

**ARTICLE II**  
**ZONING DISTRICTS AND SPECIAL USES**

**PART 2.00.00 GENERALLY**

The purpose of this Article is to encourage and promote, in accordance with present and future needs, the public health, safety, morals, and general welfare of the citizens of the unincorporated area of St. Johns County, Florida. The districts and regulations contained herein are made in accordance with the Comprehensive Plan for St. Johns County and promote the orderly development of the County.

**PART 2.01.00 STANDARD ZONING DISTRICTS**

**Sec. 2.01.01 Intent**

The County is divided into districts of such number, shape, characteristics, area, common unity of purpose, adaptability, or Use as will accomplish the objectives of the Comprehensive Plan and this Code.

**Sec. 2.01.02 Establishment of Zoning Districts**

A. Generally

The unincorporated portion of St. Johns County shall be divided by this Code into zoning districts, the boundaries and designations of which shall be shown on a series of maps, covering in time the entire unincorporated area of St. Johns County, and identified as the Official Zoning Atlas of St. Johns County, hereafter Official Zoning Atlas.

B. List of Zoning Districts

<u>DISTRICT</u>	<u>ABBREVIATION</u>
Residential, Single Family	RS-E
Residential, Single Family	RS-1
Residential, Single Family	RS-2
Residential, Single Family	RS-3
Residential, General	RG-1
Residential, General	RG-2
Residential, Manufactured/Mobile Home	RMH
Residential, Manufactured/Mobile Home or Single Family	RMH (S)
Office & Professional	OP
Commercial, Neighborhood	CN
Commercial, Highway and Tourist	CHT
Commercial, General	CG
Commercial, Intensive	CI
Commercial, Rural	CR
Commercial, Warehouse	CW
Commercial, High Intensity	CHI
Town Center Mixed Use	TCMU
Industrial, Warehousing	IW

DISTRICT

Heavy Industrial  
Open Rural  
Public Service  
Airport Development  
Planned Unit Development  
Planned Rural Development

ABBREVIATION

HI  
OR  
PS  
AD  
PUD  
PRD

**Sec. 2.01.03 Official Zoning Atlas**

- A. The Official Zoning Atlas, together with all lawfully adopted explanatory material shown thereon or therewith, is hereby adopted by reference and declared to be part of this Code.
- B. Where the scale generally applicable to the basic atlas sheets or supplemental maps is inadequate for presentation of details in particular areas, such areas may be cross-referenced on the basic atlas sheets or supplemental maps to separate inset maps at the appropriate scale.
- C. Other supplements, in the form of maps, indices, guides, illustrations, records, reports, interpretive material and standards, may be officially adopted, directly or by reference, to facilitate administration and public understanding of the Official Zoning Atlas or of regulations adopted for the zoning districts or other division established thereby.

**Sec. 2.01.04 Zoning District Boundaries**

- A. For the special purposes set out below, where boundaries and designations are not shown directly on the basic atlas sheets, they may be indicated by overlays to such sheets or as separate maps. Such overlays or separate maps shall have the same force and effect as the basic atlas sheets.
- B. A district symbol or name shown within district boundaries in the Official Zoning Atlas indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line, except as otherwise specifically provided.
- C. Where uncertainty exists as to boundaries of districts, or other areas delineated for regulatory purposes in the Official Zoning Atlas, the following rules shall apply:
  - 1. Boundaries indicated as approximately following the centerlines of streets, alleys, Rights-of-Way, or Easements shall be construed as following such centerlines as they exist on the ground (except where variation of actual location from mapped location would change the zoning status of a Lot or Parcel, in which case the boundary shall be so interpreted as to avoid such change). In the event of vacation, the boundary shall be construed as remaining in its location except where ownership of the vacated property is divided other than at the center, in which case the boundary shall be construed as moving with the ownership.
  - 2. Boundaries indicated as approximately following boundaries of streets, alleys, other public or private property lines, Rights-of-Way, or Easements shall be construed as following such boundaries, except where variation of actual location from mapped location would change the district status of a Lot or Parcel, in which case the boundary shall be so interpreted as to avoid such change.

3. Boundaries indicated as approximately following mean high waterlines or centerlines of rivers, canals, lakes, bays, or other bodies of water shall be construed as following such mean high waterlines, or centerlines. If said mean high waterline or centerline changes, the boundary shall be construed as moving with the change, except where moving would change the district status of a Lot or Parcel, in which case the boundary shall be interpreted in such manner as to avoid such change.
4. Boundaries indicated as approximately parallel to or extensions of features described in Paragraphs 1, 2 and 3 above, shall be construed as being parallel to or extensions of such features.
5. Where distances are not specifically indicated on any map in the Official Zoning Atlas, they shall be determined by reference to the scale of the map.
6. Boundaries indicated as entering any body of water, portions of waterways, bodies of salt or fresh water or Wetlands in St. Johns County, Florida that are (1) not within a County's zoning district as designated in the Official Zoning Atlas and (2) not within the boundary limits of a municipality or a federal or State park or preserve but not continuing to intersect with other zoning boundaries or with the limits of the jurisdiction of the County, shall be construed as extending, in the direction in which they enter the body of water, to intersect with other zoning boundaries or with the limits of County jurisdiction.

## **PART 2.02.00 USES ALLOWED WITHIN ZONING DISTRICTS**

### **Sec. 2.02.01 Use Classifications and Definitions**

The following Sections describe the categories of Uses which apply within St. Johns County. Each category contains a description of the fundamental characteristics of the category and a list of representative Uses. It is not possible to list each and every individual Use which may be allowable within a category. The intent is to describe the category and provide a sufficient number of illustrative or representative Uses to allow other Uses to be assigned to a category as they are proposed in a zoning district.

#### **A. Residential Uses**

Residential Uses are those which provide dwellings or Structures intended for occupancy for housekeeping, and includes units which are Single Family detached, accessory apartments, multi-family in a variety of housing styles, including but not limited to duplex, triplex, quadplex, garden apartments, villas and townhouses, mid-rise and high-rise apartment Buildings, and garage apartments. Also included are Manufactured/Modular Homes, Manufactured/Mobile Homes, condominium ownership, cooperatives, and other ownership arrangements. Residential Uses also include Special Care Housing including group homes, congregate care homes, assisted living facilities, and foster homes; cemeteries and mausoleums; schools with conventional academic curriculum and Community Marinas. Residential Uses also include model homes, with or without sales office and construction trailers. Certain Uses are also allowable in the residential Use category by Special Use, and are specified in Part 2.03.00. Residential units, while allowable, shall not exceed the density limitations shown in the Comprehensive Plan. In addition, not all housing types are allowable in every zoning district. Refer to Section 2.02.03 which describes which housing types are allowable in each residential zoning district.

#### **B. Agricultural Uses**

1. Agricultural Uses are those related to the production, keeping, or maintenance, whether for sale or personal use, of plants and Animals for food, forage, fiber, or ornamental purposes. Agricultural Uses are characterized as predominantly outdoor activities, with Structures that may cover portions of the land, such as specific production activities, like poultry houses, greenhouses, and kennels. The Uses within this category may include both domestic and exotic species, except as specifically prohibited by other regulations. Agricultural Uses may also include passive outdoor recreational activities, Bed and Breakfast establishments, Retreats and similar passive rural Uses. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. Typical Uses in this category are silviculture; horticulture; aquaculture; crop production; pasture lands; livestock; horses, ponies and other Animals; bee keeping; orchards; plant nurseries; General Stores and feed stores; cemeteries and mausoleums; Special Care Housing including group homes, congregate care homes, assisted living facilities, and foster homes; veterinary offices and Animal hospitals with outside Kennels; Kennels and other Animal boarding facilities; dog and domestic animal parks; Rural Home Industry; Rural Industry; Agricultural Manufacturing; and Structures and facilities necessary to agricultural production

activities, including barns, sties, pens, corrals, stables, greenhouses, milking parlors and dairies, feedlots, silos, and other substantially similar facilities and Structures whether for the primary Use or accessory to agricultural activity. Also included is treated Wastewater land application disposal. Agricultural Uses may also include, farm worker housing, and residences for the farm owner, operator, or caretaker, where those Uses are directly associated with the principal Agricultural Use of the land. Bed and Breakfast establishments limited to a maximum of ten (10) rental units, Primitive Campgrounds, Retreats limited to a maximum of ten (10) rental units and not exceeding an overnight occupancy of twenty (20) persons, Private Clubs, dude ranch, riding academy, hunting camps, game preserves, wildlife preserves, outdoor events, outdoor arenas and outdoor firing ranges, and aircraft landing fields shall be permitted.

#### C. Cultural/Institutional Uses

1. Cultural/Institutional Uses provide a personal service in the form of education, culture, fine arts displays and exhibits, and similar activities. Uses in this category are predominantly day-time activities. However, due to the nature of the Cultural/Institutional Use, traffic, parking, use of land coverage may be increased for special events. Users and employees may vary due to the nature of Cultural/Institutional Uses. Institutional Uses may be public or private. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. Typical Cultural/Institutional Uses in this category are libraries, galleries, and museums; schools with conventional academic curriculum; child care, adult day care, or child nurseries; Community Centers; churches and synagogues; Private Clubs; parks and recreation facilities with or without lighted fields and courts. Specifically not included in this category are theaters and auditoriums or other similar places of assembly; colleges and universities are listed under Regional Culture and Entertainment Facilities.

#### D. Neighborhood Business and Commercial Uses

1. Land Use activities in this category are those which serve the surrounding neighborhood or a small group of neighborhoods. Uses typically require direct access to collectors, and operate primarily in daytime or early evening hours. Development may generally include one-story and low-rise Buildings outside of activity centers. This category does not include large-scale discount supercenters or big box retailers. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. Typical Uses in this category include commercial indoor recreation, archery facilities, entertainment, retail, hospitality, and general business, such as retail goods stores; financial institutions with or without drive-through facilities; funeral homes and mortuaries; neighborhood Convenience Stores without gas pumps; grocery stores; specialty food stores; pharmacies without drive through facilities; billiards and pool parlors, spas, gyms, and health clubs; commercial, vocational, business or trade schools; churches; Bed and Breakfast establishments limited to a maximum of (10) rental units; personal property mini-warehouses; Recreational vehicle/boat storage; service businesses such as blueprint, printing, catering, travel agencies, mail and package services and laundries; veterinary offices

without outside boarding facilities and enclosed within a sound proof building; animal care facilities; personal services such as beauty shops, barbers, or photography studios; Adult Care Centers, Child Care Centers, Nursing Homes; psychics in accordance with St. Johns County Ordinance 98-18, as may be amended; Restaurants without drive-through facilities; Take-Out Restaurants; Brewpubs and Microbreweries; Community Marinas; medical and Professional Offices, and governmental branch offices, schools for the performing or fine arts and for martial arts.

E. General Business and Commercial Uses

1. Land Use activities in this category are those which serve the surrounding neighborhood, a small group of neighborhoods, or are community serving. Uses typically require direct access to Collectors and Arterials, may operate primarily in daytime or early evening hours. Development may generally include a predominance of one-story and low-rise Buildings outside of activity centers. Uses tend to be in individual Structures or in community scale shopping centers. This category does not include large-scale discount supercenters or big box retailers. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. Typical Uses in this category include commercial recreation, archery facilities, entertainment, retail, hospitality, and general business, such as retail goods stores; financial institutions with or without drive-through facilities; pharmacies with or without drive-through facilities; free-standing ATM's; funeral homes and mortuaries; crematoriums; indoor farm and garden supply centers; outdoor plant sales; outdoor storage; neighborhood Convenience Stores with or without gas pumps; gas stations without auto service or repair; car wash facilities; automobile oil change facilities; tire service centers; small car rental offices with associated rental fleet; grocery stores, specialty food stores, and supermarkets; bowling alleys, billiards and pool parlors, spas, gyms, and health clubs; community hospitals; commercial, vocational, business or trade schools; Bed and Breakfast establishments and guest lodges limited to a maximum of ten (10) rental units; personal property mini-warehouses; Recreational vehicle/boat storage; service businesses such as blueprint, printing, catering, travel agencies, mail and package services, small appliance repair shops, upholstery, and laundries; personal services such as beauty shops, barbers, employment services, bail bond agencies, photography studios, psychics in accordance with St. Johns County Ordinance 98-18, as may be amended, Adult Care Centers, Child Care Centers, Nursing Homes; psychiatric care and treatment facilities with or without housing, alcohol rehabilitation centers with or without housing, Restaurants with or without drive-through facilities; Brewpubs and Microbreweries; Community Marinas, Marinas; general offices, medical offices, veterinary offices without outside boarding facilities and enclosed within a sound proof building with no more than ten (10) outside runs which shall not exceed a total area of six hundred forty (640) square feet, animal care facilities, Professional Offices, and government offices; golf driving ranges; schools for the performing or fine arts and for martial arts; movie theaters with three (3) or less screens.

F. Town Center Mixed Use

1. Land Use Activities in this category are those which serve the surrounding

neighborhood community, or small group of neighborhoods with community services, beach & recreational resort services and government services & facilities. Uses are limited to and promote the Vilano Beach Town Center Mixed Use District with a combination of mixed commercial, business, office and multi-family residential, civic, and government activities. Development may generally include two to three story buildings within the Town Center. This category does not include large-scale super centers or big box retailers, drive-throughs, or outdoor storage, but does include and encourage outdoor activities associated with the permitted and accessory uses. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.

2. Typical Uses in this category include retail, general business, office, hospitality, hotel, motel, bed and breakfast, personal services, grocery store, pharmacy, banks, medical and professional offices, veterinary offices without outside boarding and enclosed kennels, animal care facilities, personal services such as beauty shops, barbers, and day spas, daily neighborhood business services, mail and package services, restaurants, bars, and pubs, night clubs, deli, catering, billiards and pool parlors, specialty food, liquor and wine stores, video, print and copy shop, urgent care facilities (not hospitals), health clubs, gyms, psychics, multi-family residential, government branch services & facilities, e.g including but not limited to, e.g. post office, branch libraries, sheriff substation, Town Center Main Street office, and cultural centers, vendors subject to permitting, school for performing or cultural arts, indoor recreation including movie theater or live theatre, alcoholic beverages sales subject to Section 2.03.01 and 2.03.02 and the source of outdoor amplified music is allowed within 50 feet of existing residentially zoned properties.
3. List of uses that are encouraged, but not limited to, are outdoor sit down cafes, art galleries, pottery shops, apparel, vintage clothing, gift shops, home décor and garden stores, bookstore, kite shop, surf shop, bike shop, specialty electronics, drycleaners (mail and package only), travel agencies, real estate offices, financial advisor office, and live-work units.

#### G. Highway Commercial Uses

1. Business Uses generally require accesses to an Arterial or Major Collector or have close proximity to Major Intersections. Highway Commercial Uses are those which serve the traveling public and are oriented to vehicular travel; however, they are distinguished from High Intensity Uses by scale and intensity. These Uses are typically not of an overall size or Building mass, as an activity center. Development generally includes one-story and low-rise Buildings and Uses tend to be in individual Structures. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. Typical Uses in this category include, but are not limited to the following: Service Stations with or without retail food sales; automobile oil change facilities limited to three (3) enclosed service bays; automobile service and repair facilities performing similar activities as Service Stations and limited to three (3) enclosed service bays with no outdoor storage of automobile parts; car wash facilities; Restaurants, with or without drive-through facilities; agricultural stands, temporary or permanent; outdoor plant sales; Recreational Vehicle Campgrounds; Marinas; Hotels and Motels; Adult Arcade Amusement Centers; Electronic Game Promotions; indoor

activities allowed by or on the premises of a licensed pari-mutuel permit holder; Retreats; Fish Camps; Convenience Stores, with or without gasoline sales; Brewpubs and Microbreweries; Truck Stops; retail sales of items catering to tourists; and other substantially similar facilities and Uses.

#### H. High Intensity Commercial Uses

1. Business Uses generally require access to an Arterial or Major Collector or have close proximity to Major Intersections or interchanges with limited access facilities. These Uses are characterized by outdoor activity and outdoor storage, and large demand for parking. High Intensity Commercial Uses are those which are major employment centers, or which serve the traveling public and are oriented to vehicular travel; however, they are distinguished from regional Uses by scale. These Uses are intense as measured by the impacts to adjacent properties, but are typically not of an overall size or Building mass as a regional activity center. These Uses often have an actual or potential negative impact on surrounding properties due to late hours of operation, noise, and or light. Uses may be located in several Buildings, as in shopping centers or business parks, or may be located in a single Building, such as a discount supercenter, or big box retailer. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
  
2. Typical Uses in this category include, but are not limited to the following: all types of vehicle sales, rental, service, repair, and storage, including Truck Stops, body shops, road services, car wash facilities, and the sales, rental, repair and service of new or used automobiles, boats, buses, farm and garden equipment, motorcycles, trucks, Recreational Vehicles, and Manufactured/Mobile Homes; Service Stations, Convenience Stores with or without gas pumps, large scale discount centers, supercenters, large scale Building supply centers and do-it-yourself centers, big-box retailers; outdoor plant and garden supply sales; Professional Offices, general offices, government offices; newspaper printing operations and distribution centers; free-standing taverns, Bars, lounges, Night Clubs, and dance halls; psychics in accordance with St. Johns County Ordinance 98-18, as may be amended; financial institutions with or without drive-through facilities; Restaurants with or without drive-through facilities; commercial recreation; vocational, technical and trade schools; facilities operated by a licensed pari-mutuel permit holder; Adult Arcade Amusement Centers; Electronic Game Promotions; indoor activities allowed by or on the premises of a licensed pari-mutuel permit holder; agricultural stands, temporary or permanent; outdoor arenas, rodeo grounds, livestock auction facilities, race tracks (auto, dog, go-kart, horse, motorcycle), indoor shooting and firing ranges; Recreational Vehicle Campgrounds; Ports, Marinas; veterinary offices and Animal hospital with outside Kennels; Kennels and other Animal boarding facilities; storage yards for equipment, machinery, dry storage for boats, and supplies for Building and trades contractors, landscaping services, garbage haulers; extermination and pest control services; Flea Markets or similar outdoor or indoor/outdoor sales complexes, whether temporary or permanent; Hotels and Motels; Brewpubs and Microbreweries; and other substantially similar facilities and Uses.



## I. Rural Commercial Uses

1. Activities in this category include those business and commercial Uses supportive of and intended to serve rural communities and which are compatible with rural land uses and intensities. Uses may be required to have direct access to an Arterial or Collector roadway, and operate primarily in daytime or early evening hours. Development may include one-story and low-rise Buildings outside of activity centers. This category does not include large-scale discount supercenters or big box retailers. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. Typical Uses in this category include, but are not limited to the following: General Stores; Restaurants, with or without drive-through facilities; establishments for the retail sale of motor fuels; farm and garden supply stores; car wash facilities automobile oil change facilities ; tire service centers; bait and tackle and general supplies; agricultural stands; nurseries; Fish Camps; Community Marinas; Bed and Breakfast establishments; Retreats; Primitive Campgrounds; Recreational Vehicle Campgrounds; Private Clubs; hunt clubs; saddle clubs; riding academies; boarding stables; shooting ranges; veterinary offices and Animal hospitals with outside Kennels; Kennels and other Animal boarding facilities; Rural Industry; outdoor storage; and other substantially similar facilities and Uses.

## J. Light Industrial Uses

1. The characteristics of Uses in this category include large Lots, often with a single user or single employer, where light manufacturing, storing, or distribution of goods occurs. Buildings are typically one floor, but may cover large portions of land. Businesses may operate on a twenty-four (24) hour time frame and include two (2) or three (3) shifts per day. Truck and rail traffic are common. However, noise, dust and air quality impacts are minimal. These Uses may also have substantial and significant outdoor storage and/or outdoor activity. Uses may or may not be open to the general public. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. Typical Uses in this category are light manufacturing, vegetable food processing, production, packaging and assembly plants; warehousing, with or without distribution centers; lumberyards; large-scale printing plants, newspaper printing operations and distribution centers; business and commerce parks; Ports, Marinas; office showrooms; Vehicle Recycling facilities; composting and other yard waste facilities; extermination and pest control services; storage yards for equipment, machinery, dry storage for boats, and supplies for building and trades contractors, landscaping services, garbage haulers, appliance repair shops, machine shops; all types of vehicle repair and storage, including body shops, repair and service centers; Boat and RV storage; personal property mini-warehousing; indoor Kennels and other animal boarding facilities; animal care facilities; veterinary office and animal hospitals, groomers; vocational, technical and trades school; Microbreweries; commercial recreation; and other substantially similar facilities and Uses.

