

ARTICLE V DEVELOPMENT OPTIONS
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PART 5.00.00 GENERALLY

This Article sets forth the Development options established by St. Johns County. Depending on the circumstances of particular Development scenarios, Development options provided herein may be used singly or jointly. Where necessary the provisions relating to the different Development options contain design standards that supplement or replace particular standards in Article VI, and procedures which supplement or replace particular procedures in Article X.

Sec. 5.00.01 Conservation Of Natural Features and Environmentally Sensitive Areas

Development Plans shall be designed (Subdivisions, Site Plans, PUDs, PRDs, etc.) so as to conform to and take advantage of topographic and other natural features of the land, including the conservation of existing Trees, Wetlands, water bodies, and Environmentally Sensitive Areas as required by law, rule and Article IV of this Code. Environmentally Sensitive Areas shall be shown on the Development Plan. Applicable setbacks from these areas shall also be shown. New Development, expansion or replacement of existing Development shall be restricted in areas designated on the Future Land Use Map as Environmentally Sensitive Areas in accordance with provisions in Sections 4.01.06 through 4.01.13. Development within these areas shall be coordinated with the County Administrator, Florida Fish and Wildlife Conservation Commission, Department of Environmental Protection, St. Johns River Water Management District, and other regional, State, or Federal agency having jurisdiction.

Sec. 5.00.02 Compliance With This Code

No Parcel of land shall be created or used which does not meet the minimum requirements of this Code. No such parcel shall receive any County Development Order or Development Permit that does not meet the minimum requirements of this Code, unless otherwise exempted under this Code.

PART 5.01.00 SUBDIVISION

Sec. 5.01.01 Generally

A. Purpose

The purpose of the Subdivision regulations is to set forth regulations regarding the subdivision and Development of land in unincorporated St. Johns County in order to protect the health, safety, welfare, and general well being of the citizens of St. Johns County.

B. Objectives

It is intended that the implementation of these regulations accomplish the following objectives:

1. Provide efficient and effective review, determination, and compliance procedures;
2. Ensure proper legal description, identification, monumentation, and recording of property boundaries;
3. Ensure adequate access;
4. Prevent the haphazard Subdivision of land and the inadequate provision of physical improvements;
5. Ensure that a Subdivision Development complies with other rules and regulations, such as zoning and environmental regulations, pertinent to the Development;
6. Ensure safe and convenient traffic control;
7. Prevent Flooding within Subdivision Developments by providing adequate Flood control and drainage facilities;
8. Ensure the installation of necessary and adequate roads, water, Wastewater, and sidewalk facilities; and
9. Ensure compliance with Chapter 163, F.S., and the St. Johns County Comprehensive Plan.

C. Applicability

1. Whenever land in unincorporated St. Johns County is divided so as to constitute a Subdivision as defined herein, such Subdivision of land shall be in compliance with the requirements set forth in these regulations. The entire parent Parcel (or unified ownership tract) for any Subdivision shall be reviewed by the County in conjunction with the Subdivision review for any portion of the parent Parcel (or unified ownership tract). No County Development Order or Development Permit for residential Use shall be issued for more than two (2) Parcels (or unified ownership tracts) of land which have been Subdivided from a parent Parcel (or

unified ownership tract) existing as of the effective date of this amendment to the Land Development Code (i.e., October 17, 2000) without a plat being approved by the Board of County Commissioners, pursuant to Chapter 177, Florida Statutes, for the additional Parcels (or unified ownership tracts). Parcels (or unified ownership tracts) of land may be Subdivided and County Development Orders or Development Permits may be issued for family farm and lot divisions approved in compliance with the Comprehensive Plan and all other applicable Land Development Regulations and non-residential Uses on such Subdivisions without a required plat.

