

1 ORDINANCE NO. 2014-\_\_\_\_\_

2  
3  
4 AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL  
5 SUBDIVISION OF THE STATE OF FLORIDA, AMENDING  
6 ARTICLE II ZONING DISTRICTS AND SPECIAL USES;  
7 ARTICLE III SPECIAL DISTRICTS; ARTICLE IV NATURAL  
8 RESOURCES; ARTICLE V DEVELOPMENT OPTIONS;  
9 ARTICLE VI DESIGN STANDARDS AND IMPROVEMENT  
10 REQUIREMENTS; ARTICLE VII SIGNS; ARTICLE IX  
11 ADMINISTRATION; ARTICLE X INTERPRETATIONS  
12 EQUITABLE RELIEF, AND ENFORCEMENT; AND  
13 ARTICLE XII DEFINITIONS OF THE ST. JOHNS COUNTY  
14 LAND DEVELOPMENT CODE AS PREVIOUSLY  
15 AMENDED; THIS ORDINANCE MAKES CHANGES  
16 INCLUDING AND RELATING TO: ARTICLE II,  
17 SPECIFICALLY PART 2.03.00 SPECIAL USES; ARTICLE III  
18 SPECIFICALLY PART 3.06.00 PALM VALLEY OVERLAY  
19 DISTRICT, PART 3.07.00 SOUTH ANASTASIA OVERLAY  
20 DISTRICT, PART 3.08.00 MID-ANASTASIA OVERLAY  
21 DISTRICT, PART 3.09.00 NORTH COASTAL OVERLAY  
22 DISTRICT AND PART 3.10.00 NORTH COASTAL  
23 OVERLAY DISTRICT: VILANO BEACH TOWN CENTER  
24 OVERLAY; ARTICLE IV NATURAL RESOURCES,  
25 SPECIFICALLY PART 4.01.00 NATURAL RESOURCES;  
26 ARTICLE V DEVELOPMENT OPTIONS, SPECIFICALLY  
27 PART 5.01.00 SUBDIVISION AND PART 5.03.00 PLANNED  
28 UNIT DEVELOPMENT (PUD) DISTRICTS; ARTICLE VI,  
29 SPECIFICALLY PART 6.01.00 LOT WIDTH AREA AND  
30 YARD REQUIREMENTS, AND PART 6.06.00  
31 LANDSCAPING AND BUFFERING REQUIREMENTS;  
32 ARTICLE VII, SPECIFICALLY PART 7.03.00 SPECIAL USE  
33 SIGNS, PART 7.08.00 PROHIBITED SIGNS, AND PART  
34 7.09.00 NON CONFORMING SIGNS; ARTICLE IX,  
35 SPECIFICALLY PART 9.06.00 HEARINGS; ARTICLE X,  
36 SPECIFICALLY PART 10.01.00 INTERPRETATIONS OF  
37 THIS CODE; AND ARTICLE XII DEFINITIONS;  
38 PROVIDING FOR SEVERABILITY AND PROVIDING FOR  
39 AN EFFECTIVE DATE.

40  
41  
42 **WHEREAS**, local land development regulations require evaluation and revision  
43 to address public health, safety and welfare issues that may occur during the  
44 implementation of land development regulations such as the provision of clear design  
45 standards for permissible uses; and  
46

1           **WHEREAS**, places of assembly represent freedom and expression and should be  
2 supported by the County; and

3  
4           **WHEREAS**, the County believes that Articles II, **III**[j1] VI, VII and XII of the  
5 County’s current Land Development Code can be further improved by modifications  
6 herein; and

7  
8           **WHEREAS**, it is found that the hereinafter Ordinance provisions are consistent  
9 with and restore and implement provisions of the 2025 Comprehensive Plan Amendment  
10 of St. Johns County as adopted and enacted on August 17, 2010;

11  
12           **NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
13           **COMMISSIONERS OF ST. JOHNS COUNTY FLORIDA, that:**

14  
15 Section 1.       St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
16 amended by modifying Section 2.03.01 Allowable Special Uses by Zoning Districts,  
17 specifically Table 2.03.01, attached as Exhibit 1, to specifically reference Large Place of  
18 Assembly.

19  
20 Section 2.       St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
21 amended by adding paragraph C to Section 2.03.12 Churches;

22  
23           **Sec. 2.03.12 Churches**

24  
25           **C.       If the Church has either more than 350 paved or unpaved parking spaces,**  
26           **including all spaces reserved for its use; or is capable of holding more than**  
27           **1,000 people, it must satisfy the requirements of Sec. 2.03.55 for Large Place**  
28           **of Assembly.**

29  
30 Section 3.       St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
31 amended by deleting Section 2.03.38 Private Clubs in its entirety and by adding and  
32 substituting the following in its stead;

33  
34           **Sec. 2.03.38 Private Clubs**

35  
36 Private Clubs may be permitted as a Special Use within districts as defined in Section  
37 2.03.01, **subject to the following conditions and limitations:**

38  
39           **Private Clubs which have either more than 350 paved or unpaved parking spaces,**  
40           **including all spaces reserved for its use; or is capable of holding more than 1,000**  
41           **people, must satisfy the requirements of Sec. 2.03.55 for Large Places of Assembly.**

42  
43 Section 4.       St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
44 amended by adding Section 2.03.55 Large Places of Assembly;