K. Heavy Industrial Uses

1. The characteristics of Uses in this category include large Lots, often with a single user or single employer, where heavy manufacturing, processing, storing, or distribution of goods occurs. Buildings are typically one floor, but may cover large portions of land. Businesses may operate on a twenty-four (24) hour time frame and include two (2), and three (3) shifts per day. Truck and rail traffic are common. Businesses may cause negative impacts from truck traffic, rail, noise, air, chemical, heat producing, and manufacturing processes are typical Uses in this category. These Uses may also have substantial and significant outdoor storage and/or outdoor activity. Uses are not typically open to the general public. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. Typical Uses in this category are heavy manufacturing, slaughterhouse and Animal processing plants; Port facilities, Marinas; power plants; dry cleaning plants; metal and rubber fabrication; chemical and fertilizer manufacturing; paper and pulp manufacturing; petroleum refining; plastics, glass, cement, concrete, and clay manufacturing; and other substantially similar facilities and Uses.

L. Mining and Extractive Activities

This category includes all Uses where resources are removed from the ground, such as mines, borrow pits, and other similar activities and may include the on-site processing of such resources. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.

M. Office and Professional Services

1. Office and Professional Service Uses have primarily day-time operations. Normally there is an absence of impacts due to noise, light, or pollution. There is no outdoor storage or outdoor activity associated with these Uses. Commercial Uses are accessory only. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. Typical Uses in this category include service businesses such as blueprint, printing, catering, travel agencies, mail and package services, small appliance repair shops, upholstery, and laundries; personal services such as beauty shops, barbers, bail bond agencies, employment services, or photography studios; vocational, technical, and trade schools; Restaurants; general offices, Professional Offices, and government offices; medical offices or clinics with scheduled or emergency services by physicians, dentists, Chiropractors, psychiatrists, podiatrists, physical therapists, optometrists, and other medical practitioners; medical laboratories. This category also includes diagnostic centers which provide radiology, and medical screening and testing services. Facilities to provide medical equipment, supplies, devices, eyeglasses, hearing aids, or other similar items for personal use upon advice of a health provider may be included in this category so long as they are functionally associated with the office or clinic and are not an isolated or freestanding Use. This category does not include hospitals or other health care facilities which provide overnight lodging.

N. Outdoor/Passive Uses

1. Outdoor/Passive Uses are characterized by Uses which have large amounts of land with few Structures, normally minimum outdoor lighting. Activities tend to be low impact and are predominately daytime activities. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. Included are walking and hiking trails, bridle paths, greenways, game preserves, natural preserves, parks with picnic areas, primitive camps, and similar low impact Uses. Also allowable are country clubs, golf clubs, golf driving ranges (provided they function accessory to and on the same site as a golf course or country club), and cemeteries (either human or pet). Mausoleums may be permitted provided they function accessory to and on the same site as related cemetery.

O. Neighborhood Public Service and Emergency Service Uses

1. This category represents those neighborhood-scale Uses which may have limited outdoor storage and outdoor activity, and may cause potential nuisance, but are nevertheless necessary as support to surrounding Uses. Any potential nuisance is mitigated by limitations on scale of Development, consistent with neighborhood scale Development. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. The type of Uses included in this category include, but are not limited to neighborhood-scale fire stations, police stations, emergency medical services and facilities; water and Wastewater Treatment Plants and facilities and components of water and Wastewater Treatment Plants and facilities; electric substations; telephone equipment stations, switching stations, and similar communication facilities; communication Antennas and Antenna Towers; neighborhood support services; Social Assistance Centers; and other substantially similar facilities and Uses. Neighborhood Public Service and Emergency Service Uses shall not include the erection of structures, buildings, or office facilities for commercial activities, such as the sale of related merchandise or collection of bills, in those zoning districts where such commercial and office activities are prohibited.

P. General Public Service and Emergency Service Uses

1. This category represents those Uses which often operate on a twenty-four (24) hour time frame and have a high degree of outdoor storage and outdoor activity. These Uses may cause a nuisance due to noise, and high levels of truck or large vehicle traffic. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. The types of Uses included in this category include, but are not limited to public use Airports, terminals, heliports, and associated infrastructure; seaplane support facilities; rail yards and terminals; ambulance services; fire stations; police stations, emergency medical services and facilities; government offices and facilities; water and Wastewater Treatment Plants and facilities and components of water and Wastewater Treatment Plants and facilities; electric substations; maintenance, garage, and storage yards for school buses, highway Construction equipment, telephone equipment, utility company trucks and equipment; microwave, radio, and television transmission towers; radiotelephone communication facilities;

communication Antennas and Antenna Towers; and other substantially similar facilities and Uses.

Q. Regional Business and Commercial Uses

This category contains those business and commercial Uses which serve several communities or an entire region. These Uses typically locate near a limited access transportation facility or the intersection of major Arterials. Uses tend to be located in large-scale complexes, such as a commercial shopping mall, commerce park, or similar facility. The distinguishing characteristics of this category are not the specific Uses which may be included, but the scale of the Development. All Uses in the General Business and Commercial, High Intensity Commercial, and Office and Professional Services may be allowable due to scale and intensity of Use. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.

R. Regional Cultural and Entertainment Facilities

1. This category contains those cultural and entertainment Uses which serve an entire region or the entire state. These Uses typically locate near a limited access transportation facility or the intersection of major Arterials and require large amounts of parking. Uses are often enclosed with controlled access from the surrounding area. Uses are often under the control of a single entity. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. Uses in this category include colleges and universities, amusement and theme parks, performing arts centers, hospitals and medical centers, convention centers, and other substantially similar facilities and Uses.

S. Solid Waste & Correctional Facilities

This category is for Uses such as landfills (Class I, II, and III), solid waste transfer facilities, hazardous waste transfer facilities, recycling centers, composting and other yard waste facilities, and other substantially similar facilities and Uses. Also, criminal justice detention facilities and other correctional institutions and facilities are included in this category. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.

**Sec. 2.02.02 Allowable Uses In Zoning Districts**

The table below indicates the categories of Uses which are allowable in each zoning district within St. Johns County. The categories of Uses are arranged across the top, and are described in 2.02.01. An "A" indicates that the Use is allowable by right or as a Special Use, subject to the standards of this Code. Special Uses are provided in Part 2.03.00 of this Article. A blank space indicates that the Use is prohibited.

**Table of Allowable Uses in Zoning Districts**

Table 2.02.02

Zone District Use Category	OR	RE	RS1	RS2	RS3	RG1	RG2	RMH	RMH(S)	OP	CN	CG	CHT	TCMU	CI	CR	CHI	CW	IW	HI	PS	AD	PUD	PRD
	Residential	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Agricultural	A																					A	A	A
Cultural / Institutional	A									A	A	A	A	A		A						A	A	A
Neighborhood Business											A	A	A	A	A	A						A	A	A
General Business												A	A	A								A	A	
Town Center Mixed Use														A									A	
High Intensity Commercial															A		A	A				A	A	
Highway Commercial													A	A								A	A	
Rural Commercial																A							A	A
Light Industrial																		A	A			A	A	
Heavy Industrial																				A		A	A	
Mining & Extraction	A																		A	A		A	A	A
Office & Professional										A	A	A		A	A							A	A	
Outdoor / Passive	A	A	A	A	A	A	A	A	A					A								A	A	A
Neighborhood Public Service	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
General Public Service														A			A	A	A	A	A	A	A	
Reg. Business & Commercial															A							A	A	
Reg. Cultural & Entertainment														A									A	
Solid Waste & Correct. Fac.	A																			A			A	

A - means the Use is allowable by right or by Special Use

### Sec. 2.02.03 Housing Types

The Table below indicates the housing types allowed in each zoning district within St. Johns County. The housing types are arranged across the top. An “A” indicates that the Use is allowable by right, subject to the standards of this Code. A blank space indicates that the Use is prohibited.

HOUSING TYPE							
ZONING DISTRICTS	SINGLE-FAMILY	DUPLEX	MULTI-FAMILY	TOWNHOME	MANUFACTURED/ MOBILE HOME	MANUFACTURED/ MODULAR HOME	MANUFACTURED/ MOBILE HOME PARK
OR	A				A	A	
RS-E	A					A	
RS-1	A					A	
RS-2	A					A	
RS-3	A					A	
RG-1	A	A	A			A	
RG-2	A	A	A			A	
RMH	A				A	A	A
RMH(S)	A				A	A	
OP	A*	A*				A*	
CN	A*	A*				A*	
CHT	A*	A*				A*	
CG	A*	A*				A*	
TCMU			A	A - Building Type II			
CI	A*	A*				A*	
CR	A*	A*				A*	
CHI	A*	A*				A*	
CW	A*	A*			A*	A*	
IW	A*	A*			A*	A*	
HI	A*	A*			A*	A*	
PS	A*				A*	A*	
AD	A				A	A	
PUD**	A	A	A	A	A	A	A
PRD**	A	A	A	A	A	A	A

A\* means the Use is allowable by right.

- \* Accessory Use per Section 2.02.04
- \*\* Subject to approval of a PUD or PRD ordinance.

## **Sec. 2.02.04 Accessory Uses**

### **A. Generally**

1. The review of Accessory Uses shall be the same as is required for the principal Use. All required Accessory Uses for any principal Use, including but not limited to off-street parking and loading areas, retention or drainage areas, and private sewer or Water Systems shall be located on the same Parcel as the principal Use and shall have the same or similar zoning district designation as the principal Uses, except in accordance with the Site Plan review requirements in Part 5.02.00 of this Code and/or except as expressly permitted elsewhere in this Code. In no case shall the principal or Accessory Use be located in a zoning district where that Use is not either a permitted Use or a Special Use.
2. Where a Building or Structure containing such principal Use, such Building or portion shall be considered as part of a principle Building and not an accessory Building.
3. Accessory Uses and Structures shall not be located in required Front and Side Yards, in any residential district except as follows:
  - a. On double frontage Lots, through Lots and Corner Lots, Accessory Uses and Structures may be located in any required Side Yard.
  - b. Accessory Structures for the housing of persons such as Guest Houses or Employee Quarters, shall not be located in any required Yard.
  - c. Detached Accessory Structures (other than as in (b) above) which are separated from the main Structure by not less than ten (10) feet, may be located in a required Side or Rear Yard but not less than three (3) feet from any Lot line.
4. No accessory Building or Structure shall be used or occupied until the main Use Building on the Lot is being used, except for temporary storage of building supplies during the period of Construction of the main Use Building. No accessory Building or Structure shall be placed on a Lot or Parcel prior to the issuance of a Development Permit for the main Use Building or Structure. This restriction shall not apply to fences, retaining walls, boat docks, boat houses, dune walk-over Structures or well houses.

### **B. Permitted Accessory Uses, Residential Districts**

Each of the following Uses is considered to be a customary Accessory Use, and as such, may be situated on the same Lot with, but detached from, the principal Use with which it is associated. Except for Model Homes, as described in this Section, such Accessory Uses or Structures shall not involve the conduct of business of any kind and shall not attract visitors in larger numbers than would normally be expected in a residential district.

1. Household Animals, provided that in residential districts the number of such pets over ten (10) weeks in age shall not exceed five (5) unless a Special Use has been granted allowing a greater number. No Animals for commercial sale shall be kept or raised in residential districts. This provision shall not apply to small, contained household Animals, including but not limited to: freshwater or saltwater fish, hamsters, turtles and similar Animals housed within the residence.
2. Guest House or Guest Quarters or Guest Cottage, provided the Structure is a unit in a Building separate from and Accessory in Use and size to the main residential Building on a Lot, intended and used only for intermittent or temporary occupancy by a non-paying guest or family member. A Guest House may contain limited kitchen facilities such as microwave oven, bar sink, less than 10 cubic foot refrigerator/freezer, provided the unit is not occupied by the same tenant in excess of thirty (30) days within the same calendar year, and the unit shall not be rented. A Guest House shall not be considered a separate Dwelling Unit provided such conditions are met. A Guest House shall also meet the same required yards as the principal Building or Structure.
3. Boat docks, piers, boat houses, boat houses, boat shelters, structures on docks, shall be permissible as accessory structures in residential districts and OR, Open Rural districts. In addition these structures may be located on parcel(s) of land that is not developed with a main use residential structure, provided adequate parking as defined in Section 6.05.02.E is placed on site, or within 300 feet of the dock parcel, unless a Special Use Permit is obtained permitting parking at distances greater than 300 feet from the dock parcel.

Boat docks, piers, boathouses, boat shelters and other structures on docks constructed or granted a permit for construction by an appropriate jurisdictional agency prior to October 30, 2007 shall be considered conforming structures. Therefore, those constructed prior to this date, or those constructed within the time frame of a permit issued by a jurisdictional agency prior to the date of adoption of this amendment shall be allowed to remain, be repaired and be replaced without consideration to the limitations and conditions of this Section. Such structures shall be exempt from this section, but shall be required to comply with all other jurisdictional agency requirements such as St. Johns River Water Management District, Army Corps of Engineers and shall continue to comply with applicable provisions of Section 4.01.00.

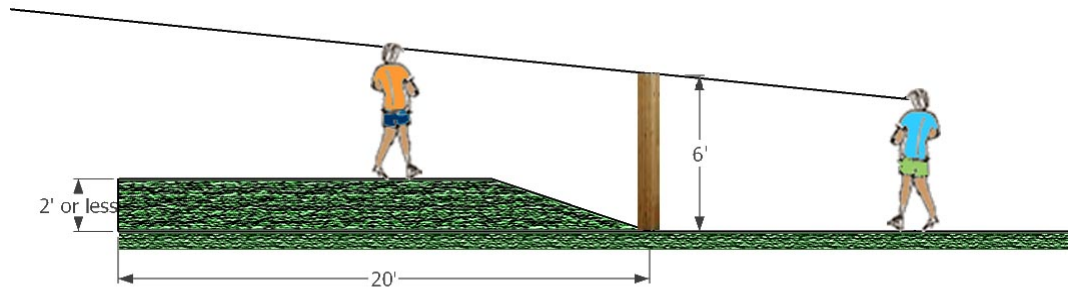
4. Private garages and storage Buildings, provided such Structure shall be accessory in size to the main residential Building and the maximum eave height shall be no greater than the maximum eave height of the main Use Structure, unless the Structure is placed in such a manner on the Lot that the Structure cannot be viewed from the front property line, either due to distance or by being fully screened with opaque fencing or landscape. All private garages and storage buildings shall require a building permit.
5. Air conditioning compressors including HVAC pad and unit, pool equipment and/or other equipment designed to serve the main Structure may be located in any required Side or Rear Yard but not less than five (5) feet from any Lot line.



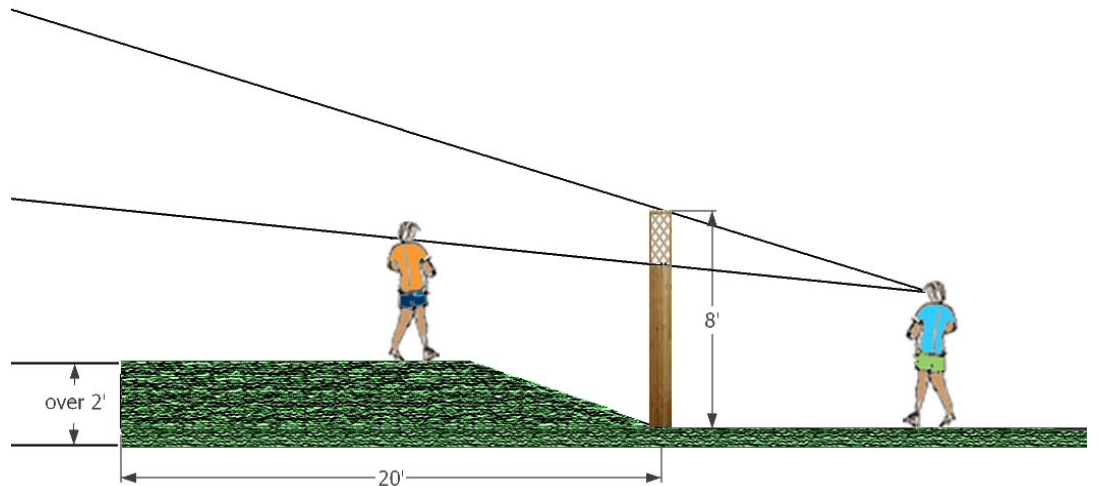
6. Non-commercial green houses and plant nurseries, provided the Structures meet the requirements of four (4) above.
7. Personal radio, TV antennae or satellite dishes not exceeding thirty-six (36) inches in diameter, and radio antennae used exclusively for amateur radio purposes that comply with all the rules and regulations of the Federal Communications Commission, provided the following standards are met:
  - a. The proposed Structure is not located on property within an Airport overlay zone except in accordance with Article III; Part 3.04.00 nor would it result in restriction or interference with air traffic or air travel to or from any existing or proposed Airport.
  - b. The proposed Structure shall be setback from the zoning Lot line one (1) foot for every three (3) feet of height of the Structure.
  - c. A radio or television receiving dish shall be located within the rear of the zoning Lot (the portion of the zoning Lot which is more distant from the street than the portion of the principal Use) except for corner Lots. On corner Lots, the dish may be located in the portion of the Lot which functions as a Rear Yard, but shall not be located closer to the street than the front edge of the principal Use. Any dish located within a required Side Yard shall be located behind the principal Structure on any Lot.
  - d. On zoning Lots a minimum size of five (5) acres or less, radio and television receiving dishes shall not be located within required Front and Side Yards.
8. Private swimming pools, spas, as regulated herein, shall be any pool, pond, lake or open tank located either above or below the existing finished grade of the site, not located within a completely enclosed Building, and exceeding one hundred fifty (150) square feet in surface area and two (2) feet in depth, designed, used or intended to be used for swimming or bath purposes. A private swimming pool shall be allowed in a residential district as an Accessory Use only if it fully complies with the following conditions:
  - a. The pool is intended and is to be used solely for the enjoyment of the occupants or bona fide guests.
  - b. The pool meets the minimum Yard requirements of the zoning district in which it is located. Swimming pools are prohibited within the upland buffers associated with Wetlands, as described in Section 4.01.07 of this Code.
  - c. The pool shall be enclosed by a retaining wall, fence or other Structure having a minimum height of four (4) feet and so constructed or installed as to obstruct access thereto by persons other than the owners or occupants of the premises on which such swimming pool is located. All gates installed in such fences shall be self-latching with latches placed at least four (4) feet above the underlying ground. Gates shall be kept securely closed and latched at all times. If the property complies with the Residential Swimming Barrier Requirement of the Florida Building Code, as may be amended, the requirements of this subsection may be waived.

9. Home Office, which shall be defined as Home Occupation consisting of a private office of a practitioner of a recognized profession, business or trade which does not involve in office contact with clients or the public shall be considered an allowable Accessory Use within all residential districts as well as any other district not allowing the Use as a allowable principal Use, subject to continuing compliance with the following criteria.
  - a. No person shall be engaged in the conduct of the Home Office unless such person resides on the premises and that the premises shall be the primary residence for each of the persons engaged in the occupation.
  - b. The Use of the premises for the Home Office shall be clearly incidental and subordinate to its Use for residential purposes by its occupants and shall, under no circumstances, change the residential character thereof.
  - c. There shall be no change in the outside appearance of the Building or premises or other visible evidence of the conduct of the Home Office.
  - d. No one shall call upon the premises in connection with the Home Office and no traffic shall be generated by the Home Office in a greater volume than the traffic typical in the subject residential neighborhood.
  - e. There shall be no flammable or hazardous material stored on premises and no equipment or process shall be used in the Home Occupation which creates noise, vibration, glare, fumes, odors or electrical interference off the Lot.
  - f. The activities of the Home Office shall occur entirely within the Dwelling Unit, excluding Accessory Structures such as garages, carports and sheds.
  - g. The Home Office shall not occupy more than twenty-five percent (25%) of the gross Floor Area of the Dwelling Unit, exclusive of the area of an open porch or attached garage or similar space not suited or intended for occupancy as living quarters.
  - h. Pick up or deliveries of any kind required by and made to the premises of the Home Office shall not exceed one business delivery per day.
  - i. Any supplies stored on the premises shall be for the purpose of maintaining and operating the Home Office.
  - j. The physical address of the Home Office shall not be advertised and no signage of any kind be placed on the Building or property identifying the Home Office Use.
  - k. Home Offices not strictly conforming to all of the outlined criteria herein shall not be considered a Home Office and shall only be considered in accordance with the Home Occupation Special Use provisions contained in Part 2.03.00 of this Code.