2. No County Development Order or Development Permit for residential Use shall be issued for any Parcels (or unified ownership tracts) of land which have been Subdivided from a parent Parcel (or unified ownership tract) existing as of the effective date of this amendment to the Land Development Code (i.e., October 17, 2000) if an Easement, license, or conveyance of any portion or interest of the parent or Subdivided Parcel (or unified ownership tract) is given to the public in general, or to a particular public entity in order to serve such individual Subdivided Parcel (or unified ownership tract) or the public, unless such Subdivided Parcel (or unified ownership tract) and said Easement, license or conveyance are platted in accordance with Chapter 177, Florida Statutes. This provision shall not apply to Subdivisions made pursuant to Site Plan(s) lawfully approved or pending approval on the effective date of this ordinance.
3. The replatting of a previously platted Subdivision shall be required for any re-division or change in the configuration of one or more Lots within the Subdivision, except for the combination or recombination of portions of previously platted Lots which does not increase the total number of Lots in the previously platted Subdivision and the resultant Lots comply with all applicable provisions of this Code.

D. Compliance with Comprehensive Plan

No division of land shall be allowed that is in conflict with the densities, intensities, or other provisions of the St. Johns County Comprehensive Plan. No County Development Order or Development Permit shall be issued for a Parcel of land that has been divided contrary to said Comprehensive Plan.

E. Compliance with Other Regulations

No Parcel of land shall be created, either by inclusion within or exclusion from a proposed Subdivision, which cannot be properly utilized for a permitted Use under this Code. A Subdivision Development shall also meet or exceed the relevant requirements of all Land Development Regulations adopted by St. Johns County. The approval of a Subdivision Development does not abrogate any legal requirement to comply with the regulations of any other governmental agency, local, state, or federal, which may have jurisdiction over the proposed activity.

F. Taxes

No land shall be divided or Subdivided and no drawing or plat of the division or Subdivision of any land shall be filed or recorded in the public records of any court until

all taxes have been paid on the land.

G. Design Objectives

A Subdivision Development should be designed to create a functional and attractive environment, minimize adverse impacts, provide maximum livability, provide safe and efficient access and circulation, and generally be an asset to a community. The County Administrator may, in the application of these standards and guidelines, exercise design discretion to achieve the intent and purpose of these regulations.

Sec. 5.01.02 Optional Preliminary Subdivision Plan

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

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

Sec. 5.01.03 Platting Administrative Process

- A. Where proposed Development includes the Subdivision of land, by recordation of a Plat pursuant to Chapter 177, F.S., the final approval of the proposal by the County Administrator shall be made contingent upon approval by the Board of County Commissioners of a plat for the Development.
- B. The Board of County Commissioners shall determine whether the proposed plat conforms to the requirements and standards of Florida Statutes and the St. Johns County Land Development Code. A conforming plat shall be approved by the Board of County Commissioners and the County Administrator shall forthwith issue the Development Order allowing Development to proceed. The Board of County Commissioners shall return a copy of nonconforming plats to the Applicant with an explanation of deficiencies and a notice that a corrected plat may be resubmitted for approval.

Sec. 5.01.03 Re-plats & Vacations

Replats may be submitted pursuant to Section 177.101, F.S., and in compliance with the following additional minimum notice requirements. These requirements are intended to supplement existing State minimum requirements.

- A. Not less than fifteen (15) days in advance of the date for which the replat may be considered for approval, a sign shall be posted on the subject property proposed for a replat in conformance with this Code and the Development Review Manual, and
- B. Not less than fifteen (15) days in advance of the date for which the replat may be considered for approval, mailed notice shall be sent to the Homeowners Association, if one exists, for the property proposed for a replat, and

- C. Published legal notice, in compliance with Section 177.101(4), F.S. and in substantially the form found in the Development Review Manual, shall be published in a St. Johns County newspaper of general circulation in not less than two weekly issues at least seven calendar days apart.