45  
46           **Sec. 2.03.55 Large Place of Assembly**

1 Large Place of Assembly as defined by Part 12.01.00, where the Use results in the  
2 congregation of large numbers of people and/or vehicles, may be permitted as a  
3 Special Use within districts as defined in Section 2.03.01, and whether permitted by  
4 right or Special Use shall also be subject to the following conditions and limitations  
5 to ensure compatibility with adjacent Uses and the surrounding neighborhood:  
6

7 A. Setbacks and Screening  
8

- 9 1. Buildings shall be setback a minimum fifty (50) feet from property  
10 lines.  
11  
12 2. All improved areas, including paved or unpaved parking lots, shall be  
13 setback a minimum thirty-five (35) feet from property lines.  
14  
15 3. Screening shall be provided to mitigate incompatibilities with a  
16 finished masonry wall or decay-resistant fence, other than chain link,  
17 at least six (6) feet in height. If a masonry or block wall is provided, it  
18 shall be painted and architecturally finished on both sides. Buffer  
19 widths shall be in accordance with Section 6.06.04. The placement and  
20 extent of the buffer and screening standard may be enhanced, reduced,  
21 or otherwise modified by the Planning and Zoning Agency relative to  
22 location and nature of adjacent uses.  
23

24 B. Orientation, Access, and Design  
25

- 26 1. A Large Place of Assembly shall have direct primary access to an  
27 Arterial, Major, or Minor Collector Road. Secondary access to Local  
28 Roads may be considered.  
29  
30 2. A Land Development Traffic Analysis shall be provided to address site  
31 access points. The Use shall meet the vehicle storage requirements of  
32 Section 6.04.05.  
33

34 C. Special Use Permit  
35

36 The following factors shall be considered in the review of a Special Use  
37 Permit application:  
38

- 39 1. The compatibility of the proposed Large Place of Assembly Use with  
40 existing and planned land Uses. In making a determination of  
41 compatibility, the following shall be considered:  
42  
43 a. The nature of existing and planned land use.  
44  
45 b. The size and scale of the proposed Assembly Use.  
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- c. The effect of increased traffic generation on existing and planned land Uses.
- d. The proximity to residences, schools, hospitals, or churches
- e. The proximity to recreational Uses such as parks and playgrounds.

- 2. Impact on the roads and bridges that will provide access to the Large Place of Assembly Use.
- 3. Whether the road providing access to the Assembly Use is substandard creating either safety or capacity concerns.
- 4. Number of peak trips the Use will generate and the impact on existing traffic.
- 5. Whether the proposed Use requests lighting that would be inappropriate or disruptive in the surrounding neighborhood.
- 6. Whether the proposed Use will generate noise levels that would be inappropriate or disruptive in the surrounding neighborhood.

D. Waiver

1. Generally

The requirements of this Section, except for the specific requirement of Section 2.03.55.B.1, may be waived where the Planning and Zoning Agency makes a positive finding on each of the following factors:

- a. There are practical difficulties in carrying out the strict letter of the regulation.
- b. The waiver request is not based exclusively upon a desire to reduce the cost of developing the site.
- c. The proposed waiver will not substantially increase congestion on surrounding public streets, the danger or fire, or other hazard to the public.
- d. The proposed waiver will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

1 e. The effect of the proposed waiver is in harmony with the general intent  
2 of this Code and the specific intent of the relevant subject area(s) of  
3 the Code.

4  
5 2. Decision by Planning and Zoning Agency

6  
7 The Planning and Zoning Agency, in review of the application for Special Use  
8 Permit, shall make a decision on any waiver request that pertains to the  
9 specific standards.

10  
11 Section 5. St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
12 amended by deleting Part 3.6.00 Palm Valley Overlay District Section 3.06.03 paragraph  
13 A in its entirety and by adding and substituting the following in its stead;

14  
15 A. All standards prescribed in this Part shall apply to all Uses contained within  
16 ~~the CN, CG, CHI, CHT, CI, CW, OP, RG-1, and RG-2~~ all zoning categories  
17 (including ~~those Uses when contained in~~ PUD's, PSD's, ~~and~~ PRD's)  
18 excluding single-family dwellings; two family dwellings; mobile homes;  
19 roadside stands; nurseries, barns, corrals, greenhouses and other substantially  
20 similar Structures; temporary uses; and boarding stables and riding  
21 academies. These requirements shall apply to property proposed for  
22 Development as a permitted Use, ~~and to all proposed Development~~  
23 ~~subsequent to any Rezoning,~~ as well as to additions, exterior remodeling and  
24 renovations hereafter undertaken within the Palm Valley Overlay District.

25  
26 1. Exterior remodeling and renovation shall be defined as any activity  
27 changing the exterior of a Structure that requires a County Building  
28 Permit, as well as to Construction or alteration of fences or decks.

29  
30 2. These regulations shall apply to only that portion being added,  
31 remodeled, renovated or changed.

32  
33 3. Landscaping, buffers, signage, parking lots and Structures may be  
34 maintained and repaired, Buildings re-painted using the same colors,  
35 and roofs repaired and replaced with the same materials and colors,  
36 without a review by the Architectural Review Committee (ARC).