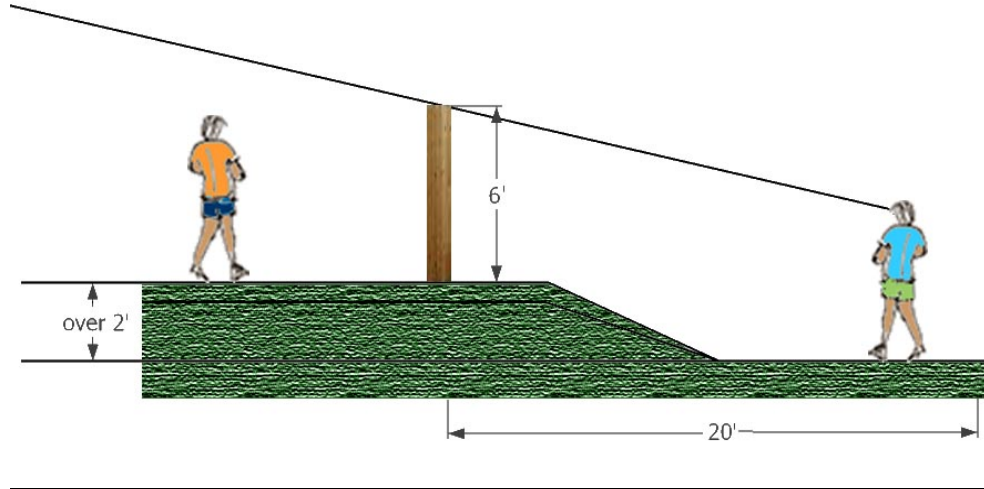
- I. The Home Office shall be open to inspection by St. Johns County inspectors upon reasonable notice to occupants and at reasonable times.
  - m. No person shall receive an occupational license and begin a Home Office without first executing an affidavit with the County Administrator which certifies that the Applicant.
    - (1) Has received a copy of, understands, and will comply with the requirements for a Home Office set forth herein.
    - (2) Acknowledges that the County shall have the right to reasonably inspect the premises to assure compliance.
    - (3) Acknowledges that a departure from the standards will constitute a Code violation and may result in a suspension or termination of the Home Office Use.
10. Model homes without a sales office, may be constructed within portions of Planned Unit Developments (PUD) and Planned Rural Developments (PRD) and within all residential districts with approved Construction Plans, but prior to Final Plat approval. Model homes with a sales office, may be constructed within portions of Planned Unit Developments (PUD) and Planned Rural Developments (PRD) and within all residential districts with approved Construction Plans and as-built drawings, but prior to Final Plat approval. Model homes must be constructed consistent with the PUD, PRD and approved Construction Plans. Model homes may consist of no more than ten percent (10%) of the total number of Lots within the individual, approved Construction Plans. Model homes shall provide parking to accommodate the model home and sales office, if applicable. The parking area shall be stabilized with materials such as mulch, coquina, crushed stone, gravel, concrete, or asphalt, in a manner acceptable to the County Administrator. An access apron shall be provided to not damage the adjacent roadway.
11. Guardhouses may be allowed within residential subdivisions.
12. Fences, walls or hedges may be allowed along the edge of any required Yard in residential districts, provided that no fence, wall or hedge exceeds the heights provided below (measured from the natural grade or the approved established grade on either side of the fence, wall or hedge, whichever side is lower), nor obstructs the view of approaching traffic in each direction:
- a. Side and Rear Property Lines:
    - (1) If there is a grade change of two (2) feet or less within 20 feet of the of the boundary of the adjoining properties then a fence may be constructed to a maximum height of six (6) feet .



- (2) If there is a grade change of more than two (2) feet within 20 feet of the boundary of the adjoining properties, and a fence is to be constructed at the lowest elevation of grade change, then a fence may be constructed to a maximum height of eight (8) feet.



- (3) If there is a grade change of more than two (2) feet within 20 feet of the boundary of the adjoining properties, and a fence is to be constructed at the highest elevation of grade change, then a fence may be constructed to a maximum height of six (6) feet as measured from the existing natural grade upon which the fence/wall sits, or the finished grade at the time of subdivision platting.
- (4) Cumulative Height Measurements of Fences on retaining walls: Notwithstanding subparagraph 2.02.04.B.12.a.(3) above, the cumulative height of a fence and retaining wall when the fence is located within five (5) feet of a retaining wall shall be eight (8) feet as measured from the base of the retaining wall.



b. Front Property Line:

No fence, wall or hedge in excess of four (4) feet in height shall be allowed within twenty-five (25) feet of the front property line of residential districts, except:

- (1) as may conflict with the Roadway, Drainage & Utilities Standards of this Code, as may be amended from time to time; or
  - (2) in the case of corner Lots, Lots with two (2) or more Front Yards, or through Lots, the maximum height of fence, wall or hedge may be six (6) feet within the second Front Yard, except within the visibility triangle at roadway intersections as described in Part 6.04.00 Roadway, Drainage & Utilities Standards; or
  - (3) that walls and combination of walls and berms, up to eight (8) feet in height, may be erected in Yards which abut Arterial or Major Collectors, as defined in this Code, and are projected by the County Administrator to be exposed to street noise levels that exceed 65 db provided that no access is provided to said arterial or collector and the fence is two and one-half (2-1/2) feet or less in height within the sight triangle described in Part 6.04.00 Roadway, Drainage & Utilities Standards; or
  - (4) that posts, columns, gates, lights, and other substantially similar features may not exceed the maximum fence height by two (2) feet.
13. Garage, yard, patio and apartment sales are specifically permitted, as an Accessory Use, in all residential districts. Such sales shall be limited to one (1) during each six (6) month period, for a duration not to exceed three (3) days.
  14. Private Skateboard Ramps & Portable Basketball Units

A permanently installed skateboard ramp which is used by the residents of the primary Structure and nonpaying guests shall be allowable in the residential and agricultural zoning districts subject to the following restrictions:

- a. A permanently installed private skateboard ramp may occupy required interior Side and Rear Yards, but shall not occupy required Front Yards, except as described below.
  - (1) For corner Lots, permanently installed private skateboard ramps shall be allowed within one (1) Front Yard, which functions as a Side Yard, provided the skateboard ramp is located no more than ten (10) feet into the required Front Yard, as measured from the rear line of the Front Yard. However, in districts requiring Side Yards greater than ten (10) feet, this allowable intrusion shall be increased up to a distance equal to said required Side Yard.
  - (2) For through Lots, permanently installed private skateboard ramps shall be allowed within the Front Yard which functions as a Rear Yard, provided that the ramp is screened from the rear street by a fence, wall, or hedge.
- b. Permanently installed private skateboard ramps shall be enclosed with a fence not less than four (4) feet and not more than six (6) feet in height. Such fencing shall be equipped with self-closing and self-latching gates so that the skateboard ramp is inaccessible to children.
- c. Permanently installed private skateboard ramps shall only be used between the hours of 9 a.m. and 9 p.m.

Private portable basketball units shall not be allowed on public or private streets. The basketball units shall be allowed in Front Yard driveways, Side and Rear Yards. The unit shall not be located at the opening of the driveway onto a public or private street or any position that might pose a direct danger to automobile traffic on the street.

15. Residential Yard Waste Composting Structure Serving More Than One Single Family Residence

These Structures refer to centrally located facilities in which multiple residential properties may dispose of yard trash and wood fraction of solid waste and where such material is processed by natural or mechanical decomposition to aid microbial decomposition of the organic material. Centrally located Residential Yard Waste Composting Structures shall be subject to the following.

- a. Front, Rear and Side Yards shall be a minimum of fifty (50) feet. When adjacent to residentially zoned property, Yards shall be a minimum of one hundred (100) feet.
- b. The site shall be fenced by a six (6) foot high opaque fence. When a fence is required for the purpose of screening, height shall be measured from the

finished grade at the minimum required setback or buffer line of the property requiring the fence.

16. Accessory Family Unit shall be considered an allowable Accessory Use in all residential and OR zoning districts, subject to continual compliance with the following:
  - a. An Accessory Family Unit is limited to Family members of the owner(s) of the main use Structure which has been declared and continues to be declared as homestead by the Property Appraiser.
  - b. An Accessory Family Unit shall be non-rental and shall not be sold separately from the main use Structure.
  - c. An Accessory Family Unit shall be located on the same Lot as the main use Structure and may not be subdivided onto a separate Lot.
  - d. An Accessory Family Unit may not exceed the lesser of thirty five percent (35%) of the square footage of the main use Structure, up to two thousand (2,000) square feet of living quarters, except that the Accessory Family Unit may be at least eight hundred (800) square feet.
  - e. An Accessory Family Unit shall meet the same required Yards as the main use Structure.
  - f. If a Manufactured/Mobile Home is utilized as an Accessory Family Unit, the minimum Lot requirement shall be two (2) acres and shall only be allowed on the property that is properly zoned for the use of a Manufactured/Mobile Home.
  - g. The Accessory Family Unit shall provide adequate parking as reasonably determined by the County Administrator.
  - h. An Accessory Family Unity must comply with all other zoning and permitting requirements.
  - i. An Accessory Family Unit shall not be considered a separate Dwelling Unit for purposes of the Land Development Code and Comprehensive Plan provided all the above requirements are met and the Accessory Family Unit is in continual compliance. Discontinuance of the Use as an Accessory Family Unit will require compliance with all requirements of the Land Development Code and laws and regulations of the County.
  - j. When an Accessory Family Unit is contained within the main use Structure, it shall be constructed in such manner as to provide permanent interior accessibility from the main use portion for the Structure.
17. Neighborhood Docks shall be considered an allowable Accessory Use in all residential zoning districts, subject to continual compliance with Section 6.08.41.
18. Domestic Hens shall be considered an allowable Accessory Use in all residential

zoning districts subject to a Non-DRC site plan review and continual compliance with the following:.

- a. The number of hens shall not exceed five (5) unless approved under Section 2.03.06.
  - b. Roosters are prohibited.
  - c. Duck, geese, turkeys, peafowl, or any other poultry or fowl are not allowed under the provisions of this section of the code.
  - d. Hens must be kept in a coop and pen or portable chicken tractors, and such coops and enclosures may not include residential structures or garages. The coop and enclosure must be fenced and ventilated. All hens must be secured in an enclosure during non-daylight hours; however, during daylight hours, chickens may be located in the chicken pen and/or run.
  - e. Chicken coops, enclosures, pens, and tractors (whether stationary or mobile) are only permitted in the rear of the house behind the line formed by the back wall of the residence. Chicken coops, enclosures, pens, and tractors (whether stationary or mobile) shall be located no closer than fifteen (15) feet of any side or rear property lines and must be closer to the Applicant's primary residence than the neighboring residence.
  - f. Chicken coops, enclosures, pens, and tractors must be property designed and constructed to provide adequate security from rodents, wild birds, and predators.
  - g. Chicken coops, enclosures, pens, and tractors shall be maintained in a clean and sanitary condition at all times. Hens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.
  - h. The coop, enclosure, pen, or tractor shall not be taller than six (6) feet, as measured from the existing natural grade.
  - i. All stored feed must be kept in a rodent and predator-proof container.
- 19.
- C. Permitted Accessory Uses, Office, Commercial and Planned Districts
1. Off street parking, loading meeting requirements of Section 6.05.02 of this Code.



2. Single family dwelling or two (2) family dwelling only for occupancy by owners or employees thereof. The Use of a Manufactured/Mobile Home for this purpose shall be considered as Special Use, if allowed in the districts, as defined in Part 2.03.00, and shall be considered in accordance with the requirements of Section 6.05.02 of this Code.
3. Air conditioning compressors or other equipment designed to serve the main Use Structure, including waste dumpster pad and containers, provided it is not located less than seven (7) feet from the property line.
4. Fences, wall or hedges may be allowed along the edge of any required Yard, provided that no fence, wall or hedge in excess of four (4) feet shall be allowed within twenty-five (25) feet of the front property line, nor obstructs the view of approaching traffic in each direction, except within the visibility triangle at roadway intersections as described in Part 6.04.00 Roadway, Drainage & Utilities Standards.
5. Dogs may be allowed in designated outdoor portions of public food service establishments or restaurant as an accessory use subject to Section 5.09.233, Florida Statutes, permit approval with or without conditions by St. Johns County, payment of any applicable fees, and the below conditions:
  - a. Applicants shall provide, on a form provided by the Growth Management Department, the following information:
    1. The State of Florida division-issued license number for the public food service establishment or restaurant.
    2. The name, location, and mailing address of the public food service establishment.
    3. The name, mailing address, and telephone contact information of the permit applicant.
    4. A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and other requirements specified by the County. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.
    5. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.
  - b. All public food establishments and restaurants receiving permit for dogs in outdoor portions shall meet the following requirements:

1. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs. Employees shall be prohibited from touching, petting, or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
2. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
3. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
4. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
5. Dogs shall not be allowed on chairs, tables, or other furnishings.
6. All table and chair surfaces shall be cleared and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.
7. Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.
8. A sign or signs reminding employees of the applicable rules shall be posted on the premises as designated in the approved site plan.
9. A sign or signs reminding patrons of the applicable rules shall be posted on the premises as designated in the approved site plan.
10. A sign or signs placing the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs shall be posted on the premises as designated in the approved site plan.
11. Dogs shall not be permitted to travel through indoor or non-designated outdoor portions of the public food service establishment or restaurant, and ingress and egress to the designated outdoor portions of the public food service establishment must not require entrance into or passage through any indoor area of the food establishment.
12. A permit for dogs in outdoor portions of a restaurant issued pursuant to this section shall not be transferred to a subsequent

owner upon the sale of a public food service establishment or restaurant but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

c. Enforcement and State Cooperation

1. A violation of any of the terms of this section or of any terms in an issued permit shall constitute a violation of this Code and may be subject to Code Enforcement or any other remedy as allowable by law.
2. The County Administrator may suspend or revoke an issued permit, subject to due process being given, for a violation of this section or of any terms in an issued permit.
3. The County shall establish a procedure to accept, document, and respond to complaints and to timely report to the appropriate State of Florida division or agency all such complaints and the County's responses to such complaints.

D. Permitted Accessory Uses, Industrial Districts

1. Off street parking, loading meeting the requirements of Section 6.05.02 of this Code.
2. Single family dwelling or two (2) family dwelling, which may include the Use of a Manufactured/Mobile Home, only for occupancy by owners or employees thereof.
3. Air conditioning compressors, all other equipment necessary to serve the main Use Structures on the property.
4. Allowable and permissible industrial Uses in industrial zoning districts may contain a limited amount of accessory retail or wholesale Use if the following conditions are met.
  - d. Those products which may be offered for sale shall be limited to those produced or assembled on site; manufactured by the same company, or its subsidiary, elsewhere; or manufactured by a another company but warehoused on site for distribution.
  - e. The Accessory Use is contained in the same Building as the principal Use.
  - f. The amount of floor area devoted to sales and display of the Accessory Use product does not exceed twenty-five percent (25%) of the floor area devoted to the principal Use.
  - g. The accessory retail or wholesale Use is clearly accessory to the industrial Use on the same zoning Lot.

E. Permitted Accessory Uses in Open Rural Districts

1. All Uses described in (B) above, except where in conflict with permitted Uses of agricultural districts or defined to apply to residential districts only. Seasonal sales and farm production tours/events are specifically permitted, as an Accessory Use, in Open Rural Districts. Such Uses shall provide for a safe surface and an adequate number of parking spaces suitable to accommodate traffic.
2. Fences, walls or hedges may be allowed along the edge of any required Yard in agricultural districts, provided that no fence, wall or hedge obstructs the view of approaching traffic in each direction and further provided that no fence wall or hedge shall conflict with Part 6.04.00, Roadway, Drainage & Utilities provisions of this Code. When a fence is required for the purpose of screening, height shall be measured from the finished grade at the minimum required setback or buffer line of the property requiring the fence.
3. Agricultural Structures

Accessory Agricultural Structures shall not be limited to a maximum height, but shall be set back from the zoning Lot line as follows:

- a. An agricultural Accessory Structure fifteen (15) feet or less in height shall be located a minimum of three (3) feet away from the side and rear zoning Lot line and shall not be located in a required Front Yard.
  - b. An agricultural Accessory Structure over fifteen (15) feet up to fifty-one (51) feet in height shall be set back a minimum of one (1) additional foot from the side and rear zoning Lot line (in addition to the requirements of paragraph one (1) immediately above) for every three (3) feet of increased height up to fifty-one (51) feet. Therefore an agricultural Accessory Structure forty-five (45) feet in height shall be located a minimum of thirteen (13) feet from the zoning Lot line. Said agricultural Accessory Structure shall not be located in a required Front Yard.
  - c. An agricultural Accessory Structure over fifty-one (51) feet in height shall be set back from the Side and Rear Yard an additional (in addition to the requirements of paragraphs one (1) and two (2) immediately above) one (1) foot for every foot of increased height over fifty-one (51) feet. Therefore an agricultural Accessory Structure eighty (80) feet in height shall be located a minimum of forty-four (44) feet from the zoning Lot line. Said agricultural Accessory Structure shall not be located in a required Front Yard.
4. Rural Home Industry
    - a. A Rural Home Industry shall include, but not be limited to, such activities as welding services, repair of farm equipment, furniture making, lawn maintenance services, tool sharpening, and lawn maintenance equipment repair.
    - b. The primary Dwelling Unit on the site of a Rural Home Industry shall be owner-occupied. In the event that the primary Dwelling Unit ceases to be owner-occupied, the Rural Home Industry shall be terminated.

- c. External impacts, such as noise, odor or vibrations, shall not exceed those normally associated with the principal Uses allowed in the zoning district within which the property is located.
- d. The employees onsite at the home industry shall be restricted to members of the immediate family or other residents of the property.
- e. No commodity or good not produced on the premises shall be sold on the premises or displayed or warehoused on the premises for sale elsewhere. This does not preclude taking orders for sales or provisions of services offsite.
- f. No traffic shall be generated by the Rural Home Industry that is in excess of that normally expected by the principal Use.
- g. The activities and materials associated with the Rural Home Industry shall not occupy a Front Yard and shall, unless conducted within a completely enclosed Building, be setback a minimum of fifty (50) feet from any side or rear property line. If said setback is not provided, screening shall be required as per Section 6.06.04.B.5.
- h. Signage shall be allowed as per Article VII of this Code.

**Sec. 2.02.05 Temporary Uses**

A. Allowable Temporary Uses: Non-Residential Districts

- 1. The following temporary Uses may be allowable in any non-residential zoning district, which does not allow such Use by right, without the requirement of Part 9.01.00 for the issuance of Development Permits.
  - a. Non-profit carnivals, neighborhood fairs or Circuses for a period not to exceed ten (10) days.
  - b. Outdoor Seasonal Sales (temporary seasonal uses i.e., Christmas tree sales, pumpkin sales, firework, plant sales and similar fresh produce sales including U-Pick farms), not to exceed two (2) per Year per Parcel, and not to exceed forty-five (45) days for each event.
  - c. Farmer markets, bazaars, and substantially similar activities, which primarily sell arts, crafts, and local food products, not to exceed three days per event.
  - d. Temporary Antenna Support Facilities may be placed by a governmental entity to provide emergency wireless communication service.
  - e. Temporary Antenna Support Facilities for a Special Event, not exceeding ten (10) days.
- 2. The following temporary Use is only permissible within CI, CHT, CHI, CW and

Planned Districts, if cited, without the requirements of Part 9.01.00 for the issuance of Development Permits.

- a. Outdoor display and sales vendors, not to exceed one (1) time in one (1) month and not to exceed three (3) days each event. Products on display or for sale on site are limited to those customary and incidental to those of the existing establishments permitted by the zone district by right. Except, Vehicle sales are not permitted as a temporary Use unless the temporary vehicle sale is related to a proximate existing permanent sales location which is undergoing maintenance that substantially impedes the display and sale of vehicles. Documentation of such site condition shall be provided with the request.
3. Each temporary Use described in one (1) and two (2) above shall be required to meet the following standards:
- a. A proposed temporary Use shall be required to obtain approval of the County Administrator at least two (2) weeks prior to the commencement of the event.
  - b. There shall be adequate parking provided for the temporary Use.
  - c. No more than twelve (12) Temporary Use Permits shall be issued for the same site within a one (1) Year period, except the limitation in 1. (b) and (c) shall apply as stated herein.
  - d. Only one (1) Temporary Use Permit per Parcel may be issued for the same time period.
  - e. All sites for the location of the temporary Use shall provide restroom facilities within a reasonable distance.
  - f. The use of Special Event Signs shall meet all the requirements of Section 7.05.00 of this Code.
  - g. All merchandise, display, tents, etc., shall be placed in such a manner as not to impede pedestrian or vehicular traffic and shall not create a fire hazard or impede a fire lane.
4. Display and Meeting Tents shall meet the provisions of Section 6.08.14 of this Code.
5. Temporary Uses shall be specifically identified, by nature, location, and duration in an application submitted by the Applicant to the County Administrator who may grant approval of the application, upon determining adequate provisions have been made for compliance with said limitations and provisions, prior to the commencement of Use and shall further be subject to the conditions and limitations as defined in this Section.