PART 5.02.00 SITE PLAN

Sec. 5.02.01 Purpose

- A. Construction activity upon the land is an element in the process of community Development. Such activity impacts public utilities, facilities, Roadways and adjacent land and their use. Therefore, in the interest of the public health, safety and welfare, it is necessary that these activities be carried out in a proper and orderly fashion and in accordance with St. Johns County standards.
- B. The purpose of the Site Plan regulations is to establish procedures and standards for the review of Construction activities and site Development, except for Single Family and Two Family Dwellings (duplexes) residential Development on Lots of Record, existing on the effective date of this Code, in order to ensure the following:
 - 1. Provision of efficient and effective review, determination and compliance procedures.
 - 2. Prevention of Flooding within Developments by ensuring adequate Flood control and drainage facilities are provided.
 - 3. Traffic hazards are minimized and traffic flow is enhanced, including pedestrian traffic.
 - 4. Developments are compatible with the sites as well as adjacent Uses.
 - 5. Developments are responsive to the environment and protection of Environmentally Sensitive Areas.
 - 6. Availability and type of water and wastewater utilities serving the sites.
 - 7. Developments have adequate fire protection.
 - 8. Compliance with Chapter 163, F.S., and the St. Johns County Comprehensive Plan.

Sec. 5.02.02 General Requirements

- A. A Site Plan shall be required for all new Development to further assist the County Administrator in assuring that Development shall be in compliance with all applicable ordinances, regulations and resolutions of this County.
- B. All Development reviewed under the Site Plan regulations shall comply with the densities and intensities and other provisions established within the St. Johns County Comprehensive Plan; unless otherwise excepted therein.
- C. All Development shall meet or exceed the requirements of all Land Development Regulations as established and adopted by St. Johns County, the State of Florida and the federal government unless such requirements have been waived by those governments.

- D. The approval of a Site Plan and the issuance of a Development Order are required by St. Johns County before Building Permits may be issued for Construction.

PART 5.03.00 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

Sec. 5.03.01 Generally

- A. These districts are used for specialized purposes to allow for innovative design techniques. The application of flexible land Use regulations to the Development of land is often difficult or impossible within traditional zoning district regulations. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners, and Developers to produce Developments which may depart from the strict requirements of traditional zoning districts in return for a gain in aesthetic and functional design as compared with traditional zoning districts. Planned Unit Development districts shall be suitable in location, area, and character for the Uses and Structures proposed, and are to be planned and developed in a unified manner. Land proposed for Planned Unit Developments proposed shall comply with the Comprehensive Plan and may be located in all Future Land Use Districts except that residential development in the Rural/Silviculture (R/S) and Agricultural-Intensity (A-I) land use designations shall be in accordance with the Planned Rural Development (PRD) District.
- B. Planned Unit Development districts may be utilized to encourage the orderly concentration of Development on vacant Parcels of land around and within the defined existing Development Areas in order to efficiently utilize existing and programmed public facilities.
- C. Within the standards of the Comprehensive Plan, Planned Unit Development may be used as a vehicle to permit Developments at increased densities above the zoning district within urban areas where the innovative use of buffering and modern design techniques mitigate the external impacts of Development and create a desirable physical environment. However, in no case shall the densities allowed exceed the maximum density for the Future Land Use Map designation of the Comprehensive Plan. Through the utilization of a Planned Unit Development district, the Board of County Commissioners may allow mixed Dwelling types and/or housing densities as well as provide for the safe, efficient, convenient, harmonious groupings of Structures, Uses, and facilities, for appropriate relationships of space, inside and outside Buildings, to intended Uses, and for conservation of desirable natural features and Environmentally Sensitive Areas and minimum disturbance of natural topography. With appropriate justification provided in the PUD, Uses as provided in Article II, shall be allowed within PUDs with criteria and standards that differ from the standards established in Article II, when approved with the PUD Ordinance.
- D. Planned Unit Development districts shall be related to the general Development pattern and the objectives of the Comprehensive Plan, provide for the comfort and convenience of residents, facilitate protection of the character of the surrounding neighborhoods, and reduce automotive traffic congestion by a reasonably close relationship (either in distance or time) between origins and destinations of persons living, working or visiting in such Development, with availability of major streets or mass transit. Housing, commercial and service facilities which are principal places of employment shall be so related by physical proximity, by major street networks or by mass transit as to promote these objectives.

