front yard.

Lot of Record:

- A. A lot which is part of a subdivision which has been recorded in the Office of the Clerk of the Circuit Court of the County, or
- B. A lot, parcel or tract described by metes and bounds, the description of which has been so recorded in the Office of the Clerk of the Circuit Court of St. Johns County consistent with the approved St. Augustine Shores PUD, or the St. Johns County Land Development Regulations in effect at that time, or
- C. A Lot, Parcel or tract described by metes and bounds, the division of which complies with the St. Augustine Shores PUD or the Land Development Regulations in effect on the date of conveyance creating the division as evidenced by reasonably reliable documentation substantiating such conveyance.

Majority: As referenced in this manual, it is a vote by the ACC of one (1) more than half of the members present for the vote.

Manual: The document, known as the St. Augustine Shores Service Corporation Architectural Control Committee Manual and approved by the BOD, which sets forth the regulations, requirements, and guidelines for new construction, re-construction, remodeling, extending, enlarging, or fencing properties in St. Augustine Shores.

Non-Conforming Use: Any pre-existing structure or use of land which is inconsistent with the provisions of this Manual or any amendments thereto.

Nonconforming Structure: A structure or portion thereof, legally existing at the effective date of this code, or any amendments thereto, which does not comply with dimensional requirements such as setbacks, heights, buffers, plot coverage, amount of off-street parking, etc. and which may or may not be used for a nonconforming use.

Occupied: The word occupied includes arranged, designed, built, altered, converted to, or intended to be used or occupied.

Off-street Parking: The temporary, transient storage of operable private passenger vehicles used for personal transportation, while their operators are engaged in other activities, in an area designated for such purposes, not on a street or other thoroughfare. It shall not include storage of new or used cars for sale, service, rental or any other purpose than specified above

Owner: Means the owner of the freehold estate, as appears by deed of record agreement for deed. or properly executed contract for purchase

Patio: An open courtyard used for either passive recreation or relaxation located with a residence or immediately adjoining a residence.

Person: Any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, or any combination thereof, or other entity.

Plot: Land occupied or to be occupied by a building or use, together with such yards and open spaces as are required by this manual. A plot may consist of one, or more, or portions of a platted lot and/or un-

platted land.

Plat Plan: See Site Plan.

Porch: A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

Pool: See Swimming Pool

Private property: All lands and water areas owned by other than a municipality, county, state or federal government or any of its subdivisions.

Property owner: The person or entity holding title to real property as indicated in the current tax roll of St. Johns County, unless St. Johns County has actual knowledge that a person or entity other than the person or entity shown on the tax roll is the actual owner.

Prima Facie: Information, evidence, or testimony, which at first glance, is apparent, self-evident, or obvious,

Public property: MI streets, rights-of-way, canals, waterways, lands, and improvements owned by a governmental agency.

PUD: For the purposes of this manual a Planned Unit Development (PUD) shall mean the development of land known as St. Augustine Shores which was planned and developed under unified control as a whole in a single or programmed series of operations with uses and structures substantially related to the character of the entire development

Remodeling, Redecorating or Refinishing: Any change, removal, replacement or addition to walls, floors, ceiling and roof surfaces or coverings which do not support any beam, ceiling, floor load, bearing partition, columns, exterior walls, stairways, roof or other structural elements of a building or structure.

Residence: A building, or part thereof, designed and used as the primary dwelling place for a person or persons, containing living, sleeping, kitchen and sanitary facilities.

Satellite Dish: Also commonly referred to as a disk or antenna: See Communication Device.

Setback: The minimum distance between a plot line and any part of any building or structure on the plot.

Site Plan: The maps or drawings accompanying a development application showing the specific location and design of improvements to be installed in accordance with the requirements of this Manual

Street: A public road, roadway, or thoroughfare which affords the principal means of access to adjacent premises.

Street Line: That line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the street.

Street Side Setback: A yard extending between a front and rear yard which directly abuts a street.

Story: A habitable area of a building horizontally enclosed by the exterior walls of the building, with a vertical clearance between the floor and ceiling of at least seven and one-half (7 1/2) feet. Any upper story which does not exceed two-thirds of the area of the first floor level shall not be considered a story

except for determining the height of the building. For the purposes of determining the height of a building, a story shall be considered to be every ten (10) feet of building height above first floor level measured from the exterior elevation. For purposes of determining the height of a structure other than a building, a story shall be each ten (10) feet in height of the structure above the established grade.

Street: A public thoroughfare recorded in the public records of St. Johns County, Florida, for the sole purpose of providing access to and from abutting properties, and which meets the standards of roadway construction for St. Johns County.

Street Line: The right-of-way line of a street or the base building line, whichever will provide for a greater width of street.

Structural Alteration: Any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders

Structure: Anything constructed or erected, which requires location on the ground or attached to something having location the ground.

Storage Shed: A small, fully enclosed and roofed structure primarily designed and used for the containment of items such as household items, yard tools, lawn equipment, hand or power tools, trash or garbage cans, and the like.

Substantial Hardship: As it relates to the application for a variance, it is one which is not self-created and is based only upon specific location conditions that result from lot size or shape, building location upon the lot, or natural features imposed upon or within the lot.

Super Majority: As it relates to the ACC taking action to approve a requested variance, it is a vote of one (1) plus a majority of the entire ACC membership either in person or in writing.

Survey: A graphic depiction of a parcel of land prepared by a registered architect, civil engineer, of land surveyor that details pertinent information of the land such as, but not limited to, property lines, existing buildings and structures, water and land features, historical markers, vegetation, etc.

Swimming Pool: Any structure, basin, chamber, tank or other receptacle which meets the standards of the St. Johns County Swimming Pool Ordinance, and is capable of containing an artificial body of water for the purpose of swimming, diving or recreational bathing whether located at ground level, aboveground, below ground or indoors.

Temporary Storage Unit: A container or facility used for the short-term holding or containment of household items.(See also Dumpster)

Use: The purpose of which land or a structure, or portion thereof, thereon is designed, arranged or intended to be occupied or utilized, or for which it is occupied or maintained.

Use, Residential: A use which constitutes the occupancy of a residence for either permanent or temporary dwelling purposes.

Utility Enclosure: A fenced or walled structure placed, erected, or constructed for the purpose of shielding from view from abutting or adjoining properties such things as, but not limited to, swimming pool pumps, irrigation pumps, tanks, exposed plumbing, HVAC units, or whole house generators.

Variance: A case-by-case deviation to the rules of this Manual, when it is demonstrated that compliance with the Manual would be a practical impossibility, and/or upon showing of good cause, an alternative to

the Manual is provided that conforms to the general intent and spirit of the Manual and serves to bring a particular property up to the standard of the immediate neighborhood.

Wall: A vertical masonry structure placed on or erected to serve as an enclosing or dividing barrier between abutting properties.

Yard: A required open space unoccupied and unobstructed by a structure or portion of a structure, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any side or rear yard subject to height limitations and requirements limiting obstruction of visibility,

Yard, Front: A required yard extending between side lot lines across the front of a lot adjoining a public or right-of-way

Yard, Rear: A required yard extending across the rear of the lot between inner side yard lines.

Yard, Side: A required yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point of the farthest from the intersection of the lot line involved in the public street.