B. Allowable Temporary Uses, All Zoning Districts

1. Temporary housing may be placed when permanent structures are damaged by natural disaster, accidental fire or other disastrous force. Recreational Vehicles may be permitted as such emergency housing for living or sleeping quarters with no connections other than electrical. Temporary emergency housing shall not exceed 180 days per Year per Parcel.
2. Any temporary Use that exceeds the time provisions of Section 2.02.05.A or B.1 above, or the Uses of Section 2.02.05.A or B.1 above may be permitted by the Planning and Zoning Agency and issued in accordance with the procedures contained in Part 9.01.00 for the issuance of a Development Permit.
3. Any temporary Use that exceeds the time provisions of Section 2.02.05.A. above, or the Uses of Section 2.02.05.A. above may be permitted by the Planning and Zoning Agency and issued in accordance with the procedures contained in Part 9.01.00 for the issuance of a Development Permit.
4. Temporary Antenna Support Facilities, except those provided in Section 2.02.05.A.1. above, may be issued in accordance with procedures in Part 9.01.00 for the issuance of a Development Permit. Such facilities shall not exceed ninety (90) days.
5. A construction Manufactured/Modular Building may be used in any zoning district as a temporary office or shelter for materials or tools incidental to Construction or Development of the premises upon which the Manufactured/Modular Building is located, provided a permit for such Construction or Development has been issued. Such use of a temporary Manufactured/Modular Building shall not be permitted for more than one month after the issuance of a Certificate of Occupancy or otherwise documented completion of such Construction or Development. The use of the temporary Manufactured/Modular Building shall not involve sales offices, unless permitted by the zoning district in which is located, or is issued a Temporary Use Permit by the Planning and Zoning Agency in accordance with procedures contained in Part 9.01.00 for the issuance of a Development Permit. The construction Manufactured/Modular Building site may also allow outdoor storage of equipment/materials, provided such is included in the request for a Temporary Use Permit.
6. Outdoor storage of Construction or Development materials/equipment may be used in any zoning district, where such use is not allowed by right, provided a permit for such Construction or Development has been issued. Such use may be issued a Temporary Use Permit by the Planning and Zoning Agency in accordance with procedures contained in Part 9.01.00 for the issuance of a Development Permit. Such use must discontinue immediately following the final inspection and approval of the permitted Construction or Development Project. Government agencies operating on government-owned or leased property shall be exempt from the requirement for a Temporary Use Permit.

C. Notice Requirements for Temporary Uses

Temporary Uses shall follow the Notice Of Hearing requirements of Section 9.06.04 and each such Temporary Use shall be noticed by Mailed Notice, Published Notice, and Signs as provided for in Section 9.06.04.

**Sec. 2.02.06 Reserved**



## **PART 2.03.00 SPECIAL USES**

The Special Uses contained in this Part shall be considered and approved, approved with conditions, or denied in accordance with the requirements of this Code Part 9.01.00 for the issuance of Development Permits. The following Special Uses if allowed in a zoning district according to Section 2.02.02 and identified in Section 2.03.01 or allowed in this Part by reference to a zoning district may only be permitted upon demonstration of compliance with all of the requirements of this Part. The Special Uses, listed in Section 2.03.01, may be allowed within PUDs and PRDs, subject to the Uses being provided within the PUD or PRD Master Development Plan and approved with the PUD or PRD, and subject to the limitations of the Comprehensive Plan.

It is not possible to list each specific Use allowed by right or through Special Use review. The intent is to provide a sufficient number of illustrative or representative Special Uses and to allow other Special Uses to be assigned to a category as they are proposed in a zoning district. If a Use is proposed that is not specifically listed or described as allowable by right or by Special Use, and is not specifically prohibited, such use may be reviewed and approved by Special Use Permit to ensure that any adverse impacts can be and are mitigated. Some uses may be allowed by right if very similar to a use listed by right in the corresponding zoning district. However, if such Use is not closely matched to an existing Use, then it must meet at a minimum Section 2.03.01.A in addition to the criteria of the most similar Special Use. This determination will be rendered by the County Administrator and/or designee.

### **Sec. 2.03.01 Allowable Special Uses By Zoning Districts**

The table below indicates the categories of Special Uses which are allowed in each zoning district within St. Johns County. The categories of Uses are arranged with the zoning district across the top. An "S" indicates the Special Use is allowable subject to the standards of this Part. An "A" indicates the Use is allowable by right.

The Special Uses listed in Section 2.03.01, may be allowed within PUDs and PRDs, subject to the Uses being provided within the PUD or PRD Master Development Plan and approved with the PUD or PRD ordinance, and subject to the limitations of the Comprehensive Plan.

**TABLE OF SPECIAL USES IN ZONING DISTRICTS**

TABLE 2.03.01

Special Use \ Zone District	OR	RE	RS1	RS2	RS3	RG1	RG2	RMH	RMH(S)	OP	CN	CG	TCMU	CHT	CI	CR	CHI	CW	IW	HI	PS	AD
	Alcoholic Beverages	S									S	S	S	A	S	S	S	S	S	S		
Adult Uses															S		S	S	S			
Child & Adult Care	A	S	S	S	S	S	S	S	S	A	A	A	S	A	A	A			S	S		A
Horse & Ponies	A	S	S	S	S	S	S	S	S													A
Other Animals	A	S	S	S	S	S	S	S	S													A
Home Occupation	S	S	S	S	S	S	S	S	S													S
Manufactured/Mobile Home	A		S	S	S	S	S	A	A	S	S	S		S	S	S	S	A	A	A	A	S
Manufactured/Mobile Home Park								A	S													
Land Excavation/Borrow Area	S																	S	S	A	S	A
Solid Waste Facilities	S																			A		
Churches	A	S	S	S	S	S	S	S	S	A	A	A	S	A	A	A	S	S	S	S	S	A
Cemeteries/Mausoleums	A	S	S	S	S	S	S	S	S	S	S	S										A
Crematoriums										S		S			S	S	S	S				S
Off-Site/Unpaved Parking Lots	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S
Personal Property/Mini-Warehouse										S	S	S		S	A	S	A	A	A			A
Private Schools	S	S	S	S	S	S	S	S	S	S	S	S	S			S						S
Two Family Dwellings		S	S	S	S	A	A	S	S	A	A	A		A	A	A	A	A	A			A
Marinas												S	S	A	A		A	A	A			S
Port															A		A	A	A	A		
Community Marina		S	S	S	S	S	S	S	S		S	A				S						
Correctional Facilities	S																			S		
Farm Worker Housing	S																					S
Psychics, Astrologists & Palmists										S	S	A	S	A	A	A	A	A	A			A
Special Care Housing	A	S	S	S	S	A	A	S	S													S
Bed & Breakfast Est.	S									S	S	A	A	A	A	A						A
Water & Wastewater Treatment Plants and Facilities	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	A	A	S
Antenna Towers	S	S	S	S	S	S	S	S	S	S	S	S		S	A	S	A	A	A	A	S	S
Recreational Vehicle Campgrounds														A	S	A	S	S	S			S

**TABLE OF SPECIAL USES IN ZONING DISTRICTS**

TABLE 2.03.01

Special Use \ Zone District	OR	RE	RS1	RS2	RS3	RG1	RG2	RMH	RMH(S)	OP	CN	CG	TCMU	CHT	CI	CR	CHI	CW	IW	HI	PS	AD
	More than One Main Use Structure on a Residential Lot	S	S	S	S	S	A	A	S	S												
General Store	S										A	A		A	A	A						
Commercial Outdoor Firing Range	S																					
Vehicle Recycling Facilities																		S	S			
Animal Care Facility											S	A		A	A	A	A	A	A	A		A
Kennels & Other Animal Boarding Facilities	S														A	A	A	A	A			S
Retreat	S													A	A	A						A
Fish Camps	S													A		A						
Household Animals	A	S	S	S	S	S	S	S	S													A
Truck Stops														S	S		S	S				
Electric Substations	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	A	A	S
Private Clubs	A									S	S	A		A	A	A						S
Single Family Residential	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A
Aircraft Landing Field	S																					
Veterinary Offices & Animal Hospitals	S										A	A	S		A	A	A	A	A			S
Recreational Vehicle/Boat Storage											S	S		A	A		A	A	A	A		
Commercial Recreation											A	A		A	A	A	S	S	S			
Convenience Store with or without gas pumps												A		A	A		S	S				
Restaurants with or without drive through										S		A		A	A	A	A	A				
Financial Institutions with or without drive through											A	A		A	A	A	S	S				
Bars and other similar facilities													S		S		S	S				
Electronic Game Promotions														S	S		S	S				
Indoor activities allowed by or on the premises of a licensed pari-mutuel permit holder; Adult Arcade Amusement Centers														S	A		A	S				
Composting and other Yard Waste Facilities	S																		S	A		
Car Wash Facilities												S		A	A	S	A	A				
Automobile Oil Change Facilities												S		A	A	S	A	A				

**TABLE OF SPECIAL USES IN ZONING DISTRICTS**

TABLE 2.03.01

Special Use \ Zone District	O	R	R	R	R	R	R	R	R	R	OP	C	C	T	C	C	C	C	C	I	P	A	
	R	S	S	S	S	S	S	S	S	S		N	G	C	H	I	R	H	W	I	S	D	
Tire Service Centers													S		A	A	S	A	A				
Social Assistance Centers	S										S	S	S	S	S	A	S	A	A	S	S	A	S
Outside Storage													S		A	A	S	A	A	A	A	A	A
Large Place of Assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	A	S	S	S	S	S	S	S
Brewpubs												S	S	S	S	S		S	S				
Microbrewery													S	S	S	S		S	S	S	S		
Rural Industry	S																S						
A - means the Use is allowable by right																							
S - means the Use is allowable by Special Use																							

**Sec. 2.03.01.A            General Provisions on Special Uses**

- A. A Special Use shall be approved by the Planning and Zoning Agency only upon determination that the application and evidence presented establish that:
  - 1. The Special Use can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the St. Johns County Comprehensive Plan or this Code;
  - 2. The Use is compatible with the contiguous and surrounding area and will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent Uses or on community facilities or services; and
  - 3. If access is provided by a Street maintained by the Florida Department of Transportation (FDOT) a copy of the results of a pre-application meeting with FDOT is required unless otherwise deemed not necessary by the County Administrator; and
  - 4. The Use, which is listed as a Special Use in the district in which it is proposed to be located, complies with all required regulations and standards of this Article II, unless greater or more stringent regulations are contained or provided in the Comprehensive Plan or elsewhere in this Code for the Special Use.
- B. It shall be the responsibility of the Applicant to present evidence in the form of testimony, exhibits, documents, models, plans, and the like to support the application for approval of a Special Use. The burden of demonstrating compliance with the requirements of this Article shall rest with the Applicant.
- C. A detailed site plan and detailed statement of all Uses proposed shall be submitted with each application for a Special Use approval. The plan and statement, if approved, shall become a condition upon which the Use and Structures shown thereon are permitted; and any change or addition shall constitute a violation of the Special Use approval unless such change is submitted to and approved by the Planning and Zoning Agency. The detailed site plan, drawn to scale, no larger than eleven (11) inches x seventeen (17) inches, shall show the location and dimensions of all existing and proposed Structures and other improvements and setbacks of same, signs, and provisions for off-street parking.
- D. The Special Use must be compatible with the adjacent and surrounding land uses. Land uses, as defined in Chapter 163, Part II, Florida Statutes (“Growth Management Act”) include, but are not limited to, permitted Uses, Structures, and activities allowed within the land use category or implementing zoning district. Compatibility means a condition in which land uses or conditions can co-exist in relative proximity to each other in a stable fashion over time such that no Use or condition is unduly negatively impacted directly or indirectly by another Use or condition. The compatibility of land uses is dependent on numerous characteristics which may impact adjacent or surrounding Uses. These include: type of Use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, dust, vibration, traffic generation, sanitation, litter, drainage, risk of fire, air quality, protection of Listed Species or Essential Habitat, maintenance of public infrastructure, availability of potable water and other necessary public services, and nuisances.
- E. In addition to the foregoing criteria for measuring compatibility, the following requirements

shall be adhered to by the Planning and Zoning Agency in determining whether to grant or deny a requested Special Use:

1. A Special Use shall not be approved where the Special Use or a related Use or activity will be incompatible with adjoining or surrounding land uses.
  2. A Special Use shall not be approved if the Special Use or a related Use or activity will have a substantial detrimental impact on adjacent or surrounding land uses in respect to odors, noise, smoke, vibration, pollution, traffic generation, or the other listed compatibility characteristics.
  3. Traffic generated and its access and flow to the proposed Use shall not adversely impact ingress and egress to adjoining properties, adversely effect the projected wear and tear of any public road designed to carry lighter traffic than projected for the proposed Special Use, or pose a potential danger to the safety of traffic, pedestrians, or bicyclists.
  4. A Special Use shall be approved only in an area where adequate public facilities and services already exist, will be provided prior to occupancy, or are scheduled to be available within an approved time frame.
  5. A Special Use shall not be approved if the Special Use or a related Use or activity will cause a nuisance.
  6. Without limitation of the foregoing, the following factors shall be considered in determining compatibility:
    - a. permitted Uses, Structures and activities allowed with the land use category;
    - b. building location, dimension, height, and floor area ratio;
    - c. location and extent of parking, access drives, and service areas;
    - d. traffic generation, hours of operation, noise levels, and outdoor lighting;
    - e. alteration of light and air;
    - f. setbacks and buffers – fences, walls, landscaping, open space treatment, and other buffers designed to harmonize and make the Special Use and any related Uses compatible with the surrounding land uses; and
    - g. whether the Special Use will comply with the concurrency requirements under Article XI of this Code. To the extent any provision of this Article II conflicts with Article XI, the provisions of Article XI shall prevail to the extent of such conflict.
- F. The Planning and Zoning Agency may prescribe appropriate conditions to ensure proper compliance with the general spirit, purpose, and intent of this Code and the Comprehensive Plan in addition to any conditions or restrictions specifically authorized to be imposed under this Article. Without limitation of the foregoing, conditions may be

imposed by the Planning and Zoning Agency to ensure compatibility of the Special Use and related Uses with adjacent or surrounding land uses, and to avoid potentially negative effects on adjacent and surrounding land uses, provided that such conditions are reasonable and appropriate in the particular circumstances of the case, including screening or buffering, landscaping, control of manner or hours of operation, alteration of proposed design or construction of buildings, relocation of proposed open space or alteration or use of such space, or such other measures as are reasonably necessary to assure that such potential adverse or negative effects will be avoided so as to render the Special Use compatible and harmonious with other Uses and development in the area. Any such conditions shall be stated in the final order of the Planning and Zoning Agency granting the Special Use.

- G. Unless otherwise provided by the Planning and Zoning Agency, Special Uses shall only be granted to the Applicant or the Applicant's authorized designee and shall be non-transferable. All Special Uses, unless otherwise provided by the Planning and Zoning Agency, shall commence within one (1) year from the effective date of the final order of the Planning and Zoning Agency granting the Special Use.
- H. Failure to exercise the Special Use by commencement of the Use or action approved thereby within one (1) year or such longer time as approved by the Planning and Zoning Agency shall render the Special Use approval invalid, and all rights granted thereunder shall terminate. Transfer of the property by the Applicant, unless the Special Use runs with the land, shall terminate the Special Use approval.
- I. The Planning and Zoning Agency may provide that a Special Use will be granted transferable and run with the land when the Special Use authorizes permanent construction or land development, or when the Applicant has proven that transferability is reasonably necessary based on the facts stated in the Special Use application.
- J. The Planning and Zoning Agency may approve a Special Use with an extended time period in which to commence, when the Applicant has proven that additional time is reasonably necessary based on the facts stated in the Special Use application.
- K. The violation of any conditions or time periods when made a part of the terms under which a Special Use is granted shall be deemed a violation of this Code. A violation of any adopted conditions or time periods shall render the Special Use invalid, unless the violation is corrected within a reasonable time period after receipt of written notice of violation from the County Administrator requiring the correction of the violation by a specified date.
- L. Whenever the Planning and Zoning Agency has granted or denied a Special Use, it shall not consider any future application for the same property for a period of one (1) year from the effective date of the final order of the Planning and Zoning Agency acting upon the Special Use, unless otherwise provided by the Planning and Zoning Agency. The Planning and Zoning Agency may grant that a property may be reconsidered prior to one (1) year with good cause, as established by the Planning and Zoning Agency. Such action shall be stated in the final order of the Planning and Zoning Agency.

## **Sec. 2.03.02 Alcoholic Beverages**

Alcohol Beverage Establishments may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the following conditions and limitations:

### **A. Nearby Church - Nearby School**

Except those beer and wine vendors who sell no alcoholic beverages other than malt beverages and wine and who are licensed in accordance with Section 563.02(1)(a) and/or Section 564.02(1)(a) of the Florida Statutes, as may be amended from time to time, no vendor of alcoholic beverages that is located within the unincorporated area of St. Johns County shall maintain a place of business within one thousand (1,000) feet of an established school or within one thousand (1,000) feet of an established Church located in the unincorporated or incorporated area of St. Johns County. In the case of a Church, this distance shall be measured from property line to property line, without regard to route of travel, and in the case of a school, to the nearest point of the school grounds in use as part of the school facilities as measured from the property line of the place of business, without regard to route of travel.

The property line to property line measurement adopted (August 2, 2011), shall not be cause for the discontinuance of any otherwise lawfully operating business which maintains an existing license/permit for the sale of alcohol under this Code as of August 2, 2011 and has been in continuous operation since that date, nor shall such business be considered nonconforming as defined in Part 10.03.00 of this Code, if the effect of the new measurement establishes a vendor, church or school within one thousand (1,000) feet. Further, the provisions relating to distance requirements shall not apply to a vendor location if such business is sold or transferred after August 2, 2011, as long as that business has been in continuous operation since the new measurement method was adopted in August 2, 2011 (subject to the all of the requirements for such transfer under federal, state and local regulations).

No school or Church shall be established within one thousand (1,000) feet of an established vendor of alcoholic beverages except those vendors licensed in accordance with Section 563.02(1)(a) and/or Section 564.02(1)(a) of the Florida Statutes, as may be amended from time to time, unless a Variance has been granted as provided in Part 9.03.00 of this Code or a substantial burden on exercise of religion is shown as described by Section 761.03, Florida Statutes.

#### **1. Interpretation of "School"**

The word "school" as used in this Part shall mean:

- a. an establishment that is licensed as a general education or vocational facility under the jurisdiction of the Florida Department of Education, or
- b. an establishment that offers general or vocational education which includes courses of general education accepted by the Florida Department of Education for transfer to a school under their jurisdiction.

Day care centers, day nurseries, nursery schools, and kindergartens that do not include general education or vocational programs along with conventional child



care activities are not considered “schools” as defined in this Section.

2. Subsequent Establishment of Church or School

Whenever a licensee has procured a license certificate permitting the sale of beverages containing more than one percent (1%) of alcohol by right and has commenced the business of selling such beverages at a properly zoned location and thereafter a Church or school shall be established within a distance otherwise prohibited by this Code, the establishment of such Church or school shall not be cause for the discontinuance of the business of such licensee at that location nor shall such business be considered nonconforming as defined in Part 10.03.00 of this Code.

3. Exception to Distance Requirements for Certain Restaurants and Motels

The provisions relating to distance requirements shall not apply to a vendor location wherein the vendor owns and operates a restaurant containing all necessary equipment and supplies for and serving full meals regularly and having accommodations for service for one hundred fifty (150) or more patrons at tables and occupying more than two thousand, five hundred (2,500) square feet of space and the sale of such alcoholic beverages is solely for on premise consumption in said restaurant; or to a vendor who owns and operates a hotel or motel containing one hundred (100) or more guest rooms, and the sale of alcoholic beverages is to be conducted and carried on in such hotel or motel by the hotel or motel owner or operator solely for on premise consumption; and, provided further, that when such business is conducted by the hotel or motel owner or operator, such business shall be conducted in a location within such hotel or motel which has no direct entrance or exit on a public street.

4. Variance from Distance Requirement

A license Applicant and holder who is engaged in conducting a bona fide restaurant establishment which has tables capable of seating no less than thirty (30) persons simultaneously for the purpose of serving meals, but who is otherwise prohibited from the sale of beer and wine due to the location of such business within a certain distance from a school or a church, may apply for a Variance to permit the sale of beer and/or wine. The consideration of such application for a Variance will be administered and considered in accordance with Part 9.03.00 of this Code. Any Variance granted a vendor to permit the sale of beer and/or wine to be consumed on the premises is subject to the following circumstances and conditions.