- E. In view of the substantial public advantage of Planned Unit Development, it is the intent of these regulations to promote and encourage Development in this form where appropriate in location and character.
- F. A Planned Unit Development may include any land use allowable under the Comprehensive Plan and this Code, when approved pursuant to the PUD Ordinance.

Sec. 5.03.02 General Standards

- A. Consistency with the Comprehensive Plan

All Planned Unit Development districts shall be consistent with the Comprehensive Plan.

- B. Location

Planned Unit Development districts shall be located where they will facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services and surrounding land Uses will be minimized; where the Use is compatible with surrounding land Uses; where the Development will not encourage the expansion of office or commercial strip Development along adjacent streets; and where the intensity of the Project is consistent with the Use that it provides.

- C. Minimum Size

No Planned Unit Development shall be approved unless the area encompassed by the Development is equal to or greater than the minimum Lot size required by the zoning district in which the Development is located.

- D. Compatibility

- 1. Planned Unit Development districts shall be allowed a range of Uses, and site design features. In evaluating proposals, the following factors shall be considered:
 - a. The nature of surrounding land Uses shall be considered in order to ensure that the intensity of any proposed nonresidential Development will not create external impacts that adversely affect surrounding residential Uses.
 - b. The nature of surrounding land Uses shall be considered in order to ensure that the intensity and density of any proposed commercial Development provides, where appropriate, a transition between surrounding Uses.
 - c. The compatibility with surrounding Uses shall be established through the use of, but not limited to, transitions in density and intensity, screening and buffering, architectural finish, consistent roof lines, controlled access, Building orientation, Building mass, scale, and height, and other site planning techniques. Compatibility shall also include the placement of and location of specific Use Classifications, as provided in Article II of this Code and the relationship of the Use on the adjacent Uses, specifically

Residential Uses shall generally be separated from Highway Commercial Uses, High Intensity Commercial Uses, and Industrial Uses by the placement of Multi-Family residential and/or less intense office or commercial Uses or natural features, such as Wetlands.

- d. The maximum allowed densities of residential Development within a PUD district shall not exceed the maximum density allowed by the Future Land Use Map designation of the Comprehensive Plan. The maximum intensity and impervious surface ratio shall not exceed the maximum allowed by the Comprehensive Plan and proposed Uses within a mixed use PUD shall be compatible with the underlying Future Land Use designation of the Comprehensive Plan.
 - e. Residential densities for Developments designed for the Affordable Housing optional density bonus provisions section of this Code may be increased by twenty-five percent (25%) as provided for in that Section of this Code. The following factors will be considered: (i) whether the Development is proposed as an integral part of a mixed Use Development which provides services, goods and facilities, including health care, which could reasonably be considered directly supportive of the needs of the residents; (ii) whether the Development is within one thousand (1,000) feet of one or more locations which provide such services, as measured from the nearest residential unit and such services are easily accessible to the Development by pedestrian walkways free of pedestrian-vehicular conflicts; or (iii) whether such services are easily accessible by automobile by a non-circuitous route or such services are easily accessible by mass transit which serves the Development.
2. Roadway segments that provide access shall be evaluated in order to ensure that the intensity and density of the proposed Development will not adversely impede the free flow of traffic on the streets serving the Project as determined in Article XI, Concurrency Management, and other provisions of this Code.
 3. The functional classification of streets serving the proposed Development shall be considered, for the purposes of ensuring that the intensity and density of the Project is consistent with the operating characteristics of impacted roadway segments and intersections.
 4. Perimeter buffers and screening at the boundary between the PUD district and adjacent Uses shall be provided according to the standards of this Code. However, buffers between Uses within the Planned Unit Development shall be required only between otherwise incompatible Uses.
 5. Existing land Uses, zoning, roadway, and significant environmental features of adjacent and surrounding properties shall be provided through maps and textual information to allow for an evaluation of the compatibility of the proposed Development with its surrounding area.