37  
38 4. Any non-conforming Uses or Structures impacted by this Part shall  
39 follow Part 10.03.00 of this Code concerning non-conforming  
40 regulations

41  
42 Section 6. St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
43 amended by deleting Part 3.07.00 South Anastasia Overlay District Section 3.07.03  
44 paragraph A in its entirety and by adding and substituting the following in its stead;

45  
46 A. All standards prescribed in this Part shall apply to all Uses contained within  
47 all ~~the CN, CG, CHI, CHT, CI, CW, OP, RG-1, and RG-2~~ zoning categories

(including ~~those Uses when contained in~~ PUD's, PSD's, ~~and~~ PRD's) excluding Single-Family Dwellings; Two Family Dwellings; mobile homes; roadside stands; nurseries, barns, corrals, greenhouses and other substantially similar Structures; temporary uses; boarding stables; and riding academies. These requirements shall apply to property proposed for Development as a permitted Use, ~~and to all proposed Development subsequent to any rezoning~~, as well as to additions, exterior remodeling and renovations hereafter undertaken within the South Anastasia Overlay District.

1. Exterior remodeling and renovation shall be defined as any activity changing the exterior of a Structure that requires a County Building Permit.
2. These regulations shall apply to only that portion being added, remodeled, renovated or changed.
3. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired (i.e. Buildings repainted using the same colors and roofs repaired and replaced with the same materials and colors), without a review by the Design Review Board (DRB).
4. Any non-conforming Uses or Structures impacted by this Part shall follow Part 10.03.00 of this Code concerning non-conforming regulations.

Section 7. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Part 3.08.00 Mid-Anastasia Overlay District Section 3.08.03 paragraph A in its entirety and by adding and substituting the following in its stead;

A. All standards prescribed in this Part shall apply to all Uses contained within ~~all the CN, CG, CHI, CHT, CI, CW, OP, RG-1, and RG-2~~ zoning categories (including ~~those Uses when contained in~~ PUD's, PSD's, ~~and~~ PRD's) excluding single-family dwellings; two-family dwellings; mobile homes; roadside stands; temporary uses; nurseries, barns, corrals, greenhouses and other substantially similar Structures; and, boarding stables and riding academies. These requirements shall apply to property proposed for Development as a permitted Use, and to all proposed Development subsequent to any Rezoning, as well as to additions, exterior remodeling and renovations hereafter undertaken within the Mid-Anastasia Overlay District.

1. Exterior remodeling and renovation shall be defined as any activity changing the exterior of a Structure that requires a County Building Permit, and also the re-painting of any Structure to a color other than the existing color, as well as to Construction or alteration of fences or decks.

2. These regulations shall apply to only that portion being added, remodeled, renovated or changed.
3. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired, Buildings re-painted using the same colors, and roofs repaired and replaced with the same materials and colors, without a review by the Design Review Board (DRB)
4. Any non-conforming Uses or Structures impacted by this Part shall follow Part 10.03.00 of this Code concerning non-conforming regulations.

Section 8. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Part 3.09.00 North Coastal Overlay District Section 3.09.03 paragraph A in its entirety and by adding and substituting the following in its stead;

A. **Applicability:** The standards prescribed in this Part shall apply to all commercial and multifamily uses contained within all the CN, CG, CH, CHT, CI, CW, OP, RG-1, and RG-2 zoning categories, including such ~~u~~Uses contained within PUDs. Single-family dwellings, two-family dwellings, Manufactured/Modular Homes or Manufactured/Mobile Homes, roadside stands, plant nurseries, boarding stables, riding academies, barns, corrals, greenhouses and other substantially similar Structures. or temporary uses as may be otherwise allowed by these regulations shall be excluded from the requirements of this Part. Unless otherwise exempted, the requirements of this Part shall apply to property proposed for Development as an Allowable Use or as a Special Use, as well as to signage and certain exterior renovations hereafter undertaken within the North Coastal Overlay District.

1. Exterior renovation shall be defined as any activity changing the exterior of a structure that requires a County Building Permit, and also exterior repainting not otherwise exempted by this Part.
2. The requirements of this Part shall apply to only that portion being added, remodeled, renovated or changed.
3. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired (i.e. Buildings repainted using the same colors and roofs repaired and replaced with the same materials and colors), without a review by the Design Review Board, provided that such repair or maintenance does not substantially alter the appearance of that which is being repaired or maintained.
4. Any Non-conforming uses or Structures impacted by this Part, shall follow Part 10.03.00 of this Code concerning non-conforming

1 regulations.

2  
3  
4  
5 Section 9. St. Johns County ordinance No. 99-51, as previously amended, is hereby  
6 amended by deleting Section 3.10.09 in its entirety and by adding and substituting the  
7 following in its stead;  
8

9 **Section 3.10.09 Transferable Development Rights**

10  
11 A. Purpose

12  
13 It is the purpose of this Article to establish standards and approval procedures for  
14 the transfer of residential dwelling units within the VBTC for the specific purpose  
15 of ~~protecting structures and portions of structures deemed historically significant~~  
16 to promoting economic redevelopment within the Vilano Beach area; and to  
17 provide for the keeping of records of available development rights within the  
18 Town Center; ~~and to facilitate transfer of residential units which provide for the~~  
19 ~~long-term preservation of historically significant structures and maintain the Town~~  
20 ~~Center's unique historic character.~~

21  
22 ~~The transfer of development rights (TDRs) within the VBTC is available for the~~  
23 ~~protection of historic structures or historic significant portions of structures within~~  
24 ~~the Town Center boundaries.~~ TDRs are also intended to help achieve the goals,  
25 objectives and policies of the St. Johns County's Comprehensive Plan.  
26