- a. The license Applicant and holder is engaged at the subject location in conducting a bona fide restaurant establishment which has tables capable of seating not less than thirty (30) persons simultaneously, for the purpose of serving meals.
- b. All sales of beer and wine are to be made to persons patronizing the establishment for the main purpose of ordering and consuming food.
- c. To qualify as a bona fide restaurant hereunder, the establishment must

have permanent kitchen facilities located within the premises in which meals regularly are prepared for service to patrons of the establishment.

- d. No person shall attempt to circumvent the intent of this Section by an artifice or scheme, such as the serving of stock meals. Stock meals as herein above used are defined to include and refer to the service of cold plates, snacks, previously prepared sandwiches and any other type of meal which is capable of being served to more than one customer.

#### 5. Zoning Special Use Required in Certain Districts

Where the sale of alcoholic beverages for on site and or off site consumption is a Special Use within the various zoning districts contained in this Code, a request for such Special Use shall be submitted, reviewed and acted upon in accordance with the provisions of Part 9.03.00 of this Code.

#### B. Administrative Approval

The County Administrator or designee may approve the transfer of valid Special Use Permits for Alcoholic Beverages when the following criteria have been met. For requests that do not meet the requirements below, or if a Variance to the requirements is necessary, then a Special Use Permit, subject to the criteria of Section 2.03.02 shall be required.

1. Requests shall be limited to type 2 APS licenses for retail or bonafide restaurants or type 1COP and 2COP licenses for bonafide restaurants meeting the provisions of Section 2.03.02.A.5.
2. Restaurants shall be located within the Commercial Intensive, Commercial Warehouse, Commercial High Intensity, Commercial Highway and Tourist, Commercial General, Commercial Neighborhood zoning districts.
3. Requests from bonafide restaurants shall be limited to permits providing indoor consumption only.

#### C. Other Alcoholic Beverage Vendor

Retail establishments who (i) sell no alcoholic beverages other than malt beverages and wine and (ii) who are licensed in accordance with Section 563.02(1)(a) and/or Section 564.02(1)(a), F.S., as may be amended from time to time, are exempt from this section and do not require a Special Use Permit.

### **Sec. 2.03.03 Adult Uses**

Adult Uses may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the following conditions and limitations:

#### A. Restrictions on Location

1. Proximity to Residential Areas

No Adult Uses such as Adult Bookstore, adult theater, adult restaurant or café,

special cabaret, physical culture establishment or adult photographic or modeling studio may be established within two thousand (2,000) feet of any unincorporated area in St. Johns County zoned for residential Use, including, but not limited to, residential portions of any Planned Development zoning districts, nor within two thousand (2,000) feet of any church, school, child care facility, or public recreation area.

2. Proximity to Other Adult Uses

No Adult Use may be established within five hundred (500) feet of any other Adult Use.

3. Calculation of Distances

Distances shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.

4. No Illegal Activity

Nothing in this Section shall be construed to permit the operation of any business or the performance of any activity prohibited by St. Johns County Ordinance or prohibited under any other Section of this Code. Additionally, nothing in this Code shall be construed to authorize, allow or permit the establishment of any business, the performance of any activity, or the possession of any item, which is prohibited by Florida or federal law or which is obscene under Florida law.

**Sec. 2.03.04 Child and Adult Care Centers**

Child Care Centers (except those defined as Family Day Care Home by this Code and Florida Statutes), Kindergartens and Adult Day Care Centers may be permitted as a Special Use within districts defined in Section 2.03.01 and shall be subject to the following conditions along with design criteria contained in Section 6.08.02 and 6.08.10 of this Code.

- A. The Minimum Lot area, for Child Care Centers and Adult Care Centers shall be not less than six thousand (6,000) square feet and Lot width in portion used for fenced recreation area shall not be less than sixty (60) feet.
- B. Child Care Centers shall be designed in compliance with Chapter 402.305, Florida Statutes, as may be amended from time to time.
- C. Outdoor play areas, for Child Care Centers, shall be required and shall be designed in compliance with Chapter 402.305, Florida Statutes. as may be amended from time to time.
- D. Outdoor play areas, for Child Care Centers, shall be fenced and located in the Rear Yard, within residential districts.
- E. All facilities, operation and maintenance, for Child Care Centers and Adult Care Centers shall meet all applicable County or State regulations for such Use.
- F. An application for Special Use, for Child Care Centers and Adult Care Centers, where required, shall state the maximum number of persons to be accommodated and in no case

shall the number of persons approved in the grant of a Special Use be exceeded.

- G. Off-street parking, loading and unloading areas, for Child Care Centers and Adult Care Centers, shall be maintained as provided in the Site Plan approved with the Development Permit for such Use.
- H. Child Care Centers with a capacity of more than ten (10) children shall be located only in non-residential zoning districts and shall have direct access to an Arterial or Major or Minor Collector. Adult Care Centers with a capacity of more than ten (10) individuals shall be located only in non-residential zoning districts and Adult Care Centers with a capacity of more than twenty-five (25) individuals shall have direct access to an Arterial or Major or Minor Collector.
- I. The application for Special Use Permit shall include any request for signage, if applicable. No such Sign shall exceed thirty-two (32) square feet in size and shall not exceed eight (8) feet in height. The Sign shall not be lighted.

#### **Sec. 2.03.05 Horses and Ponies**

Horses and ponies may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be allowed only for private riding use subject to the following conditions and limitations:

- A. A place of shelter therefore shall be provided which is not closer than one hundred (100) feet to any residence.
- B. Such horses and ponies shall be kept in a fence enclosure not closer than twenty-five (25) feet to any private property line.
- C. The minimum size of property to be considered for such Special Use shall be one (1) acre per horse or pony, in addition to the minimum required Lot size, in accordance with the zoning district.

#### **Sec. 2.03.06 Other Animals**

Other Animals (excluding the possession of wildlife and the possession or location of honey bee colonies and/or apiaries, as provided in Florida Statutes and excluding five (5) or fewer hens as provided for in Section 2.03.56), not otherwise defined by the Code, may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. If a place of shelter is provided outside the main residence, such shelter shall be no closer than one hundred (100) feet from any other residence.
- B. Domestic fowl or bird species shall be subject to the following standards:
  - 1. Domestic fowl or bird species, except as provided in Section 2.03.56, shall be maintained in a coop and pen or portable chicken tractor, and such coops and enclosures may not include residential structures or garages. The coop and enclosure must be fenced and ventilated. All domestic fowl or bird species must be secured in an enclosure during non-daylight hours; however, during daylight

hours, they may be located outdoors in the chicken pen and/or run.

2. Domestic fowl or bird coops, enclosures, pens, and tractors (whether stationary or mobile) are only permitted in the rear of the residential dwelling, behind the line formed by the back wall of the residence. Domestic fowl or bird coops, pens, and tractors (whether stationary or mobile) shall be located no closer than fifteen (15) feet on any side or rear property line unless a greater distance is required by the Planning and Zoning Agency. These structures shall be located no closer than one-hundred (100) feet from any other residence and must be located closer to the owner's primary residence than any neighboring residence. A waiver to the 100 foot distance requirement may be granted by the Planning and Zoning Agency.
  3. Domestic fowl or bird coops, enclosures, tractors, and/or pens must be properly designed and constructed to provide adequate security from rodents, wild birds, and predators.
  4. Domestic fowl or bird coops, enclosures, pens, and tractors shall be maintained in a clean and sanitary condition at all times. Domestic fowl or birds shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.
  5. The coop, enclosure, pens, or tractors shall not be taller than six (6) feet, as measured from the existing natural grade.
  6. All stored feed must be kept in a rodent and predator-proof container.
- C. An application for Special Use Permit for Other Animals shall state the maximum number and species of Animals to be housed.
- D. There shall be no commercial activity associated with the granting of a Special Use for Other Animals.

### **Sec. 2.03.07 Home Occupation**

Home Occupations may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to all of the following conditions and limitations:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The Use of the premises shall be clearly incidental and subordinate to its Use for residential purposes and shall under no circumstances change the residential character thereof or be used as a basis for the addition of Accessory Structures related to the Home Occupation.
- C. There shall be no change in outside appearance of Building or premises, or other visible evidence of the conduct of such Home Occupation, except that one Sign may be permitted not exceeding one (1) square foot in area, non-illuminated, mounted flat against the wall of the principal Building at a position not more than two (2) feet from the main entrance to the residence.

- D. No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood.
- E. No equipment or process shall be used in such Home Occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the Lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises; no chemicals or chemical equipment shall be used, except those that are used for domestic or household purposes.
- F. The giving of art, music or other instructions or lessons shall be limited to not more than four (4) persons at any one time.
- G. Fabrication of articles such as are commonly classified under the terms of arts and handicraft that do not meet the requirements of a Home Office as defined by Section 2.02.04.B.9 may be deemed a Home Occupation, subject to other terms and conditions of this definition, and providing no retail sales are made at the Dwelling Unit.
- H. The following Uses shall be prohibited as Home Occupations:
  - 1. Mechanical, paint and body repair, and/or detailing services upon any type motor vehicle, boat, trailer or equipment.
  - 2. Tow truck service or other trucking services.
  - 3. Antique or gift shop.
  - 4. Barber and beauty shops.
  - 5. Health salons, gyms, dance studios, aerobic exercise and massage establishments.
  - 6. Food processing, except as may be permitted or licensed by Section 500.80 of the Florida Statutes, as may be amended from time to time.
  - 7. Private clubs.
  - 8. Bed and Breakfast establishments.
  - 9. Fortune tellers, psychics and similar Uses.
  - 10. Veterinarian services which includes care, grooming or boarding at home.
  - 11. Medical or dental office or laboratory or Nursing Home.
  - 12. Nursery school or kindergarten.
  - 13. Any other similar Use or activity as determined by the County Administrator.
- I. Other conditions and safeguards, such as limitations on hours of operation may be established in the granting of the Special Use to insure residential compatibility.

- J. An Applicant for a Home Occupation Special Use shall at the time of application file an affidavit wherein the Applicant, if approved:
1. Agrees to comply with the standards set forth in this Section and any other conditions established in the granting of a Special Use.
  2. Acknowledges that the County shall have the right to reasonably inspect the premises to investigate complaints, if any, from neighbors and insure compliance with the standards of this Section and other conditions of approval.
  3. Acknowledges that a departure from the standards and conditions of approval will be deemed a Code violation and may result in suspension or termination of the Home Occupation.
  4. Agrees to obtain an occupational license by state law or County Ordinance prior to commencement of an approved Home Occupation.
- K. Any professional or business office or studio that does not involve in office contact with clients or the public and where all business is conducted by mail, phone or at other premises may be determined to be a Home Office in accord with Section 2.02.04(B)(9) and not subject to the granting of a Special Use.

#### **Sec. 2.03.08 Manufactured/Mobile Home**

A Manufactured/Mobile Home on an individual Lot may be permitted as a Special Use within districts as defined in Section 2.03.01, in which such Use is not otherwise allowed, subject to the following conditions and limitations:

- A. The Lot or Parcel of land upon which the Manufactured/Mobile Home is to be located shall not be less than the Single Family Dwelling Lot requirements in such district.
- B. In the commercial or industrial districts, the Use shall be accessory to the main Use and occupancy shall be limited to employees or owners thereof of the permitted Use.
- C. All towing gear shall be removed.
- D. Exterior skirting shall be installed to provide a visual barrier for all underfloor mechanical, electrical, and plumbing installations. Skirting shall extend from the underside of the perimeter of the Structure to the adjacent surrounding grade. Skirting may be constructed of pressure treated wood or natural durable wood such as redwood or cedar, or skirting material manufactured specifically for the purpose of installation on manufactured/mobile homes. Skirting shall be permanently maintained free from broken or missing sections, pieces or cross members. Exceptions to these skirting requirements may be made in areas where an enclosed underfloor is prohibited due to storm surge, or where the lowest portion of the first floor joists, measured vertically, exceeds seven (7) feet from grade throughout the entire underfloor area.

#### **Sec. 2.03.09 Manufactured/Mobile Home Park**

A Manufactured/Mobile Home Park may be permitted as a Special Use within districts as defined

in Section 2.03.01, subject to the following conditions and limitations:

- A. The Manufactured/Mobile Home Park shall meet all design standards contained in Section 6.08.23 for Manufactured/Mobile Home Parks.
- B. Units shall not be rented for time periods of less than one week.
- C. The application for Special Use Permit shall include any request for signage, if applicable. No Sign shall exceed sixty-four (64) square feet in size and shall not exceed ten (10) feet in height. All lighting shall be shielded.
- D. All units shall remove towing gear and shall provide skirting as required for Manufactured/Mobile Homes in Section 2.03.08.

### **Sec. 2.03.10 Land Excavation and Borrow Areas**

In addition to the requirements of Section 6.04.09 of this Code, Land Excavation and Borrow Areas may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the following regulations.

#### **A. Locational Criteria**

In order to protect the public health, safety and welfare from the possible adverse impacts of Land Excavation and Borrow Areas, (e.g., noise, dust, water table drawdown) the following locational criteria are established:

##### **1. Where Allowed**

- a. Lake creations and lake cleaning may be allowed within all zoning districts.
- b. Dry Land Excavation and Borrow Areas may be allowed by Special Use within the OR, IW, and PS districts.

##### **2. Setbacks**

There shall be no Land Excavation, with the exception of perimeter ditches and recharge ditches, within the setbacks for Dry Land Excavation, Borrow Areas, and lake creations as follows:

- a. Twenty-five (25) feet of any Right-of-Way line of a publicly owned road or street, except for Dry Land Excavation and Borrow Areas which shall be one hundred fifty (150) feet of a publicly-owned local road or street and two hundred (200) feet of any Right-of-Way line of a publicly-owned Arterial or Collector.
- b. Twenty-five (25) feet of the boundary line of a publicly owned drainage or utility easement.
- c. Twenty-five (25) feet of any non-residential property line, including Agricultural Use.



- d. One hundred (100) feet of any existing or developing residential property line. In cases where a Land Excavation or Borrow Area is adjacent to residential land Use with a density of two Dwelling Units per acre or more, setbacks shall be increased from the existing one hundred (100) feet to one hundred fifty (150) feet. As an alternative, the setback may be decreased to one hundred twenty-five (125) feet, provided that a series of undulating berms are provided that serve to screen the Land Excavation or Borrow Area, when used in conjunction with required planted trees.
- e. One thousand (1,000) feet of a school, hospital or house of worship measured on a straight line along the shortest distance between the perimeter of the Land Excavation or Borrow Area and the boundary of the property upon which the facility is situated.
- f. Fifty (50) feet of a Wetland Conservation Area.

### 3. Access

- a. Land Excavation and Borrow Areas shall be encouraged to locate in areas which have direct access to the receiving site of the excavated materials, with direct access to Arterials or Minor or Major Collectors, within approved subdivision and site Development projects under Construction, adjacent to public improvement projects such as new road corridors or in conjunction with stormwater utility projects. Site specific analysis must be performed to determine if proposed Land Excavations and Borrow Areas in the encouraged areas meet all other locational and environmental requirements.
  - (1) Where the Applicant intends to provide material for a new road corridor, priority shall be given to locating such Land Excavation, in the following order of precedence:
    - (2) Within the corridor.
    - (3) Within one-half (0.5) mile of the corridor. Proposed Land Excavation in these areas would be investigated to determine if they could interface with the County's Stormwater Utility Program or recreational planning program.
    - (4) Within the remaining areas of the County, highest priority for Land Excavations in the remaining area of the County would be given to Land Excavations located within approved DRIs, subdivisions, and site Development projects which are under Construction in proximity to the corridor and in Land Excavations which interface with stormwater utility projects.

### 4. Mitigation of Impacts

- a. Techniques to mitigate the impacts of offsite hauling on existing neighborhoods fronting onto Arterial or Collector Roadways may include restrictions on the hours and days of offsite hauling, contribution by the

Applicant to the cost of road improvements on the haul route, and development of alternative haul routes.

- b. Restrictions may be imposed on the hours and days of operation of any Land Excavation when such restrictions are necessary to protect the public health, safety, and welfare.

5. Where Prohibited

Land Excavations and Borrow Areas shall be prohibited within the following locations:

- a. Within two hundred (200) feet of abandoned dumpsites or landfills as identified on the Florida Department of Environmental Protection list of closed landfills in St. Johns County.
- b. Within two hundred (200) feet or the one (1) year travel time as defined in Table 2 of "Wellhead Protection Area Delineation for Public Supply Utilities Located in St. Johns County, Florida" produced by the St. Johns River Water Management District, 1993, whichever is greater, of a public potable water supply well.
- c. Within Environmentally Sensitive Areas as defined in Article XII, except as permitted in Article IV.

6. Where Restricted

Land Excavations and Borrow Areas shall be restricted within the following locations:

- a. Areas susceptible to groundwater contamination or within one-quarter (0.25) of a mile from a Class I or Class II landfill.
- b. A detailed site specific hydrogeologic study shall be submitted that would assess any potential impact of the excavation on groundwater resources. A proposal for the study shall be submitted to the County for approval prior to conducting the actual study. The County Administrator shall have the right to grant an exemption from this requirement where, in the judgment of the County Administrator, the excavation will not negatively impact groundwater resources.

B. Special Use Permit

1. When Required

Land Excavation and Borrow Areas Special Use Permits shall be required for Land Excavation and Borrow Area activities except for the following:

- a. Land Excavation and Borrow Area activities pursuant to Board of County Commissioners permission which may be requested by a governmental agency, an Applicant under the permission of another governmental agency, or under the permission of a court having jurisdiction in St. Johns County.

- b. Land Excavation activities within Utility Rights-of-Way, public Rights-of-Way or easements necessary to supply electric, gas, water, sanitary or storm sewer, telephone, or cable television service, provided these activities do not adversely impact an Environmentally Sensitive Area. Land Excavation activities exempted under this Section shall be regulated under Article IV of this Code. This exemption does not include excavation for the Construction of detention basins and/or retention basins which otherwise meet the definition of Land Excavation.
- c. Land Excavation for swimming pool construction.
- d. Land Excavation activities disturbing less than three thousand (3,000) square feet of land area.
- e. Bona Fide Agricultural Operations that involve standard agricultural practices.
- f. Maintenance of dredging of canals, lakes and stormwater ponds, provided Permit requirements from other local, state and federal agencies are met.
- g. Lake Creations and retention/detention ponds within approved Construction projects permitted through other provisions of this Code where such Lake Creations or retention/detention ponds are incidental to the primary purpose of the Construction (i.e. retention ponds constructed as part of the stormwater system for a residential development Project).

2. Application Submittal and Public Notice

The information required for a Special Use Permit shall be considered in accordance with the requirements of Part 9.03.00 of this Code, and Public Notice shall be provided pursuant to the requirements of Part 9.06.00.

3. Factors to be Considered

The following factors shall be considered in the review of a Land Excavation or Borrow Area Special Use Permit application:

- a. The compatibility of the proposed Land Excavation and Borrow Area with existing and planned land Uses as stipulated in the St. Johns County Comprehensive Plan. In making a determination of compatibility, the following shall be considered:
  - (1) The nature of existing and planned land Uses.
  - (2) The size of the proposed Land Excavation or Borrow Area.
  - (3) The effect of increased truck traffic generation on existing and planned land Uses.
  - (4) The proximity to residences, schools, hospitals, or houses of worship.

- (5) The proximity to recreational Uses such as parks and playgrounds.
- b. Impact on the roads and bridges located along the proposed haul route.
- c. Adequacy and compatibility of the reclamation plan relative to the environmental as well as existing and planned Uses.
- d. Cumulative impact of all permitted (active and inactive) Land Excavation and Borrow Areas within one (1) mile of the proposed Land Excavation or Borrow Area.
- e. Whether the haul routes for the removal of Land Excavation or Borrow Area material pass schools, hospitals or houses of worship and whether the increased truck traffic incidental to the Land Excavation or Borrow Area activity will adversely effect the conduct of the institution's activities. In evaluating the effect of the truck traffic, the following shall be considered: the capacity and existing service level of the road(s) designated as the haul route within five hundred (500) feet of the boundaries of the institution's property, the hours of operation of the Land Excavation or Borrow Area and of the institution; the estimated volume of truck traffic; and the location of access to the school, hospital or house of worship.

4. Duration of Permit

The Land Excavation or Borrow Area Special Use Permit shall be issued for a period based upon the estimated length of the Land Excavation or Borrow Area activity.

5. Fencing

- a. Unless otherwise authorized by the Planning and Zoning Agency, all Land Excavation or Borrow Areas shall be secured with a fence and gate to prevent unauthorized access to the Land Excavation or Borrow Area. All points of access shall be secured when no activity is occurring in the Land Excavation or Borrow Area. In determining whether a fence is required for a Land Excavation or Borrow Area and the type of fence to be required, the Planning and Zoning Agency shall consider the following factors.
  - (1) The location, size, depth and side slope of the Land Excavation or Borrow Area.
  - (2) The nature of the surrounding Uses and the land Uses designated on the Future Land Use Map of the St. Johns County Comprehensive Plan for the area.
  - (3) The depth of water, if any, in the Land Excavation or Borrow Area during the period of Land Excavation or Borrow Area activity.
  - (4) Natural or man-made features existing on the site.