E. Adequacy of Facilities

The adequacy of sewage disposal systems, water supplies, fire protection, police protection, drainage systems, transportation systems, school facilities and recreational facilities to serve the proposed Development shall be considered in order to ensure that demands generated can be accommodated. For water, sewer, drainage, transportation, and recreation facilities the demand and adequacy of the facility shall be determined in accordance with Article XI, Concurrency Management. For public safety facilities and services (e.g. police, fire, EMS), the demand and adequacy of such facilities and services may be determined by the Board of County Commissioners.

F. Relation of PUD Regulations to General Zoning, Subdivisions, or Other Regulations; Modifications on Equal Satisfaction of Public Purposes

1. The Planned Unit Development regulations contained in this Code shall apply generally to the initiation and regulation of all Planned Unit Development districts. Where there are conflicts between the special PUD regulations herein and general zoning, Subdivision, or other regulations or requirements, these PUD regulations shall apply in PUD districts unless the Board of County Commissioners finds, in the particular case, that provisions herein do not serve public purposes to a degree at least equivalent to such general zoning, Subdivision, or other regulations or requirements.
2. Where actions, designs, or solutions proposed by the Applicant are not literally in accord with applicable PUD or general regulations, but the Board of County Commissioners makes a written finding, in the particular case, that public purposes are satisfied to an equivalent or greater degree, the Board may make specific modification of the regulations in the particular case. However, where floor area and similar ratios, as well as maximum allowed densities have been established by these regulations, the Board shall not act in a particular case to modify such ratios or maximums.
3. Except as indicated above, and notwithstanding procedures and requirements generally in effect, those procedures and requirements set forth in this Article shall apply in all PUD districts.

G. Master Development Plan Required

Except as otherwise allowed in this Code or by applicable law, all PUD applications shall include a Master Development Plan Text (Text) and Master Development Plan Map (Map), as provided below. The Master Development Plan Text and Map create a unified Development Plan by which the Project shall develop. The Master Development Plan Text and Map shall apply to any and all Developers, contractors, and buyers within the Project, unless modified pursuant to the requirements of this Part. The Text shall include the following minimum requirements, as appropriate:

1. Text

The PUD text shall be provided in a format consistent with following

requirements. The Text shall be written in a clear and concise manner fully addressing each subsection. Extraneous information is discouraged. The Text shall include a written description of the intended proposed Project, including the following, as appropriate. Additional criteria may be requested, based upon the character, scope and location of the Project.

- a. A description related to the design, character and architectural style or theme of the Project, which demonstrates an innovative, unified, cohesive and compatible plan of development for all Uses included in the Project. Mixed Use PUDs that contain different Uses or several Development Parcels must also demonstrate consistency in design and character and plan of development.
- b. The total number of acres included within the Project as requested in the application.
- c. The total number of Wetland acres included within the Project as requested in the application.
- d. The total amount of Development area, including the total number of developable acres (including filled Wetlands) for each proposed land Use and the total number of Wetland acres to be preserved for each land Use. Each developable Parcel shall be limited to one Use Classification, as provided in Article II of this Code.
- e. The total number of residential Dwelling Units and density of the Project, proposed density bonuses, the projected population, and projected population of school age children that may reside within the Project.
- f. The total square footage and intensity of non-residential Development.
- g. The residential and non-residential Structure setbacks, as measured from the property line, the minimum size of residential Lots, the number of parking spaces for residential and non-residential Uses, the use of Signs and signage to serve the Project, including the sign height, size and type, such as wall, ground or monument, pylon, etc., street lights or other required outdoor lighting within the Project, and the maximum height of all Structures.
- h. The type and location of infrastructure needed to serve the Project, including at a minimum, drainage facilities, vehicle and pedestrian access to the Project, internal vehicle and pedestrian access within the Project, interconnectivity access points to adjacent properties, potential new or expanded thoroughfare or right-of-way location, park, open space and recreation facilities, types of active recreation that will be provided, the provision of water and Sewer, fire protection, and solid waste collection. Additional infrastructure requirements may be addressed based upon the character or location of the Project.
- i. The amount of water and Sewer use, based upon the projected population, and the public Utility Providers, if applicable.