27 The provisions of this section allow landowners who own ~~qualified, historically~~  
28 ~~significant~~ properties within the VBTC district, called sending properties, to sell  
29 their rights to develop all or a portion of their allowable residential units  
30 (residential density rights) to other land owners within the VBTC district. For the  
31 purposes of qualifying as a sending site, the property shall have been included  
32 within the boundaries of the VBTC as initially adopted in 2004 as shown in  
33 Exhibit 3.2.5.E of the Future Land Use Element of the Comprehensive Plan.  
34

35 When a landowner sells their residential density rights, they must deed restrict the  
36 ~~historic sending~~ properties to ensure the ~~structure's permanent preservation and~~  
37 ~~agree to maintain the properties to established preservation standards~~ rights to  
38 develop the transferred residential units are severed.  
39

40 Deed restrictions imposed on the sending property will not affect the landowner's  
41 ability to sell the property after the development rights have been severed. The  
42 deed restrictions on the property from which development rights have been  
43 severed shall run in favor of the County or an appropriate organization designated  
44 by the County.  
45



1 The owner of a sending property from which the density rights are severed, or any  
2 subsequent purchaser of the density rights, may hold the density rights or may  
3 resell the density rights. The only use which may be made of the density rights is  
4 the ultimate transfer of residential units to a receiving property. The County shall  
5 have no obligation to purchase density rights which have been severed from a  
6 sending property.

7  
8 1. Process

9  
10 a. Sending Properties

11  
12 Sending properties shall be within the VBTC district, and  
13 designated through the process as set forth below.

14  
15 (1) Initiation

16  
17 A land owner who wishes to avail themselves of the Vilano  
18 Beach TDR program must receive a determination from the  
19 St. Johns County that the site has eligible residential rights  
20 for transfer based upon survey specific information.  
21 ~~Historical Resources Review Board (HRRB) that the~~  
22 ~~structure(s) or portion of the structure(s) on their property~~  
23 ~~is of unique or special significance related to the cultural,~~  
24 ~~architectural and/or historical heritage of St. Johns County~~  
25 ~~and/or Vilano Beach. This determination is in the form of~~  
26 ~~granting County Landmark designation to the property.~~  
27 ~~The landowner will petition the St. Johns County Historic~~  
28 ~~Resources Board for County Landmark designation.~~

29  
30 (2) ~~Criteria for Designation~~

31  
32 ~~i. Associated in a significant way in the life of a person of~~  
33 ~~recognized importance.~~

34  
35 ~~ii. The site of historic event with significant effect upon St.~~  
36 ~~Johns County, the State of Florida, or the nation.~~

37  
38 ~~iii. Exemplifies a historic, cultural, political, economic, or~~  
39 ~~social trend of the Vilano Beach area, St. Johns~~  
40 ~~County, the State of Florida, or the nation.~~

41  
42 ~~iv. Embodies distinguishing characteristics of an~~  
43 ~~architectural style, period or method of~~  
44 ~~construction.~~

45  
46 ~~v. Is the work of an architect or builder whose work has~~

1 significantly influenced the development of St.  
2 Johns County, the State of Florida or the nation.

3  
4 vi. ~~Contains elements of design, detail, materials or~~  
5 ~~craftsmanship of outstanding quality or represents a~~  
6 ~~significant innovation or adaptation to the Florida~~  
7 ~~environment.~~

8  
9 vii. ~~Has value as a building that is recognized for the quality~~  
10 ~~of its architecture and that retains sufficient features~~  
11 ~~showing its architectural significance.~~

12  
13 viii. ~~Has yielded or is likely to yield, archeological~~  
14 ~~information or artifacts important to prehistory or~~  
15 ~~history.~~

16  
17 ix. ~~Is a geographically definable area or neighborhood united~~  
18 ~~by culture, architectural styles or physical~~  
19 ~~development, which has historic or cultural~~  
20 ~~significance in the community.~~

21  
22 ~~(3)(2)~~ Upon identification of the residential rights to be severed  
23 by designation of County Landmark status, the landowner  
24 may voluntarily participate in the Vilano beach TDR  
25 program as well as the St. Johns County pursuant to the  
26 provisions of this Section, Historic Preservation Property  
27 Tax Exemption as provided in county ordinance 97-61. the  
28 s Sending properties shall be eligible for transfer of  
29 development rights if the land's development rights or  
30 development capacity have not been sold, transferred, or  
31 limited by easements, deed restrictions, equitable  
32 servitudes, or similar measures.

33  
34 b. Receiving Property

35  
36 (1) Eligible properties.

37  
38 The properties eligible to use development rights  
39 transferred from the sending properties, referred to as  
40 Receiving Properties, shall be properties located within the  
41 VBTC district. ~~However, development rights may not be~~  
42 ~~transferred to another lot within the VBTC which has been~~  
43 ~~identified as a sending property within the VBTC.~~

44 \_\_\_\_\_ When the first building permit is issued, the Receiving Property  
45 owner/developer must demonstrate that the TDR purchase is of  
46 record and that such TDRs are available for transfer.

1 c.

2  
3 d.

4 ~~4~~ Granting and Measuring Development Rights/

5  
6 ~~(4)~~ Issuance of ~~-~~ Transferable Development Rights ~~:-~~

7  
8 1) Transferable development rights shall be issued in dwelling  
9 units based upon the amount of dwelling units permitted under  
10 the current zoning on the sending property.

11  
12 a.—The total available residential  
13 development rights from a lot or  
14 property is based upon net acreage.