- b. The fence and gate shall be maintained throughout the duration of Land Excavation or Borrow Area activities and may be removed after reclamation is completed.

6. Expiration of Permit

If the Land Excavation or Borrow Area is not operating within one (1) year after approval of a Special Use Permit, the Special Use Permit shall expire.

C. Waiver

1. Generally

The requirements of this Section may be waived where literal or strict enforcement of the terms or provisions of this Part would:

- a. Impose upon the Applicant an unreasonable, unnecessary or exceptional burden due to irregular shaped Parcel of property, unusual topography, or other unusual condition.
- b. Where the Applicant can show that literal or strict enforcement would impose upon the Applicant an unusual or practical difficulty and granting the request will not serve as a mere convenience to the Applicant. No such waiver shall be granted which seriously or adversely affects any adjoining property or health, safety and welfare of the general public.

2. Decision by Planning and Zoning Agency

The Planning and Zoning Agency, in review of the application for Special Use Permit, shall make a decision on any waiver request that pertains to the locational criteria.

3. Factors to be Considered

The following factors shall be considered, as applicable to the particular waiver request:

- a. The location of the Land Excavation or Borrow Area.
- b. The size of the Land Excavation or Borrow Area.
- c. The depth of the Land Excavation or Borrow Area.
- d. The cubic yards of material to be excavated and removed.
- e. The side slope requested, if applicable.
- f. The nature of the Land Excavation or Borrow Area material to be removed.
- g. The nature of existing or developing Uses in the surrounding area.

- h. The projected depth of water, if any, in the Land Excavation or Borrow Area at the time of completion of the Land Excavation or Borrow Area activity.
- i. Proximity of the Land Excavation or Borrow Area to Environmentally Sensitive Areas.
- j. The existing location, configuration, setbacks and slopes of a previously permitted Land Excavation or Borrow Area.

### **Sec. 2.03.11 Solid Waste Facilities**

Solid Waste Facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 and subject to the following conditions and limitations:

#### **A. Location Criteria**

In order to protect the public health, safety and welfare from the possible adverse impacts of Solid Waste Facilities and their associated operations, the following locational criteria are established:

##### **1. Where Allowed**

Solid Waste Facilities shall only be allowed within the OR, HI and Planned Development zoning districts.

##### **2. Setbacks**

- a. Front, Rear, and Side Yards shall be a minimum of two hundred (200) feet.
- b. When adjacent to a property with a Dwelling Unit, there shall be no land filling (i.e. disposal of wastes) within one thousand (1,000) feet of the closest portion of the Dwelling Unit or a private potable water well, whichever provides the greater setback distance.
- c. The Use shall not be within one thousand (1,000) feet of a school, house of worship, or hospital, measured on a straight line along the shortest distance between the perimeter of the Solid Waste Facility and the boundary of the property upon which the school, house of worship, or hospital is located.
- d. Class I and II landfills only shall be located at least ten thousand (10,000) feet from any licensed and operating Airport runway used by turbine powered aircraft, and five thousand (5,000) feet from any licensed and operating Airport runway used only by piston engine aircraft, unless the Applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft.

##### **3. Access**

The facility shall have direct access to an Arterial or Major or Minor Collector, or a road designed for commercial vehicles which accesses direct to such street. No

access shall be through residential local streets.

4. Where Prohibited

Solid Waste Facilities shall be prohibited within the following locations:

- a. Wellhead Resource Protection Areas as found in "Wellhead Protection Area Delineation for Public Supply Utilities Located in St. Johns County, Florida" produced by the St. Johns River Water Management District, 1993.
- b. Within one thousand (1,000) feet or the five (5) year travel time as defined in Table 2 of "Wellhead Protection Area Delineation for Public Supply Utilities in St. Johns County, Florida" produced by the St. Johns River Water Management District, 1993, whichever is greater, of the center of a wellhead of a public potable water supply well.
- c. Within Environmentally Sensitive Areas as defined in Article XII.
- d. Within areas susceptible to groundwater contamination as provided in the Coastal/Conservation Element of the St. Johns County Comprehensive Plan.
- e. Within the Coastal High Hazard Area.
- f. Within the one hundred (100) year floodplain.
- g. Within open water bodies, whether natural or man-made.
- h. Within a five (5) mile radius from the perimeter of the St. Johns County Landfill.

B. Special Use Permit

1. Procedure

An application for a Special Use Permit shall be reviewed pursuant to the procedures for issuance of a Development Order at Part 9.01.00.

2. Factors to be Considered

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

- a. The compatibility of the proposed landfill with existing and planned land Uses. In making a determination of compatibility, the following shall be considered:
  - (1) The nature of existing and planned land Use.
  - (2) The size of the proposed land fill.

- (3) The type and volume of waste to be received.
- (4) The effect of increased truck traffic generation on existing and planned land Uses.
- (5) The proximity to residences, schools, hospitals, or houses of worship.
- (6) The proximity to recreational Uses such as parks and playgrounds.
- (7) The proximity to potable water supply wells.
- (8) The proximity to surface water bodies and Environmentally Sensitive Areas.
- (9) Impact on roads and bridges to be used that are not designated as truck routes by St. Johns County.

3. Imposition of Reasonable Conditions

Reasonable conditions designed to mitigate the impact of the facility upon those items listed in Section 2.03.10.B.2 above, may be imposed upon the facility operation.

4. Duration of Permit

The Special Use Permit shall be issued for a period based upon the estimated duration of the facility operations. Closure of the facility shall be complete upon expiration of the Landfill Special Use Permit.

5. Expiration of Permit

If a Construction Permit for the proposed facility has not been issued by the Florida Department of Environmental Protection (FDEP) within one (1) year after approval of a Special Use Permit, the Special Use Permit shall expire. Proof of issuance of FDEP Construction Permit shall be provided to the County.

6. The application for Special Use Permit shall include any request for signage, if applicable.

C. Special Use Standards

1. The site shall be fenced by a six (6) foot high fence with a locking gate at all access points. All gates shall be secured and locked when there is no activity on site. The performance standards in Section 6.08.34 shall be observed with the point of measurement being the boundaries of the zoning Lot.
2. Buffering and screening shall be provided in accordance with the standards in Section 6.06.04.
3. If Construction of the facility requires Land Excavation of one thousand (1,000)



square feet or greater, approval of a Special Use Permit for such Land Excavation shall be required pursuant to Part 9.03.00.

#### **Sec. 2.03.12 Churches**

Churches (but not temporary revival establishments) may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. No Church shall be established within one thousand (1,000 feet) of an established vendor of alcohol beverages except those vendors licensed in accordance with Section 563.02(1)(a) and/or Section 564.02(1)(a) of the Florida Statutes, as may be amended from time to time, unless a Variance has been granted as provided in Part 9.03.00 of this Code or a substantial burden on exercise of religion is shown as described by Section 761.03, Florida Statutes.
- B. The application for Special Use Permit shall include any request for signage. No such Sign shall exceed sixty-four (64) square feet in size and shall not exceed ten (10) feet in height. Signs shall be top lighted with point light source directed downward.
- C. If the Church has either more than 350 paved or unpaved parking spaces, including all spaces reserved for its use; or is capable of holding more than 1,000 people, it must satisfy the requirements of Sec. 2.03.55 for Large Place of Assembly.

#### **Sec. 2.03.13 Cemeteries and Mausoleums, Human and Pet**

Cemeteries and mausoleums (but not funeral homes, mortuaries, or crematoriums) may be permitted as a Special Use within districts as defined in Section 2.03.01 and subject to the provisions of Sections 6.08.08 and 6.08.09 of this Code and the following conditions and limitations:

The application for Special Use Permit shall include any request for signage, if applicable.

#### **Sec. 2.03.14 Crematoriums**

A crematorium may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

A crematorium shall not be located within one thousand (1,000) feet of residentially zoned property or residential portions of Planned Developments.

#### **Sec. 2.03.15 Off-Site Parking and Unpaved Parking Lots**

- A. Off-site parking lots may be permitted as a Special Use within districts as defined in Section 2.03.01, when such Lot adjoins a premise requiring off-street parking, provided there is no intervening street, and further provided:
  - 1. A six (6) foot masonry wall or opaque fence with a minimum eighty percent (80%) opacity shall be erected along all property lines adjacent to residentially zoned property except as such fence may conflict with the Roadway, Drainage and Utility

Standards of this Code.

2. Adequate lighting shall be provided if off-site parking is to be used at night. The lighting shall be designed and installed to be contained on the property and designed to minimize glare on adjacent property.
  3. There shall be no sales or service activity of any kind on such Lots.
- B. Off-site parking lots to accommodate required parking or loading for permitted Uses may be permitted as a Special Use within all commercial and industrial districts subject to the following regulations:
1. There shall be practical difficulties which prevent the placing of the facilities on the same Lot as the premises they are designed to serve.
  2. The off-site parking facility shall be located within three hundred (300) feet walking distance of a public entrance to the Structure or land area containing the Use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the off-site parking and the Use being served.
- C. Off-Site parking to accommodate Boat Docks, Boathouses, Boat Shelters, structures on docks, that exceed the allowable distance of 300 feet from a residential dock parcel as defined in Section 2.02.04.B(3) may be permitted as a Special Use in such districts, provided:
1. The Off-Site Parking shall be located on a parcel under same ownership as the dock parcel.
  2. A safe, direct pedestrian path shall exist or be provided between the Off-Site parking and Boat Dock, Boathouse, or Boat Shelter.
- D. Unpaved parking lots and Vehicle Use Areas may be permitted as a Special Use in all districts provided.
1. The parking lot and Vehicle Use Area is stabilized with materials such as coquina, crushed stone, or gravel in a manner acceptable to the County Administrator, or designee.
  2. The Use being served has no daily public traffic.
  3. The access apron leading from the unpaved parking lot and Vehicle Use Area into a County or State maintained roadway shall be paved as to not damage the roadway.
  4. Regardless of the unpaved parking lot and Vehicle Use Areas, parking stall dimensions, access aisles, and curb ramps for handicap accessible spaces shall be designed to meet the standards of the Florida Accessibility Code for Building Construction. Unpaved parking lots and Vehicle Use Areas shall be considered impervious for drainage approval.
- E. Applications for unpaved parking may be approved by the County Administrator or

designee in accordance with all requirements of Sections 6.05.02.H.1 and 6.08.42 of the Land Development Code.

### **Sec. 2.03.16 Personal Property Mini-Warehouse Facilities**

Personal Property Mini-Warehouse Facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following conditions and limitations:

- A. Storage Buildings shall be sub-divided by permanent partitions into spaces containing not more than four hundred (400) square feet each and each such space shall have an independent entrance under the exclusive control of the tenant thereof.
- B. Not more than four thousand (4,000) square feet in total area shall be occupied or used by any single tenant.
- C. Storage of goods shall be limited to personal property with no commercial distribution or sales or other business activities allowed on the premises.
- D. The storage of hazardous materials shall be prohibited.
- E. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.
- F. A minimum six (6) foot masonry wall or security fence shall be required around the perimeter of the facility. If fenced, such fence shall be opaque along property lines adjacent to Open Rural or residential zoning districts. Fencing shall not be required for storage facilities that maintain all storage bays within a completely enclosed structure.
- G. The facility shall contain a staffed on-site office.
- H. Access to the facility shall be restricted to the hours of management personnel being on-site, unless individual electronic access is available.
- I. No portion of a Personal Property Mini-Warehouse Facility shall be allowed as a Special Use within six hundred (600) feet of the Right-of-Way of a designated Scenic Highway or Scenic Roadway. For the purposes of this provision, the definition of Scenic Highway or Scenic Roadway shall be the same as the definition of Scenic Highway or Scenic Roadway as it applies to Antenna Towers.
- J. No portion of a Personal Property Mini-Warehouse Facility shall be allowed as a Special Use within five hundred (500) feet of residentially zoned property or residential portions of Planned Developments.

### **Sec. 2.03.17 Private School with Conventional Academic Curriculum**

Private schools with conventional academic curriculum similar to those of public schools may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following conditions and limitations:

- A. Private Schools with a capacity of more than ten (10) students shall be located only in non-residential zoning districts and shall have direct access to an Arterial or Major or Minor Collector.

- B. Applications for Special Use within residential districts shall include any request for signage, if applicable. No such Sign shall exceed thirty-two (32) square feet in size.
- C. No Private School shall be established within one thousand (1,000) feet of an established vendor of alcohol beverages except those vendors licensed in accordance with Section 563.02(1)(a) and/or Section 564.02(1)(a) of the Florida Statutes, as may be amended from time to time, unless a Variance has been granted as provided in Part 9.03.00 of this Code.

**Sec. 2.03.18 Two Family Dwelling, Duplex**

Two Family Dwellings, or duplexes, may be permitted as a Special Use within all districts as defined in Section 2.03.01.

**Sec. 2.03.19 Marina**

Ports, Marinas, Community Marinas and Neighborhood Docks as defined in Article XII of this Code may be permitted as an Allowed Use or a Special Use within districts as defined in Sections 2.02.01 and 2.03.01 and shall also be subject to the requirements and limitations defined in Article VI of this Code.

**Sec. 2.03.20 Correctional Facility**

Correction facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following conditions and limitations:

A. General Standards

- 1. All correctional facilities shall have direct frontage onto a State Highway or County Major Collector roadway as defined in this Code.
- 2. At the time of the request for approval, the operator of the correctional facility shall provide information on, and if approved, shall utilize adequate measures to prevent the unauthorized exit of the inmates. The more dangerous the inmates are to the public, the more elaborate and secure the security measures shall be.
- 3. Buffers and screening shall be as required by Section 6.06.04.
- 4. The facility shall comply with all applicable Federal, State and local requirements.

B. Major Correctional Facilities

- 1. The minimum Lot size shall be five (5) acres with minimum frontage of two hundred (200) feet.
- 2. The Structures occupied by the facility residents shall be located a minimum of two thousand, six hundred forty (2,640) feet from any residential Development or zoning district developed to or allowing a density of two (2) units per acre or greater; five hundred (500) feet from any existing Dwelling Unit developed at a density of less than two (2) units per acre and a minimum of two hundred (200) feet from any zoning Lot boundary.

C. Community Correctional Facilities

1. The minimum Lot size shall be one (1) acre with a minimum frontage on a public street of one hundred fifty (150) feet.
2. All Structures occupied by the facility residents shall be located a minimum of two hundred (200) feet from any existing adjacent Dwelling Unit or residential or agricultural zoning districts. All such Structures shall be located a minimum of thirty (30) feet from any zoning Lot boundary if adjacent to zoning district other than residential or agricultural zoning districts.

**Sec. 2.03.21 Farm Worker Housing**

Farm Worker Housing may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following conditions and limitations:

- A. Farm Worker Housing may be provided on or off-site from the Agricultural Use if located within the R/S and A-I Future Land Use Map categories. Farm Worker Housing located in other Future Land Use designations shall be located within one (1) mile of the site of a commercially productive farm. The County Commission must find that Farm Worker Housing in such areas is compatible with surrounding land Uses, and overall project density shall not exceed that of the underlying plan category. Agricultural activities may be allowed on the parcel of land containing the Farm Worker Housing.
- B. Farm Worker Housing shall be permitted a density of two (2) units per acre.
- C. The Subdivision of land into individual Parcels shall be prohibited.
- D. Single-family conventional, Manufactured/Mobile Home, duplex, or Multi-Family Dwelling Units or dormitories may be used. Dormitories, for purposes of density calculations, shall be calculated at two and one-half (2.5) residents equaling one (1) unit.
- E. Farm Worker Housing sites shall provide required Front, Side, and Rear Yards of fifty (50) feet.
- F. Screening equal to that specified under Part 6.06.00 shall be provided between the Farm Worker Housing and adjacent properties with residences, if the Farm Worker Housing is located within two hundred (200) feet of the zoning Lot line or if residences located on adjacent properties are under different ownership.
- G. All Structures containing Dwelling Units shall be located a minimum of ten (10) feet apart.
- H. All access drives serving the Farm Worker Housing site shall be packed shell, gravel, or similar material which will provide a relatively dust free surface.
- I. All Farm Worker Housing shall provide adequate sewage disposal and water supply systems which meet all Federal, State, and local requirements.
- J. All Farm Worker Housing shall be constructed and maintained in accordance with all Building code requirements.

- K. Property owners or housing providers shall provide an affidavit that the housing will be limited to housing for farm workers or their dependents.
- L. The Farm Worker Housing approval shall be valid for two (2) years. Farm Worker Housing extensions shall be renewed upon verification of a claim that the housing continues to be Farm Worker Housing only. It shall be the responsibility of the housing provider or property owner to provide verification in a timely manner.
- M. If for any reason, the approval is not renewed, the Dwelling Units which exceed the density of the Comprehensive Plan must be removed within ninety (90) days of written notification from the County, or certain units may remain if converted for sale or rent as Affordable Housing in accordance with Part 5.07.00.

**Sec. 2.03.22 Psychics, Palmists, Astrologists, Clairvoyants, Phrenologists**

Psychics, palmists, astrologists, clairvoyants, phrenologists, and similar Uses may be permitted as a Special Use within districts as defined in Section 2.03.01.

**Sec. 2.03.23 Special Care Housing Facilities**

Special Care Housing facilities, such as foster homes, assisted living facilities and similar Uses, which exceed the definition of Community Residential Home, i.e., homes of six (6) or fewer residents as defined by Chapter 419, F.S., Section 419.001 (2), may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. In a Special Care Housing facility, for the purposes of calculating density, every two and one-half (2.5) residents shall be considered to equate to one (1) Dwelling Unit. Number of residents shall be based on the maximum capacity of the facility as established by the St. Johns County Fire Marshall. However, where each room or group of rooms contains a separate and individual kitchen it shall equal one (1) unit. An accessory Nursing Home is allowed provided it is located within the same Building. The facility must be located on a Lot large enough to meet the density requirements of the Comprehensive Plan for the number of Dwelling Units proposed.
- B. Front, rear and side setbacks for the Structure containing the living units shall be fifty (50) feet.
- C. Each Special Care Housing facility shall not exceed a floor area ratio of one-quarter (.25) unless located within a Comprehensive Plan land Use designation which allows for a greater floor area ratio. In such instance, the higher floor area ratio allowed by the Comprehensive Plan shall be applicable.

**Sec. 2.03.24 Bed and Breakfast Establishments**

- A. Bed and Breakfast establishments may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to a maximum of ten (10) rental units.
- B. Accessory Uses for (A) and (B) above shall be limited to those that are customary and incidental to the Bed and Breakfast establishment, and shall be limited to serving the

patrons of the Bed and Breakfast establishment only and not the general public. For example, a food service that serves the general public shall be considered a restaurant and not an Accessory Use to the Bed and Breakfast establishments as described in this Section.

- C. For the purposes of calculating density, a Bed and Breakfast establishment shall constitute one (1) Dwelling Unit.
- D. Parking in excess of that required for a single-family dwelling shall be located along the Side or Rear Yard, behind the primary Structure.
- E. Signage shall be limited to a maximum of six (6) square feet, and shall not be illuminated.

### **Sec. 2.03.25 Water and Wastewater Treatment Plants and Facilities**

Water and Wastewater Treatment Plants and Facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the following regulations and limitations:

- A. The Wastewater Treatment Plant and Facilities shall be secured from public access with a security fence, a minimum of six (6) feet in height. Berms and/or landscaping meeting the requirements of Section 6.06.04, Group 7 shall be required around the Wastewater Treatment Plant. A security fence, a minimum of six (6) feet in height, shall be required around ponds, located outside the plant site. Pump/Lift Stations, located outside the plant site, shall be secured either by a security fence six (6) feet in height, by enclosing equipment in lockable Buildings or enclosures, or by the use of other vandal proof Construction measures which will provide protection against entry or damages. These requirements may be waived by the County Administrator upon demonstration that protection to an equal or greater extent is provided.
- B. For all Wastewater Treatment Plants and Facilities, the Engineer of Record shall certify that the design plans for the Plant and Pump/Lift Stations include nuisance control (odor and noise control) mitigation measures approved by St. Johns County and shall ensure that such measures are installed. The mitigation measures shall be designed relative to the facility's size, design, and intensity and may include, in part, landscaping measures. The mitigation measures shall also meet the performance standards set forth in Part 6.04.00.
- C. The operation of a public or privately operated interim wastewater facility shall be discontinued and public wastewater service shall be utilized within six (6) months of the availability of public wastewater service with adequate capacity at any project boundary unless otherwise provided for in an Interim Wastewater Treatment Agreement.
- D. Prior to placement of any Wastewater Plant and Facility on-site, the developer shall provide evidence of approval from the applicable permitting agencies.
- E. Distance requirements for Wastewater Treatment Plants shall be as follows:
  - 1. Wastewater Treatment Plant Type 1
    - a. Interim Wastewater Treatment Plants under five hundred thousand

(500,000) gallons per day (g.p.d.)