15 2)

16  
17 b.—For each fraction of net acre of land that  
18 meets the requirements for residential  
19 development the owner shall receive a  
20 fraction of the development rights in the  
21 same portion that the fraction of an acre  
22 of land makes up net acre of land.

23 3)

24  
25 e.—

26 4) Eligible property owners choosing to sell/transfer residential  
27 development rights must sign a restrictive covenant ensuring  
28 the perpetual ~~preservation of the historic structure, or the~~  
29 ~~historically significant portion of the structure, and binding the~~  
30 ~~sending property to the historic preservation standards and~~  
31 ~~guidelines utilized by the National Register of Historic Places.~~  
32 ~~All future restoration and additional construction plans for~~  
33 ~~these structures must be approved in accordance with these~~  
34 ~~standards by the St. Johns County Historic Resources Review~~  
35 ~~Board as set forth in Sec. 301.05 of the St. Johns County Land~~  
36 ~~Development.~~ severance of the transferred residential rights  
37 from the sending property.

38  
39 ~~(5)~~ 5) Disqualifying Land. In the computation of any transferable  
40 development rights under this section, no transferable  
41 development rights shall be computed for any land in a right-  
42 of-way or easement which precludes its occupation by  
43 dwellings or where operation of private restrictions or state or  
44 federal law prohibits development of the land.

45  
46 2. Procedure

1  
2 Prior to or concurrent with development rights being offered for sale or  
3 transfer, properties with transferable development rights shall have a  
4 certificate of development rights issued. Upon receipt of the certificate of  
5 development rights, the property owner may transfer the development  
6 rights to any person or legal entity.  
7

8 Prior to the transfer of Development Rights, the seller shall record a TDR  
9 Conversion Easement on the property from which the development rights  
10 are being sold. The TDR easement shall include a legal description of the  
11 property from which the development rights will be transferred, meet the  
12 requirements of this division, be approved by the ~~County Planning~~  
13 ~~Director~~ County Administrator or his designee and the County Attorney,  
14 and executed by the owner of the eligible sending property. -The approved  
15 TDR easement shall be recorded with St. Johns County.  
16

17 After granting of the TDR easement to the County the development use of  
18 the property on which the TDR easement is recorded shall comply with  
19 the TDR easement.  
20

21 a. Application  
22

23 A property owner desiring to obtain permission to transfer  
24 development rights from a particular property designated as a  
25 sending property through the process set forth in this Section  
26 ~~3.10.09 A.1.~~ shall apply for issuance of a Certificate of  
27 Development Rights. Such application shall be filed with the  
28 County Administrator on a form requesting information as the  
29 Administrator may reasonably require which shall include the  
30 following:  
31

- 32 (1) Name address and telephone number of applicant and the  
33 applicant's agent, if any.
- 34 (2) Legal description of the property and evidence of title.
- 35 (3) The proposed grant of easement to St. Johns County  
36 creating the development limitations for the property, and  
37 certification of County Landmark status.
- 38 (4) The process for conveying and recording development  
39 rights includes:
  - 40
  - 41 i. The issuance of certificates of development rights
  - 42
  - 43
  - 44 ii. The approval and recording of a TDR easement
  - 45
  - 46

1  
2                   iii.       The recording of a deed transferring ownership of  
3                                   the development rights  
4

5                   iv.       The recording of an extinguish  
6

7           b.       Certificate  
8

9                   The Administrator, upon request of the sending property owner by  
10                   application, shall issue a certificate of development rights to the  
11                   landowners for the eligible land.  
12

13           c.       Quantity  
14

15                   The issuance of the certificate of development rights shall establish  
16                   the quantity of development rights for the property. The  
17                   development rights quantity will be based upon the formula in  
18                   A.1.d of this section –Granting and Measuring Development  
19                   Rights.  
20

21           d.       Sale/Transfer  
22

23                   When an agreement has been reached between the seller and buyer  
24                   of the development rights, the seller shall inform the County  
25                   ~~Planning Director~~Administrator in writing of the pending sale.  
26

27       3.       Deed of Transfer of Development Rights  
28

29                   The deed transferring development rights, as approved by the County  
30                   ~~Planning Director~~Administrator, shall be executed by the selling and  
31                   purchasing parties and duly recorded with St. Johns County, and a copy  
32                   of the deed shall be provided to the County Administrator.  
33

34       ~~4.Preservation of Sending Properties~~  
35

36       ~~Properties designated sending properties under this section of the Code shall not be~~  
37       ~~considered non-conforming uses, and must be rebuilt and maintained as originally agreed~~  
38       ~~by this designation and in the granting of the one time only TDR's.~~  
39

40  
41       Section 10.   St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
42       amended by deleting Section 4.01.05.E paragraph 2 in its entirety and by adding and  
43       substituting the following in its stead;  
44

45       2.       St. Johns County Tree Bank Fund  
46

1 a. A dedicated financial fund shall be created under authority of this  
2 Code to receive payments as detailed elsewhere in this Article,  
3 when Protected Trees are not replaced after Removal. The Tree  
4 Bank shall be a separate line item set up and shown on County  
5 financial records in which all receipts are detailed. Expenditures  
6 of Tree Bank funds occur after approval by the Board of County  
7 Commissioners in advance of the expenditure for the following  
8 projects:  
9

10 (1) County ~~Construction~~ and capital improvement limited to  
11 cost of Trees, landscaping equipment and  
12 landscapingassociated installation and irrigation equipment  
13 incidental to the installed landscaping.  
14

15 ~~Capital improvement project limited to cost of Trees,~~  
16 ~~equipment and landscaping installation.~~  
17

18 (2) Beautification limited to the cost of Trees, landscaping  
19 equipment, and landscapingassociated installation and  
20 irrigation equipment incidental to the beautification project.  
21 Where Tree Bank funds are used to plant trees in County  
22 Road medians or shoulders, such funds may also be used to  
23 fund design by a Registered Landscape Architect to assure  
24 the safety, viability and appropriateness of such plantings.  
25

26 (3) Conservation or natural preserve area ~~protection and~~  
27 enhancement limited to cost of Trees, landscaping  
28 equipment, and landscapingassociated installation and  
29 irrigation equipment incidental to the enhancement project,  
30 ~~access, trails and amenities such as receptacles and~~  
31 ~~benches.~~  
32

33 (4) To mitigate negative environmental effects of tree removal  
34 and the loss of treed acreage and to provide the ability to  
35 mitigate wildlife displacement as reasonably determined by  
36 the County Administrator using acceptable environmental  
37 evaluation practices and programs or preservation land  
38 assessment and acquisition.  
39

40 (5) Multi-family or Single Family Lots for housing qualifying  
41 under State and Federal affordable/workforce housing  
42 programs in order to meet applicable Tree inch  
43 Requirements.  
44

45 An annual separate accounting statement shall be presented to the  
46 Board of County Commissioners by the County Administrator  
detailing yearly activity of the Tree Bank Fund.

1  
2 b. ~~The Tree Bank Funds may not be used to fund ongoing~~  
3 ~~maintenance costs following the completion of a project may be~~  
4 ~~used when authorized by the Board of County Commissioners for~~  
5 ~~projects that upgrade the existing landscaping of private Parking~~  
6 ~~Areas, in support of the public purpose of increasing the tree~~  
7 ~~Canopy in the County. Such funds may be authorized for up to~~  
8 ~~fifty percent (50%) of the landscaping only costs, when a suitable~~  
9 ~~landscape and Parking Area design is submitted to the County~~  
10 ~~Commission and approved. Landscape plans and costs must be~~  
11 ~~submitted by a State of Florida licensed Landscape Architect.~~  
12 ~~Approved funds may be released following satisfactory installation~~  
13 ~~of the new landscaping.~~

14  
15 Section 11. St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
16 amended by renumbering Sections 5.01.02 Platting Administrative Process to 5.01.03 and  
17 5.01.03 Re-plats and Vacations to 5.01.04 and by adding a new Section 5.01.02 Optional  
18 Preliminary Plat;

19  
20 **Sec. 5.01.02 Optional Preliminary Subdivision Plan**

21  
22 Notwithstanding the provisions of 5.01.01.C.1, prior to Final Subdivision Plat  
23 approval, a Preliminary Subdivision Plan (PSP) may be submitted and approved  
24 consistent with Parts 5.02.00 and 9.03.00 of this Code.

25  
26 Approval of the Preliminary Subdivision Plan shall be construed as authority for  
27 submitting subdivision construction plans. Approval of the Preliminary Subdivision  
28 Plan shall not be construed as authority for the transfer of title of lots in reference  
29 to such Preliminary Subdivision Plan or for obtaining building permits except as may  
30 be permitted in Section 2.02.04.B.10 of this Code.

31  
32 Section 12. St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
33 amended by deleting Section 5.03.02 paragraph G.1.r(1) in its entirety and by adding and  
34 substituting the following in its stead;

35  
36 (1) the provision of an estimate of Uses to be developed within five (5) ~~to ten (10)~~  
37 year phases. The estimated phases may overlap during construction; however,  
38 a phase shall be fifty percent (50%) complete, before the next phase may  
39 proceed; or

40  
41 Section 13. St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
42 amended by deleting Section 5.03.03 paragraph F in its entirety and by adding and  
43 substituting the following in its stead;

44  
45 F. Unified Sign Plan  
46

1 All signage within a PUD shall conform to the provision of Article VII of this  
2 Code, unless ~~Within a PUD for which~~ signage is authorized and regulated  
3 pursuant to an approved Unified Sign Plan as part of the PUD. ~~Any, the~~ area  
4 of the PUD regulated by the Unified Sign Plan shall be considered a single  
5 premise for the purposes of sign regulations, without regard to ownership of  
6 individual PUD parcels.

7  
8 Section 14. St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
9 amended by deleting Section 6.01.03 paragraph G in its entirety and by adding and  
10 substituting the following in its stead;

11  
12 G. Waterfront Yards

13  
14 1. ~~Waterfront Yards are defined for purposes of this Code as yards shall~~  
15 be measured from the mean high-water line whenever mean high-  
16 water line falls within the lot lines. For the purposes of determining  
17 the maximum lot coverage and density for lots with waterfront yards,  
18 the mean high-water line shall be substituted for lot lines wherever the  
19 mean high-water line falls within the lot lines. Provided, however, on  
20 lots with seawalls the yard shall be measured from the seawall. Yards  
21 immediately adjacent to a Natural Water Body that is fifty (50) feet or  
22 more in average width. Lots having one or more such Waterfront  
23 Yards shall be considered waterfront Lots.