- b. For Type 1 Plants there shall be a distance requirement of one hundred fifty (150) feet from the plant to any off-site agriculturally or residentially zoned or used land or to any onsite platted Lot or Dwelling Unit.
2. Wastewater Treatment Plant Type 2
  - a. Permanent Wastewater Treatment Plants under five hundred thousand (500,000) g.p.d.
  - b. For Type 2 Plants there shall be a distance of two hundred fifty (250) feet from the plant to any off-site agriculturally or residentially zoned or used land or to any on-site platted Lot or Dwelling Unit.
3. Wastewater Treatment Plant Type 3
  - a. Wastewater Treatment Plants of five hundred thousand (500,000) g.p.d. or greater.
  - b. For Type 3 Plants there shall be a distance requirement of five hundred (500) feet from the Plant to the project boundary. There shall be no platted Lots or Dwelling Units within this distance requirement. If the plant is located in the Industrial Category of the Comprehensive Plan, the distance requirement shall be two hundred and fifty (250) feet.
4. Neighborhood Pump/Lift Stations serving less than three thousand (3,000) equivalent Dwelling Units (e.d.u.). There shall be no minimum distance requirement for Neighborhood Pump/Lift Stations.
5. Master Pump/Lift Stations serving three thousand (3,000) e.d.u.s or greater. There shall be a distance requirement of twenty (20) feet from the Master Pump/Lift Station to the edge of the Lot. Only nonresidential or agricultural Structures and parking may be located within the specified distance. There shall be a distance requirement of fifty (50) feet from the Pump/Lift Station to any surrounding residential Structures or Building envelopes.
6. Lesser requirements for Wastewater Treatment Plants and Facilities may be approved by the Board of County Commissioners in cases involving practical difficulties, unnecessary hardship, or superior alternatives. These difficulties, hardships, and alternatives, may include but not be limited to adjacency to environmentally sensitive land, major Rights-of-Way or retention areas. Said request shall be heard using the procedure for a Variance.
7. In instances where the distance requirements are modified, additional conditions of approval may be required.

#### **Sec. 2.03.26 Antenna Towers**

Antenna Towers may be permitted as a Special Use within districts as defined in Section 2.03.01. Such Antenna Towers shall be subject to the requirements of Part 3.04.00 and Section 6.08.12



of this Code and further subject to the following:

- A. Notwithstanding anything to the contrary in this Code, no Antenna Tower other than an unguyed monopole tower or Alternative Tower Structure shall be located in any residential zoning district.
- B. Regardless of the zoning district in which the Antenna Tower is located, any Antenna Tower proposed to be located within two hundred and fifty (250) feet of the nearest Lot line of any Residential Use, Residential zoning district, residential portion of a Planned Development or Open Rural (OR) zoning district shall be reviewed as a Special Use.
- C. The applicant shall demonstrate that there are no other suitable existing Antenna Towers or Structures on which the applicant/provider can reasonable place its antennas, as provided in Section 6.08.12.R.
- D. There are no significant adverse impacts to Environmentally Sensitive Areas or areas judged to possess unique environmental or cultural qualities.
- E. This Section 2.03.26 does not apply to air traffic control towers and Antenna Towers associated with aviation Use constructed on property zoned Airport Development District or to Antenna Towers and Antennas built for St. Johns County government use.

#### **Sec. 2.03.27 Recreational Vehicle Campgrounds**

Recreational vehicle campgrounds may be permitted as a Special Use within districts as defined in Section 2.03.01 and whether permitted by right or by Special Use shall be subject to the following conditions and limitations:

A. Location and Access

A recreational vehicle park or campground shall be so located that no entrance nor exit from a park shall discharge traffic onto any residential district. A recreational vehicle park or campground fronting on a public street shall have a minimum of one hundred fifty (150) feet of frontage.

B. Uses Permitted and Length of Stay

Spaces in the recreational vehicle park and campgrounds are intended for portable housing units, including park models as defined by Florida Statutes, and those units defined as Recreational Vehicles. Placement of a unit without permanently attached Structure Additions, so that the unit may be removed within four (4) hours in reasonable judgment of the Building Official or designee, shall be considered a Portable Housing Unit.

- C. Portable Housing Unit shall not have Additions that are permanently attached to the unit. For this purpose, Additions that are easily removable so the unit may travel within four (4) hours time or Additions that are not permanently attached to the unit are allowed. Park models as defined by the Florida Administrative Code which remain in the same location over forty-five (45) days shall be permitted and inspected by the Building Department for compliance with tie-down and installation as required for park models by Florida Statutes 320.8325(6), as may be amended from time to time.

- D. Any unit not in compliance with paragraphs (B) and (C) above in existence on or before January 26, 1999 shall be considered "legally non-conforming" and shall be subject to the provisions of Article X of this Code.
- E. Management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, and other Uses and Structures customarily incidental to the operation of a recreational vehicle campground are permitted as Accessory Uses.
- F. Front, side and rear setbacks for all Structures along the perimeter of the recreational vehicle campground Parcel shall be a minimum of twenty-five (25) feet.
- G. In campgrounds, for purposes of calculating density, every ten (10) campsites shall constitute one (1) Dwelling Unit, based on maximum camp capacity. Therefore, the facility shall be located on a Lot large enough to meet the density requirements of the Future Land Use Map of the Comprehensive Plan for the number of Dwelling Units or the minimum requirements of the zoning district in which it is located, whichever is the most restrictive.

**Sec. 2.03.28 More Than One Main Use Structure On a Residential Lot**

More than one (1) main Use Structure may be placed or erected on a Residential Lot subject to the following conditions and limitations:

More than one (1) main Use Structure for permitted or principal Use may be placed or erected on a Lot of Record located within a properly platted Subdivision or Legally Documented Unrecorded Subdivision by an approved Special Use, as defined in Section 2.03.01, and as provided in Part 9.01.00 for the issuance of Development Permits, provided that the property is sufficient to allow each Structure to meet Yard, area and other requirements of this Code pertaining to the zoning district in which it is located as though it were on an individual and separate Lot, can meet access and utility requirements, the total density of the Lot is in compliance with the provisions of the Comprehensive Plan, and further restricted by the provisions of Section 2.04.08.

**Sec. 2.03.29 General Store**

General Stores may be permitted as a Special Use within districts as defined in Section 2.03.01.

**Sec. 2.03.30 Commercial Firing Range, Outdoor**

Outdoor Firing Ranges may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following conditions and limitations:

- A. The minimum size of the site shall be ten (10) acres.
- B. A projectile-proof backstop, consisting of concrete, steel, earth or a combination thereof, at least fifteen (15) feet high shall be erected and maintained behind all target areas. In the case of skeet range, or similar uses where the target is skyward, a backstop is not required; however, such range shall provide target area a minimum of two hundred (200) feet from all property boundaries.

**Sec. 2.03.31 Vehicle Recycling Facilities**

Vehicle Recycling Facilities may be permitted as a Special Use within districts as defined in

Section 2.03.01 subject to the following condition:

Open storage of stacked vehicles shall not exceed twenty (20) feet in height in the Industrial Land Use designation and eight (8) feet in height in the Mixed Use Land Use designation.

### **Sec. 2.03.32 Kennels and Other Animal Boarding Facilities**

Kennels and Other Animal Boarding Facilities may be allowed within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. No Structure for housing of Animals shall be located within two hundred (200) feet of any residentially zoned property, or any property zoned Open Rural in a Residential Future Land Use designation.
- B. All Kennels for the housing of canines shall be designed as a sound-proof Building, if located within one hundred (100) feet of any property boundary.
- C. Applications for Special Use Permit shall state the maximum number of Animals to be housed at one time.
- D. The minimum size of property subject to the Special Use Permit shall be five (5) acres.

### **Sec. 2.03.33 Retreats**

Retreats may be allowed within districts, as defined in Section 2.03.01, subject to the following conditions and limitations:

Retreats which contain overnight lodging shall have no more than ten (10) rental units.

### **Sec. 2.03.34 Fish Camps**

Fish camps may be allowed within districts, as defined in Section 2.03.01.

### **Sec. 2.03.35 Household Animals**

Household Animals, as defined in this Code, exceeding five (5) may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. All Household Animals shall be maintained within the primary residence or place of shelter provided on site.
- B. The place of shelter shall be no closer than fifty (50) feet to any residential property boundary.
- C. The application for Special Use Permit shall state the maximum number and species of Household Animals to be housed.
- D. Birds shall be maintained within the primary residence or separate structure. If maintained in a separate structure, such structure shall be sound-proofed if located within one hundred (100) feet of any property boundary.

- E. There shall be no commercial activity associated with the granting of a Special Use Permit for Household Animals.

**Sec. 2.03.36 Truck Stops**

Truck stops may be permitted as a Special Use within districts as defined in Section 2.03.01.

**Sec. 2.03.37 Electric Substations**

Electric Substations may be permitted as a Special Use within districts as defined in Section 2.03.01.

**Sec. 2.03.38 Private Clubs**

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

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

**Sec. 2.03.39 Single Family Dwelling**

Single Family Dwelling Units may be permitted as a Special Use within districts as defined in Section 2.03.01.

**Sec. 2.03.40 Aircraft Landing Field**

Aircraft landing fields may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. The aircraft landing field is located in the Agricultural-Intensive (A-I) Future Land Use designation of the Comprehensive Plan and use of the aircraft landing field is restricted to, and supportive of, Bona-Fide Agricultural Operations; or, the aircraft landing field is defined and licensed as a "private airport" in accordance with Chapter 330, F.S. and used primarily for personal use by the licensee.
- B. For private airports not located in the Agricultural-Intensive Future Land Use designation, the aircraft landing field shall be located on property at least one hundred (100) acres in size.
- C. The aircraft landing field and all aircraft operations shall meet all applicable Federal and State regulations.
- D. The primary surface of the runway shall be set back at least five hundred (500) feet from all property boundaries.
- E. All hangars or other aircraft-related Structures shall be set back at least two hundred, fifty (250) feet from all property boundaries.

### **Sec. 2.03.41 Veterinary Offices and Animal Hospitals**

Veterinary offices and animal hospitals may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. Completely enclosed Structures for housing of Animals shall be located no closer than one hundred (100) feet of any residentially zoned property, or any property zoned Open Rural in a Residential Future Land Use designation. Structures not completely enclosed shall be located no closer than two hundred (200) feet of any residentially zoned property, or any property zoned Open Rural in a Residential Future Land Use designation.
- B. Outdoor exercise areas shall conform to the standards contained in Section 6.08.04.
- C. Agricultural Veterinary offices and agricultural animal hospitals providing medical services primarily to livestock and other Farm Animals that are located in Agricultural-Intensive (A-I) or Rural/Silviculture (R/S) Future Land Use designations shall be allowed by right subject to the limitations of a Rural Home Industry as provided in Section 2.02.04.E.4., and conforming to the standards contained in Section 6.08.04. Agricultural Veterinary offices and agricultural animal hospitals not meeting the requirements of a Rural Home Industry shall be approved through a Special Use Permit in accordance with this Section 2.03.41.

### **Sec. 2.03.42 Recreational Vehicle/Boat Storage**

Recreational vehicle/boat storage may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. The storage area shall be screened from public view and from all streets or roadways. Screening shall be provided with Evergreen plants six (6) feet in height at the time of planting and an overall screening opacity of seventy-five percent (75%) or greater, or a solid wooden, pvc, or similar material fence, or masonry or concrete block wall at least six (6) feet in height. If masonry or block wall is provided, it shall be painted and architecturally finished on the outside.
- B. There shall be a site plan submitted with the Special Use Permit that is in compliance with all requirements of the Land Development Code and such site plan shall indicate whether employee quarters are included.
- C. If signs are to be placed on the property, the Special Use Permit shall include such signage locations and a drawing shall be submitted that shows compliance with the sign regulations of the Land Development Code. Such sign plan shall be made part of the Special Use Permit.
- D. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.
- E. The facility shall contain a staffed on-site office.
- F. Access to the facility shall be restricted to the hours of management personnel being on-site unless individual electronic access is available.

### **Sec. 2.03.43 Recreation**

Commercial recreation, gymnasiums, fitness centers, paint ball facilities, aerobics studios and similar Uses that require large open warehouse buildings, may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. There shall be a site plan submitted with the Special Use Permit that is in compliance with all requirements of the Land Development Code and such site plan shall indicate adequate parking consistent with Section 6.05.00 of this Code and detail existing and allowable Uses.
- B. Restrictions on Location
  - 1. Commercial recreation Uses within districts as defined by Section 2.03.01 shall only be allowed where a clear separation of incompatible uses exists. The applicant shall identify adjacent uses as part of the Special Use Application.
  - 2. Where commercial recreation Uses have been allowed by Special Use, the addition of any allowable Use in IW shall not be cause for discontinuance of the business nor shall such business be considered nonconforming as define in Part 10.03.00 of this Code.
- C. Restrictions on Hours of Operation
  - 1. In order to ensure compatibility between allowable Uses of IW zoning district and commercial recreation Uses, the operation of the primary recreation activity Use shall be limited to hours of operation opposite of existing Light Industrial Uses (office hours not included).
    - a. Hours of operation for the proposed recreation use and the existing Uses shall be provided as part of the Special Use Application.
    - b. The Site Plan shall include the location of existing businesses and a description of operation activities.

### **Sec. 2.03.44 Convenience Stores with or without gas pumps**

Convenience Stores with or without gas pumps may be permitted as a Special Use within districts as defined by Section 2.03.01.

- A. There shall be a site plan submitted with the Special Use Permit that is in compliance with all requirements of the Land Development Code.

### **Sec. 2.03.45 Restaurant with or without drive through facilities**

Restaurant with or without drive through facilities may be permitted as a Special Use within districts as defined by Section 2.03.01.

- A. There shall be a site plan submitted with the Special Use Permit that is in compliance with all requirements of the Land Development Code.

#### **Sec. 2.03.46 Financial Institutions with or without drive through facilities**

Financial Institutions with or without drive through facilities may be permitted as a Special Use within districts as defined by Section 2.03.01.

- A. There shall be a site plan submitted with the Special Use Permit that is in compliance with all requirements of the Land Development Code.

#### **Sec. 2.03.47 Bars and other substantially similar facilities**

Bars, taverns, lounges, night clubs dance halls and other substantially similar facilities may be permitted as a Special Use within districts as defined by Section 2.03.01 subject to the following conditions and limitations:

- A. Requests must demonstrate compliance with the criteria set forth in Section 2.03.02 for alcoholic beverages. A separate application shall not be required in order to request a Special Use for alcoholic beverages.
- B. There shall be a site plan submitted with the Special Use Permit that is in compliance with all requirements of the Land Development Code.

#### **Sec. 2.03.48 Electronic Game Promotions, Adult Arcade Amusement Centers and Indoor Activities on the Premises of a Licensed Pari-mutuel Permit Holder**

Electronic Game Promotions, Adult Arcade Amusement Centers and Indoor Activities on the Premises of a Licensed Pari-mutuel Permit Holder may be permitted as a Special Use within the districts defined in Section 2.03.01, and whether permitted by right or by special use shall also be subject to the following conditions and limitations to ensure compatibility with adjacent Uses and the surrounding neighborhood:

- A. Electronic Game Promotions, Adult Arcade Amusement Centers and Indoor Activities on the Premises of Licensed Pari-mutuel Permit Holder establishments shall not operate within a minimum of one hundred (100) feet of residentially zoned property or residential portions of Planned Unit Developments.
- B. If the facility is placed in a freestanding building, the parking standards provided in Table 6.17 shall apply.
- C. If the facility is located in a shopping center, or other building with shared parking, parking for the Electronic Game Promotions, Adult Arcade Amusement Centers and Indoor Activities on the Premises of Licensed Pari-mutuel Permit Holder establishments may not be included in the assessment of shared parking and adequate parking shall be demonstrated for the facility based on a parking ratio provided in Table 6.17. This demonstration shall include evidence that the remaining shopping center and/or building areas meet the standards for parking as provided in Table 6.17 excluding the use of the facility.
- D. The consumption, possession, dispensation, or sale of alcohol shall be prohibited within Electronic Game Promotions establishments, but may be allowed within Adult Arcade Amusement Centers and Indoor Activities on the Premises of Licensed Pari-mutuel Permit Holder establishments.

- E. Electronic Game Promotions, Adult Arcade Amusement Centers and Indoor Activities on the Premises of a Licensed Pari-mutuel Permit Holder establishments shall not operate within one thousand (1,000) feet of a church, park or school, unless such establishment was in operation prior to the church, park or school locating nearby. With respect to the distance between such an establishment and an established church, park, or school, the distance shall be measured by from property line to property line, without regard to the route of travel.
1. The word “school” as used in this Part shall mean an establishment that is licensed as a general education or vocational facility under the jurisdiction of the Florida Department of Education, or an establishment that offers general or vocational education which includes courses of general education accepted by the Florida Department of Education for transfer to a school under its jurisdiction. Day care centers, day nurseries, nursery schools, and kindergartens that do not or do not include general education or vocational programs along with conventional child care activities are considered “schools” as defined in this Section.
  2. Subsequent Establishment of Church, Park or School: Whenever an Electronic Game Promotion operator has procured a permit and has commenced the business of operating an Electronic Game Promotions, Adult Arcade Amusement Centers and/or an Indoor Activities on the Premises of Licensed Pari-mutuel Permit Holder establishment at a properly zoned location and thereafter a Church, park or school shall be established within a distance otherwise prohibited by this Code, the establishment of such Church, park or school shall not be cause for the discontinuance of the business of such licensee at that location nor shall the business be considered nonconforming as defined in Part 10.03.00 of this Code.

#### **Sec. 2.03.49 Composting and Other Yard Waste Facilities**

Composting and Other Yard Waste Facilities may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. Buildings and storage/staging areas shall be setback a minimum fifty (50) feet from property lines.
- B. Buffering and screening shall be provided in accordance with the standards in Section 6.06.04.
- C. Outdoor storage/staging areas shall be enclosed with a minimum six (6) foot fence.

#### **Sec. 2.03.50 Car Wash Facilities**

Facilities which the primary activity is the cleaning of vehicles such as automobiles, motorcycles, and water craft may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations.

- A. Intensity
  1. Generally, such facilities shall be limited to three (3) vehicle cleaning areas, unless a waiver is granted by the Planning and Zoning Agency.



2. The request shall elaborate on the type of facility to be provided, manned or unmanned; hours of operation; screening; and other details as necessary.

**B. Setbacks, Orientation, and Design**

1. The vehicle cleaning area shall be located a minimum of 100' from the nearest Lot Line of any Residential Use, Residential zoning or residential portion of a Planned Development.
2. The entry bays for the vehicle cleaning areas shall be either screened from view with fencing or vegetation, or located so that the entry bays are not visible from any major collector roadway and any Residential Use, Residential zoning or Residential portion of Planned Development
3. Screening shall be provided with Evergreen plants six (6) feet in height at the time of planting and an overall screening opacity of seventy-five percent (75%) or greater; or a solid wooden, pvc, or similar material fence at least six (6) feet in height; or masonry or concrete block wall at least six (6) feet in height. If masonry or block wall is provided, it shall be painted and architecturally finished on both sides.
4. The facility shall provide for adequate lighting to address the safe operation of the site. Lighting shall be compliant with Part 6.09.00 of this Code and shall be depicted on the site plan.

**Sec. 2.03.51 Automobile Oil Change Facilities**

Automobile Oil Change Facilities, where the primary activity is the changing of automobile oil, may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

**A. Intensity**

1. Generally, such facilities shall be limited to three (3) bays, unless a waiver is granted by the Planning and Zoning Agency.
2. The total number of vehicles that may be serviced at any one time shall be limited to six (6), except for drive through facilities where the total number of vehicles that may be serviced at any one time is limited to three (3).

**B. Setbacks**

1. Buildings shall be located a minimum of 100' feet from the nearest Lot Line of any Residential Use, Residential zoning or residential portion of a Planned Development.

**C. Orientation, Screening and Design**

1. Bays shall be screened from view with fencing or vegetation or located so bays are not visible from any major collector roadway and any Residential Use,

Residential zoning or Residential portion of a Planned Development.