24  
25 ~~2. Where a Waterfront Yard exists, the following requirements shall be~~  
26 ~~construed as replacing Yard requirements otherwise applicable to the~~  
27 ~~portion of the Lot involved. Depth of required Waterfront Yards shall~~  
28 ~~be measured Shore normal to the Mean Waterfront Line. In any case~~  
29 ~~where the Mean Waterfront Line meanders across both sides of the~~  
30 ~~property line, a base line that at all points approximates the more~~  
31 ~~constricting of the two shall be used for measurement of the required~~  
32 ~~setback.~~

33  
34 ~~3.2.~~ Waterfront Yards shall equal Rear Yard requirements for the zoning  
35 district in which the Lot is located as provided in Section 6.01.01 of  
36 this Code.

37  
38 ~~3.4.~~ Waterfront Yard requirements may be modified by additional buffer  
39 and setback requirements as contained in Section 4.01.06  
40 (Environmentally Sensitive Areas – Wetlands, Estuaries, and Natural  
41 Water Bodies) or Part 6.06.00 (Landscaping and Buffering  
42 Requirements), or other provisions of this Code.

43  
44 ~~St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by~~  
45 ~~deleting Section 6.06.04.A Buffering and Screening Requirements in its entirety and by~~  
46 ~~adding and substituting the following in its stead;~~



1 Section 15. St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
2 amended by modifying Section 6.06.02 General Standards and Guidelines by adding the  
3 following:

4  
5 G. Northwest Sector Scenic Edges

6  
7 1. Scenic edges shall be provided to preserve the rural character and preserve  
8 and enhance scenic view sheds, such as, scenic vistas, the St. Johns River,  
9 natural areas, and agricultural areas within the Sector. The primary  
10 purpose of scenic edges is to screen development and designed in a way  
11 that creates a natural edge between development and the roadway through  
12 the use of a variety of native canopy trees, understory trees, bushes, shrubs  
13 and ground cover.

14  
15 2. Within the Community Commercial Future Land Use Map designation  
16 located at SR 13 and Racetrack Road, and within any commercially zoned  
17 property or the commercial component of a planned development, or  
18 where the lot depth of a development parcel, or portion thereof, measured  
19 from the property line or reserved right-of-way is less than 500 feet, the  
20 scenic edge shall be allowed a reduction to the required 75 foot buffer  
21 requirement to a minimum of 30 feet through the application of enhanced  
22 performance standards that will provide sufficient landscaping where  
23 little or no natural vegetation exists in order to preserve or enhance the  
24 rural character along the roadway. Any request for a reduction to the 75  
25 foot scenic edge shall adhere to the following enhanced performance  
26 standards:

27  
28 a Shall consist of all native evergreen canopy trees planted every  
29 twenty (20) foot on center.

30  
31 b All native non-canopy trees shall be planted every ten (10) foot on  
32 center

33  
34 c Shrubs shall be of native species and be planted between every five  
35 (5) to fifteen (15) foot on center and appropriately staggered.

36  
37  
38 d Native groundcover shall be planted every three (3) to five (5) foot  
39 on center.

40  
41 H. Northwest Sector Development Edges

42  
43 1. Development edges and recreational trail systems provide a foundation of  
44 the Northwest Overlay. Development edges and recreational trails provide  
45 natural corridors, recreational opportunities, aesthetics, habitat protection  
46 and open space, maintain rural character and provide screening from

1 roadways and adjacent development. Development edges shall be a  
2 minimum of 35 feet in width and located along the edge of the  
3 development boundary. Deviations to the 35 foot minimum development  
4 edge shall only be allowed where there are practical difficulties in the  
5 meeting the development edge requirement, due to exceptional  
6 shallowness or unusual shape of a specific piece of property, where  
7 connectivity to adjacent development makes a logical pattern or other  
8 extraordinary condition of such property. The development edge shall be  
9 allowed to be reduced to a minimum of 20 feet through the application of  
10 performance standards. Where little or no native vegetation exists, buffers  
11 should be supplemented as follows:

12  
13 a Shall consist of all native evergreen canopy trees planted every  
14 twenty (20) foot on center.

15  
16 b All native non-canopy trees shall be planted every ten (10) foot on  
17 center

18  
19  
20 c Shrubs shall be of native species and be planted between every five  
21 (5) to fifteen (15) foot on center and appropriately staggered.

22  
23 d Native groundcover shall be planted every three (3) to five (5) foot  
24 on center.

25  
26 2. Deviations not addressed above, shall be subject to non-zoning variance or  
27 waiver review and approval in accordance with the provisions established  
28 in the Land Development Code. Additional buffer and screening  
29 requirements may be imposed as a condition of approval of the non-  
30 zoning variance or waiver to minimize the effect of the reduced  
31 development edge and ensure intent of the Northwest Sector. In no case  
32 shall the development edge be less than 20 feet, except where a  
33 commercial property line abuts another commercial property line in which  
34 case no development edge shall be required.

35  
36 I. Wet Retention or Detention Pond

37  
38 1. Wet Retention/Detention ponds or stormwater systems developed within a  
39 scenic edge or development edge shall be designed as an amenity to the  
40 neighborhood and should be permanently protected from development.  
41 Any area of the wet retention/detention pond or stormwater system lying  
42 within the scenic or development edge, shall be required to vegetate along  
43 the entire perimeter of the banks of the wet retention/detention pond or  
44 stormwater system. Vegetation shall include native grasses and understory  
45 plantings.

1 Section 16. St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
2 amended by deleting Section 6.06.04.A Buffering and Screening Requirements in its  
3 entirety and by adding and substituting the following in its stead;  
4

5 A. Buffers Between Incompatible Land Uses  
6

7 The minimum required buffer distance between proposed land Uses and the  
8 zoning Lot line is set forth in the tables below. If the land next to the proposed  
9 Development is vacant, the buffer required shall be determined by the existing  
10 zoning on the adjacent vacant Parcel. If the adjacent Parcel is vacant but is  
11 zoned for a more intensive zoning district, no buffer area shall be required of  
12 the less intensive Use. For any Special Use listed on Table 2.03.01, the buffer  
13 required shall be determined by the Use Category the Special Use is permitted  
14 in.  
15

16 The nature of surrounding Land Uses shall be considered in order to mitigate  
17 incompatibilities. Buffer widths and screening standards represent minimum  
18 required details which may be expanded, averaged, modified, and/or increased  
19 to minimum external impacts. The relative degree of intensity shall be  
20 determined as follows:

21 (note: tables 6.19 and 6.20 follow with no changes  
22  
23  
24

25 Section 17. St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
26 amended by deleting Section 7.03.01.N in its entirety and by adding and substituting the  
27 following in its stead;  
28

29 N. Signs Erected within interior courtyards or the inside fence line of ball and  
30 multi-purpose playing fields, stadiums, arenas, racetracks, within gated  
31 communities and similar places, visible only to those Persons visiting such  
32 place. Such Signs shall not be Erected along or upon the outside of such area,  
33 except in compliance with this Code.  
34

35 Section 18. St. Johns County Ordinance No. 99-51, as previously amended, is here by  
36 amended by deleting Section 7.08.01.S in its entirety and by adding and substituting the  
37 following in its stead;  
38

39 S. Automatic Changeable Message Devices, except Special Use Signs permitted  
40 under Section 7.03.01.A and N.  
41

42 Section 19. St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
43 amended by deleting Section 7.09.01.D Future Compliance;  
44

45 ~~All Non-conforming Signs shall be removed or brought into compliance with this~~  
46 ~~Code within fifteen (15) years of the adoption of this Code, except for those protected~~

1 ~~by Section 479.15(2), F.S. In the event a Non-conforming Sign is located on a~~  
2 ~~property that is proposing to repair, replace or increase a main Use Structure on the~~  
3 ~~site by more than fifteen percent (15%) of the current just value of the structure, all~~  
4 ~~non conforming signs shall be brought into compliance with this Code. The~~  
5 ~~provisions of this section shall not preclude regular Maintenance and upkeep,~~  
6 ~~including but not limited to repainting, for the operation and life of the Sign.~~  
7

8 Section 20. St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
9 amended by deleting paragraph A of Section 9.06.04 Notice of Hearings in its entirety  
10 and substituting the following in its stead;

11  
12 A. Generally

13  
14 In addition to any requirements of state law that may apply to a given matter, the  
15 following notice requirements shall be followed. Where more than two methods of  
16 notice are required, failure to receive notice by one of the methods provided in this  
17 section shall not constitute a jurisdictional defect or be grounds to invalidate a public  
18 hearing if a good faith attempt was made to provide such notice and all other notice  
19 requirements are met.  
20

21 Section 21. St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
22 amended by deleting Section 10.01.02 Procedures in its entirety and substituting the  
23 following in its stead;

24  
25 **Sec. 10.01.02 Procedures**

26  
27 A request for interpretation may only be filed for property in which the requestor  
28 holds legal or equitable interest, or in which the requestor has entered into a contract  
29 for sale or purchase. A request for an interpretation shall be filed with the County  
30 Administrator on a form established by the County Administrator. After a completed  
31 application form, and required fee have been received, the County Administrator shall  
32 issue a letter of interpretation within ten (10) working days of receipt of the complete  
33 application package.  
34

35 Section 22. St. Johns County Ordinance No. 99-51, as previously amended, is hereby  
36 amended by modifying and adding the following to Article XII Definitions;

37  
38 **Place of Assembly, Large:** A place or premise designed to accommodate the  
39 assembly of persons attending large athletic events, musical performances, dramatic  
40 or dance performances, speeches or ceremonies, and other cultural or entertainment  
41 events. The Use includes but is not limited to arenas, auditoriums, conference  
42 facilities, convention centers, exhibition halls, major sports facilities, theaters and  
43 performing arts centers, churches, and other facilities designed for assembly. For the  
44 purposes of determining whether a place or premise is a Large Place of Assembly  
45 Use, the following considerations shall apply:  
46

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- A. The Use is capable of holding more than 1,000 people as determined by the intent of the Florida Building Code for Individual Assembly Occupancies; or
- B. The Use has more than 350 paved or unpaved parking spaces, including all spaces reserved for its use. Parking spaces are considered reserved if owned, leased, or used by agreement; or are adjacent to the Use so that it is reasonably foreseeable persons visiting the Use will park there. This will include temporary or permanent arrangements, and applies regardless of the distance between, or the method of access to the parking spaces and the Large Place of Assembly.

Section 23. The remaining portions of the St. Johns County Land Development Code, Ordinance 99-51, as amended, which are not in conflict with the provisions of this ordinance, shall remain in full force and effect.

Section 24. Severance Clause. It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 25. Effective Date. This Ordinance shall take effect on \_\_\_\_\_, 2014 or upon its being filed with the Department of State of Florida, whichever is later.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

BOARD OF COUNTY  
COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_  
John H. Morris, Chairman

ATTEST: Cheryl Strickland, Clerk of Court

By: \_\_\_\_\_  
Deputy Clerk

Effective Date: \_\_\_\_\_