2. Screening shall be provided with a solid wooden, pvc, or similar material fence; or masonry or concrete block wall at least six (6) feet in height. If masonry or block wall is provided, it shall be painted and architecturally finished on both sides. Additional vegetative screening may be required adjacent to the fence or wall.
  3. Facilities shall use the same exterior architectural materials (excluding windows) on all sides of the Building.
  4. All storage of Vehicles awaiting needed parts shall be within the Building or completely screened from off-site view in a Yard.
- D. Applications shall provide any supplementary services such as brake installation or repair, tire service and/or battery service to evaluate for overall compatibility with the surrounding properties.
- E. Body shop, restoration, and/or major vehicle repairs are prohibited.
- F. Waiver
1. Generally  

The requirements of this Section, except for the specific prohibition of Section 2.03.51.E, 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 of 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.
    - e. The effect of the proposed waiver is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.
  2. Decision by Planning and Zoning Agency  

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

### **Sec. 2.03.52 Tire Service Centers**

Tire Service Centers, where the primary activity is the sale, installation and repair for automotive tires, may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to

the following conditions and limitations:

A. Intensity

1. Generally, such facilities shall be limited to three (3) bays, unless a waiver is granted by the Planning and Zoning Agency.
2. The total number of vehicles that may be serviced at any one time shall be limited to six (6), except for drive through facilities where the total number of vehicles that may be serviced at any one time is limited to three (3).

B. Setbacks

1. Buildings shall be located a minimum of 100' feet from the nearest Lot Line of any Residential Use, Residential zoning or residential portion of a Planned Development.

C. Orientation, Screening and Design

1. Bays shall be screened from view with fencing or vegetation or located so bays are not visible from any major collector roadway and any Residential Use, Residential zoning or Residential portion of a Planned Development.
2. Screening shall be provided a solid wooden, pvc, or similar material fence, or masonry or concrete block wall at least six (6) feet in height. If masonry or block wall is provided, it shall be painted and architecturally finished on both sides. Additional vegetative screening may be required adjacent to the fence or wall.
3. Facilities shall use the same exterior architectural materials (excluding windows) on all sides of the Building.
4. All storage of Vehicles awaiting needed parts shall be within the Building or completely screened from off-site view in a Yard.
5. Any outdoor storage of automobile parts shall also be depicted including areas, height of materials and screening.

D. Applications shall provide any supplementary services such as brake installation or repair, tire service and/or battery service to evaluate for overall compatibility with the surrounding properties.

E. Body shop, restoration, and/or major vehicle repairs are prohibited.

F. Waiver

1. Generally

The requirements of this Section, except for the specific prohibition of Section 2.03.52.E, 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 of 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.
  - e. The effect of the proposed waiver is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.
2. Decision by Planning and Zoning Agency  
The Planning and Zoning Agency, in review of the application for Special Use Permit, shall make a decision on any waiver request that pertains to the specific standards.

### **Sec. 2.03.53 Social Assistance Centers**

Social Assistance Centers for the purposes of this section is defined to be a Primary Use such as shelters which provide temporary housing and similar services for homeless persons, victims of violence and/or abuse, and/or youths. Social Assistance Centers may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. The compatibility of the proposed center shall be evaluated with existing and planned uses of surrounding property. Applications shall provide sufficient details so that the request may be evaluated for potential impacts to surrounding property. At a minimum the following shall be addressed within the application materials.
  1. Activities associated with the Social Assistance Center such as overnight stays, feeding programs, meal delivery, hours of operation, etc.
  2. Maximum number of persons to be accommodated and in no case shall the number of persons approved in the grant of Special Use be exceeded.
  3. The type and extent of buffers to be provided.

### **Sec. 2.03.54 Outdoor Storage**

Outdoor storage may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. Outdoor storage may be permitted as a Special Use only when located with the Mixed Use District, Intensive Commercial, Community Commercial, Rural Commercial, Public and Airport District Future Land Use Designations.
- B. Screening shall be in accordance with Part 6.06.04.B.7.b of this Code.

- C. Lighting shall be compliant with Part 6.09.00 of this Code and shall be depicted on the site plan.
- D. Storage area shall be accessory in nature to the Principal use of the property.

**Sec. 2.03.55 Large Place of Assembly**

Large Place of Assembly as defined by Part 12.01.00, where the Use results in the congregation of large numbers of people and/or vehicles, may be permitted as a Special Use within districts as defined in Section 2.03.01, and whether permitted by right or Special Use shall also be subject to the following conditions and limitations to ensure compatibility with adjacent Uses and the surrounding neighborhood as provided below. Properties owned and operated by St. Johns County shall not be subject to the provisions of this Section.

**A. Setbacks and Screening**

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

**B. Orientation, Access and Design**

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

**C. Special Use Permit**

The following factors shall be considered in the review of a Special Use Permit applications:

- 1. The compatibility of the proposed Large Place of Assembly Use with existing and planned land Uses. In making a determination of compatibility, the following shall be considered:
  - a. The nature of existing and planned land use.
  - b. The size and scale of the proposed Assembly Use.

- 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 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.
  - e. The effect of the proposed waiver is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.
2. Decision by Planning and Zoning Agency

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

### **Sec. 2.03.56 Animal Care Facility**

- A. All domestic animals shall be kept within a completely enclosed structure and under direct control of the kennel operator at all times and in accordance with St. Johns County Animal Code.
- B. Structures shall be located no closer than 100 feet of any property that maintains a residential zoning designation, or any property zoned Open Rural (OR) in a Residential Future Land Use designation.
- C. Daytime domestic animal boarding shall only occur between the hours of six o'clock (6:00 A.M.) and eight o'clock (8:00 P.M.).
- D. The operation of the Pet Care Facility shall not allow the creation of noise by any animal or animals under its care which can be heard by any person at or beyond the property line of the lot on which the kennel is located.
- E. Overnight boarding is prohibited.

### **Sec. 2.03.58 Brew-pub**

Brewpubs, are a special use with limited on-site manufacturing of malted beverages with no distribution component where the primary activity is the onsite sales and consumption of alcohol. This Use is must be associated with a tasting room, service area, restaurant, bar, saloon, tavern, and/or retail component for patrons' onsite. Brewpubs are allowed as a special use within districts provided in Section 2.03.01. Brewpubs in conjunction with a Bar, Cocktail Lounge, Tavern, or Saloon pursuant to Section 2.03.47 are only allowed in the same zoning district that would allow Bars and other similar facilities. Whether permitted by right or Special Use, the use shall be subject to Section 2.03.02 and the following conditions and limitations to ensure compatibility with adjacent Uses and the surrounding neighborhood as provided below.

- A. This use shall be permitted only in conjunction with a restaurant, bar, tavern, saloon, tasting room or retail service that is allowed in the zoning district. No more than fifty percent (50%) of the total gross floor area of the establishment shall be used for the brewery or manufacturing function including, but not limited to, the brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
- B. Brewpubs shall manufacture in quantities less than 5,000 kegs of beer per year.
- C. Where permitted by local ordinance, state and federal law, retail carryout sale of beer produced on the premises shall be allowed in specialty containers holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces). These containers are commonly referred to as growlers.
- D. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.

- E. No outdoor storage shall be allowed in conjunction with this use. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.
- F. All mechanical equipment visible from the street, an adjacent residential use, or residential zoning district shall be screened using architectural features consistent with the principal structure.
- G. Outdoor seating areas or areas of patron congregation shall be prohibited when the property directly abuts a residential zoning district.

**Sec. 2.03.59 Microbrewery**

Microbrewery, is a special use where the primary activity is the manufacturing of malted beverages, with a distribution component together with a limited retail component for sales for on-premise or off-premise consumption. This Use must include a retail space and Tasting Room for patrons on-site. Microbreweries may sell to wholesalers or act as wholesalers and sell directly to the consumer on-premise through carry outs (growlers), on-site Tasting Room or restaurant sales. Whether permitted by right or Special Use shall be subject to the criteria for alcoholic beverages in Section 2.03.02 and the following conditions and limitations to ensure compatibility with adjacent Uses and the surrounding neighborhood as provided below.

- A. The use must be engaged in the manufacturing and brewing of malt beverages. This use may be permitted with a restaurant, bar, tasting room or retail service as an on-site component of the brewery, subject to allowances in the zoning district. No less than seventy-five percent (75%) of the total gross floor area of the establishment may be used for the brewery function including, but not limited to, the brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
- B. When located within Commercial zoning designations (CG, TCMU, CHT, CI, and CHI) Microbreweries shall be no larger than 10,000 square feet and shall manufacture in quantities no more than 30,000 kegs. There is no limitation for brewing or manufacturing when located in property zoned to allow light or heavy industrial uses .
- C. No outdoor storage shall be allowed in Commercial zoning designations (CG, TCMU, CHT, CI, and CHI). This prohibition includes the use of portable storage units, cargo containers and tractor trailers.
- D. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.
- E. All mechanical equipment visible from the street, an adjacent residential use, or residential zoning district shall be screened using architectural features consistent with the principal structure.
- F. Outdoor seating areas or areas of patron congregation shall be prohibited when the property directly abuts a residential zoning district.



## **Sec. 2.03.60 Rural Industry**

Rural Industries may be permitted as a special use within districts as defined in Section 2.03.01 subject to the following conditions to ensure compatibility with adjacent Uses.

### **A. General Standards**

1. Rural Industries include, but are not limited to, uses allowed as Rural Home Industries including welding services, repair of lawn and farm equipment, furniture and cabinetry making, and lawn maintenance services subject to the standards contained in this section 2.03.00. Rural Industries specifically does not include automobile, boat, or truck repair and sales, personal mini-warehousing, or lumberyards, or other similar prohibited uses.
2. Rural Industries are only permissible on properties that maintain a Future Land Use Map (FLUM) designation of Agricultural-Intensive (AI), Rural Silviculture (R/S), or Rural Commercial (RC).
3. If located within the Open Rural zone district, the Rural Industry shall be accessory to a single family dwelling unit occupied by the owner or the manager and owned or operated by the owner or manager.
4. Rural Industry uses shall be located on parcels no less than three (3) acres.
5. If located in the Open Rural zone district, the Rural Industry shall be limited to businesses which create 10 or fewer peak hour trips daily. Rural Industries located in the Commercial Rural (CR) zone district are exempt from this requirement.
6. Pesticides registered as Restricted Use Pesticides (RUP's) by the Environmental Protection Agency (EPA), and further defined in Title 40 Subpart I, 152.160-175 of the Code of Federal Regulations are prohibited to be stored onsite.
7. External impacts such as noise, odor, or vibrations, shall not exceed those normally associated with Uses allowed in the underlying zoning district.
8. Rural Industry Uses shall not include those types of activities or uses associated with licensed contractors.

### **B. Ancillary Structures**

1. The activities, structures, and materials associated with the Rural Industry Use, such as parking, outdoor storage, storage structures or anything ancillary to the Rural Industry Use, shall not occupy a Front Yard and shall be setback a minimum of twenty-five (25) feet from any side or rear property lines and shall not exceed a vertical height in excess of forty (40) feet. All ancillary structures and outside storage areas associated with the Rural Industry Use shall be visually screened from view from the Right-of-Way or adjacent residentially zoned properties either by fences, walls, other structures or landscape screening that achieves at least 75% opacity at time of planting.

2. Off-street Parking shall be provided for each employee and for each work vehicle on-site and shall adhere to the screening provisions within Section 6.06.04.B.3. For the purposes of buffering and screening, the Rural Industry Use shall be classified as a Rural Commercial Use.
3. Exterior lighting for safety and security shall be kept to a minimum consistent with reasonable safety requirements of the particular business or Structure. Safety and Security lights, other than low-wattage lights or ground-area lights, shall not be directly visible from adjacent residential properties. See additional lighting criteria in 3.06.13.

C. Waiver

1. Certain requirements of this Section may be waived where literal or strict enforcement of the terms or provisions of this Part would impose upon the Applicant an unreasonable, unnecessary or exceptional burden. Waivers must be requested along with the Special Use Permit Application, and are requests for relief from specific provisions of this Special Use in lieu of filing a separate non-zoning variance application. The Applicant should be able to show that literal or strict enforcement would impose upon the Applicant an unusual or practical difficulty and granting the request will not serve as a mere convenience to the Applicant. No other provisions of this Special Use may be waived or varied except through the filing and approval of a variance pursuant to 10.04.00 of the Land Development Code.
  - a. A Waiver may be requested to the total number of allowable peak hour daily trips if it is found that the strict enforcement of the terms of this provision will not substantially increase congestion on surrounding public streets or alter the essential character of the area surrounding the site.
  - b. A Waiver may be requested to the required minimum lot size if the scope of activities and impacts on adjacent lands are reduced to ensure compatibility. For example, the number of peak hour trips, employees, area utilized for Rural Industry Use, and/or hours of operation may be proposed at reduced levels than otherwise permissible as a means to offset the waiver of the minimum lot size required.
  - c. No waiver will be granted which seriously or adversely affects any adjoining property or health, safety and welfare of the general public, including, but not limited to, traffic congestion, noise, fumes and odors, light trespass, visual blight, and the compatibility considerations of Comprehensive Plan Policy A.1.3.11
  - d. The Planning and Zoning Agency, when granting a waiver shall consider, as applicable, the location, size and nature of the Rural Industry.

## **PART 2.04.00 PROHIBITED USES**

The following Uses are either totally prohibited or they are prohibited in the designated areas mentioned in each separate Section:

### **Sec. 2.04.01 Gambling and Gaming**

A. It shall be unlawful for any person or entity that owns, leases, operates or controls (i) any establishment, facility and/or Parcel of land with a waterfront location that is located within the unincorporated area of St. Johns County or (ii) any submerged lands or improvements thereon that are located within the unincorporated area of St. Johns County, any of which are within twelve hundred fifty (1,250) feet of a Parcel of land that is zoned for residential Use or that is the site of an established school, Church or substantially equivalent institution, to allow any person to use, or to fail to prevent any person from using, such establishment, facility, land or the improvements thereon as an entrance way, dock or boarding facility to board, exit, or reboard any boat, ship, watercraft or vessel that (i) contains any gambling or gaming paraphernalia, machine or device that the Florida Legislature has declared in Section 849.20, F.S., to be a common nuisance or that (ii) provides gaming or gambling activities for its passengers or crew that are illegal within the State of Florida whether such activities occur within or without the boundaries of St. Johns County. The distance shall be measured by following the shortest route of ordinary pedestrian travel along the closest public thoroughfare from the main entrance of the docking, mooring or berthing facility at which the vessel boards, exits, or reboards any person to the closest edge of the residentially zoned land; to the main entrance of the church, and in the case of a school, to the nearest point of the school grounds in use as part of the school facilities. The words and phrases used herein shall have the definitions ascribed to them in Chapter 849, F.S.

B. Exemption

The prohibitions of the above Section shall not apply when the person(s) board, exit and/or reboard the boat, watercraft, ship or vessel for the sole purpose of mitigating or responding to a bona fide life, health or property threatening emergency.

### **Sec. 2.04.02 Parking Of Heavy Vehicles In Residential Districts**

Heavy vehicles which are in excess of eight thousand (8,000) pounds net vehicle weight, and are registered on the basis of gross vehicle weight in accordance with Section 320.01 (10) (11) (12), Florida Statutes, shall not be parked or stored in any residential district except as may be required for normal loading or unloading of such vehicles and during the time normally required for service at dwellings, or at Structures or activities allowable or permissible in such residential districts by the terms of this Code. Prohibited vehicles shall include dump trucks, semitrailers, truck tractors and similar vehicles as defined by Section 320.01 (10) (11) and (12), Florida Statutes. In addition, the parking of a school bus, except for the normal loading or unloading during the time normally required for service, shall be prohibited in Residential Districts.

### **Sec. 2.04.03 Parking, Repairing and Storage Of Certain Vehicles Without Current License Plates and Recreational Vehicles**

Motor vehicles, Manufactured/Mobile Homes, Recreational Vehicles, or trailers of any type, without current license plates (except vehicles customarily used in agricultural pursuits and Recreational Vehicles that are not required to be licensed by State law) shall not be parked or stored other than in completely enclosed Buildings on any residential, agricultural, neighborhood business and commercial, or general business and commercial categories, within those zoning districts as defined in said categories in Section 2.02.02. No major repairs shall be made to any such motor vehicles, Manufactured/Mobile Home, Recreational Vehicle, or trailer of any type within these zoning districts other than in a completely enclosed Building and if such repairs are made all parts shall be kept inside such enclosed Buildings.

### **Sec. 2.04.04 Use Of Residentially Zoned Property For Access**

No private land in a residential or Open Rural zoning district shall be used for vehicular or pedestrian access to land or Structures in other districts used for any purpose not allowed in residential or Open Rural districts, except as provided below or otherwise authorized by this Code or other lawful regulations:

- A. Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except through privately owned residential or agricultural land, access reserved for and limited to such vehicles may be authorized by the County Administrator, subject to conditions and safeguards designed to protect the tranquility and character of the residential land so traversed.
- B. Where convenience and safety would be promoted, walkways and bicycle paths to non-residentially zoned land may be authorized by the County Administrator across privately owned residentially zoned land, subject to conditions and safeguards to protect the tranquility and character of the residential land so traversed.

### **Sec. 2.04.05 Sales, Display and Preparation of Products in Commercial Districts**

- A. Sale, display and preparation and storage of products for sale within CG, CN, and OP Zoning Districts shall be conducted within a completely enclosed Building, except for those Uses permitted by right within such districts, except for sidewalk sales as customary and incidental to existing retail establishments offering products associated with existing establishments, and except when such outdoor storage is permitted in accordance with Part 2.03.00 of this Code; and further, there shall be no more than thirty percent (30%) of floor space devoted to storage within said districts.
- B. In addition to the provisions of Section 2.04.06.A. above, on-site outdoor seating for restaurants may be allowed on parcels of land zoned commercial and located within Commercial, Mixed Use District, or Town Center Mixed Use District Future Land Use Designations, or within Planned Districts. For requests on parcels of land zoned commercial and located within a Residential Future Land Use Designation, a request for outdoor seating may be evaluated in conjunction with a Special Use Permit for alcoholic beverages.

#### **Sec. 2.04.06 Mobile Sales Units On Un-improved Property**

Mobile sales units shall not be located on un-improved property nor shall such unit be located within any zoning district not allowing outside sales activities, except as provided in a temporary Use as defined in Section 2.02.05 of this Code.

#### **Sec. 2.04.07 Erection Of More Than One Main Use Structure On a Residential Lot**

More than one (1) main Use Structure shall not be placed or erected on a single Lot within a properly platted Subdivision, Subdivision properly recorded in accordance with County ordinances, or Legally Documented Unrecorded Subdivision, except as follows:

- A. Lots within a properly platted Subdivision, or Legally Documented Unrecorded Subdivision may apply for Special Use permit as provided in Section 2.03.28 provided the property meets minimum yard, area and other requirements of this Code pertaining to the zoning district in which it is located as though it were on an individual or separate Lot and the total density of the Lot is in compliance with the provisions of the Comprehensive Plan. The main use structure on the lot shall have been declared and continues to be declared as homestead by the Property Appraiser, unless this provision is waived by the Planning and Zoning Agency in the granting of the Special Use permit.
- B. More than one (1) main Use Structure shall not be allowed on Lots within Future Land Use designations of Agricultural-Intensive (A-I) and Rural/Silviculture (R/S) except as may be allowed under the Family Farm and Lot provision of the Comprehensive Plan and shall be subject to Special Use requirements of Paragraph A above.
- C. Lots of Record not within a properly platted Subdivision, or Legally Documented Unrecorded Subdivision may have more than one (1) main Use Structure provided the property meets minimum yard, area and other requirements of this Code pertaining to the zoning district in which it is located as though it were on an individual or separate Lot.

The allowance for additional units on a Lot within a properly platted Subdivision, Legally Documented Unrecorded Subdivision or a Lot of Record shall be limited to a maximum of four (4) additional structures on a single Lot. Requests for more than four (4) additional structures on a single Lot shall require a Development Permit in compliance with the provisions of Part 5.02.00 of this Code.

#### **Sec. 2.04.08 Medical Marijuana Treatment Center Dispensing Facilities**

Medical Marijuana Treatment Center Dispensing Facilities are a prohibited use in all Zoning Districts (including PUDs, PSDs, and PRDs) and in all Uses Classifications as authorized by Section 381.986(11)(b)(1), F.S. (2017). It is unlawful for an Person to establish or operate a MMTTC Dispensing Facility within the unincorporated area of St. Johns County. This prohibition does not apply to Medical Marijuana Treatment Center Cultivation or Processing Facilities, nor apply to the delivery of Medical Marijuana from a Cultivation or Processing Facility to medical marijuana treatment centers, marijuana testing laboratories, or at-home delivery to qualified patients.

History: Ord. 2013-4; Ord. 2013-26; Ord. 2015-14; Ord. 2016-36; Ord. 2017-17; Ord. 2018-20; Ord. 2018-41; Ord 2018-62