- j. The type of underlying soils and its suitability for Development of the proposed Project.
- k. The type and extent of upland forest and Wetlands on the site using the Level III classification of the Florida Land Use Cover and Classification System (FLUCCS). A map depicting the location of upland forest and Wetland vegetation shall be provided with the application submittal.
- l. The type and extent of any Significant Natural Communities Habitat as defined by this Code. Listed Species information including locations, densities and extent of habitat.
- m. Identification of known or observed Historic Resources as defined by this Code, including any sites listed within the State Division of Historical Resources Master Site File or the St. Johns County Historic Resources Inventory. In such cases, the requirements of Part 3.01.00 of this Code shall apply.
- n. The type and extent of buffering, landscaping, Tree removal and Tree protection, and buffering between adjacent Uses as needed to aesthetically screen Uses and provide privacy.
- o. PUDs located in Special Districts as defined by Article III of this Code shall include a statement identifying the particular Special District and referencing the requirements to comply with the provisions of such Special District.
- p. The use, location and duration of temporary Uses, including Construction trailers, sales units, model homes, and temporary signage related to Construction of the Project.
- q. The use and location of Accessory Uses for residential and non-residential Structures, including Guest Houses, A/C units and related heating/cooling units, setbacks, swimming pools, fencing, and similar Uses.
- r. A phasing schedule, which shall include the amount of residential and non-residential Development to be completed within a specified phase; a specific commencement term with a definition of commencement, and a specific completion term with a definition of completion. Phasing of the PUD may be obtained by either of the following two methods:
 - (1) the provision of an estimate of Uses to be developed within five (5) to ten (10) year phases. The estimated phases may overlap during construction; however, a phase shall be fifty percent (50%) complete, before the next phase may proceed; or
 - (2) the provision of number of residential units or non-residential square footage that comprise a phase and the provision of specific development conditions related to the specific phase (e.g. prior to

the platting of one hundred (100) dwelling units, a park shall be provided).

The phasing schedule, using either option, shall also provide for a PUD Progress Report as required by Section 5.03.07.

An extension of the commencement or completion date of a PUD, of not more than one (1) year, may be approved by a Small Adjustment when the County Administrator has determined there are not significant changes to the surrounding area since the PUD was originally approved that would cause the PUD to negatively impact the surrounding area, and the Future Land Use Map designation of the subject PUD is the same as when the PUD was approved. If, in the determination of the County Administrator, either of these conditions are not met, or the extension of the commencement or completion date is for more than one (1) year, a Major Modification to the PUD shall be required, as provided in Section 5.03.05.C. An extension of any phase of a PUD may also be approved by a Small Adjustment so long as the commencement or completion dates of the PUD are not extended beyond one (1) year.

- s. The projected impact of the Project upon St. Johns County, and an explanation of the Project's benefit to the County, as compared to existing zoning or other zoning district, and justification of the Project.
- t. A description of any requested waivers from the strict provisions of the Land Development Code to allow for innovative design techniques and alternative development patterns through the PUD zoning process. An explanation of the benefits arising from the application of flexible standards and criteria of this Code shall be provided to justify the need for such waivers.
- u. A statement, and agreement to comply, binding all successors and assigns in title to the commitments and conditions of the Master Development Plan.
- v. When the subject property is designated as more than one Future Land Use designation on the Comprehensive Plan Future Land Use Map, a map shall be provided depicting the boundaries between the designations and provide the total upland and Wetland acres for each land Use designation.

2. Map

The Master Development Plan Map shall be a detailed Site Plan, as appropriate, that depicts the proposed development within the PUD which is drawn to a legible scale. The Map may include more than one page, based upon scale and scope of the Project. Additional criteria may be requested, based upon the character, scope and location of the Project. For Developments of Regional Impact, phased multi-use projects, and phased commercial projects, an Incremental Master Development Plan (MDP) Map may be submitted depicting in detail the initial phase of development and a general depiction of the proposed

Uses for the remaining portion(s) of the project. Subsequent Incremental Master Development Plan Maps shall be submitted that provides detailed site plans for subsequent phases before construction plan approval of those phases. Adjustments may be considered to the MDP Map under the criteria of Section 5.03.05 of this Code. The MDP Map shall contain the following, as appropriate:

- a. The general location of all land Uses described in the text, including the general location of all residential Lots and the general location of all non-residential Structures. The general layout of the internal street system in relation to the land Uses shall also be depicted.
- b. The general location of Wetlands, conservation/preservation areas, open space areas, commonly owned areas, golf course and parks.
- c. The general location of any Historic Resources as defined by this Code, and notation regarding any required action related to such resources.
- d. The general location, width, extent and type of buffers proposed to conform, at a minimum, with the buffer requirements of Section 5.03.03.A. and other standards in this Code.
- e. The general location of any Water Treatment Plant, Wastewater Treatment Plant, electrical, or other infrastructure stations and sub-stations.
- f. The general location of parking areas other than residential driveways. Parking calculations demonstrating compliance with this Code shall also be noted.
- g. The general location of all vehicle and pedestrian access to the Project, the internal vehicle and pedestrian accesses within the Project including all sidewalks, and the general location of internal and pedestrian connections between Uses.
- h. The general location of retention, detention and other drainage facilities that may be used in the Project; however, final engineering may be approved upon review of final Construction Plans and in accordance with Article VI of this Code.
- i. The general location of all Project identification signage.
- j. A general location of the subject property in relation to the County.
- k. The general location of future access points providing interconnectivity to adjacent properties.
- l. A map showing the location of the 100-year floodplain in relation to the Project.
- m. Any unique requirements, situations or provisions of the PUD shall be noted on the Map.

H. Architectural Review by Associations

1. Definitions.

As used in this Section the term:

- a. "Architectural Approval" means the approval given to the Owner of a Parcel of the plans and specifications for the location, size, type, or appearance of any structure or other improvement (temporary or permanent) on a Parcel by an Association which is empowered with Architectural Review Authority for the particular type of improvement or activity, for the Community in which the Parcel is situated.
- b. "Architectural Permit" for the purposes of this Section means a required building permit, or other required development permit authorizing an Owner to construct, alter, renovate, rehabilitate, reconstruct, or demolish buildings, structures, or other improvements, on the Owner's Parcel. The term "Architectural Permit" includes, where applicable, permits for:
 - (1) Temporary structures, modular buildings, modular homes.
 - (2) Signs.
 - (3) Portable housing units.
 - (4) Accessory structures.
 - (5) Awnings.
 - (6) Additions to existing structures.
 - (7) Land alteration.
 - (8) Land clearing.
 - (9) Tree removal.
 - (10) Swimming pools.
- c. Notwithstanding the preceding, the term "Architectural Permit" excludes permits whose scope is limited to:
 - (1) Political signs.
 - (2) Public signs.
 - (3) Interior improvements, alterations, renovations, reconstruction, rehabilitation or demolition where the permitted work will be wholly conducted within an existing structure and which not affect the exterior appearance of such structure.

- (4) Emergency repairs reasonably necessary to avoid damage to persons or property.
 - (5) Construction or alterations of the roads, utilities, stormwater management facilities and similar improvements pursuant to a Final Subdivision Plat and related Development Plan.
 - (6) Work within areas in the Community other than within a Parcel, such construction or alteration of roads, utilities, or stormwater management facilities even if such work incidentally alters one or more Parcels.
 - (7) Subdivision entrance signs even if within a Parcel; any work within the Community initiated by the Association, governmental body, or utility.
- d. "Architectural Review Authority" means the particular authority vested by the Declaration in an Association to review and approve certain plans and specifications for the location, size, type, or appearance of any applicable structure or other improvement (temporary or permanent) on a Parcel, or to enforce standards for the external appearance of any structure or improvement (temporary or permanent) located on a Parcel.
 - e. "Association" means a Florida corporation responsible for the operation of a Community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel. The term "Association" does not include a community development district or other similar special taxing district created pursuant to statute. The term "Association" also includes any architectural review board or committee appointed by the Association to review proposed improvements or alterations within the community, when exercising Architectural Review Authority on behalf of the Association.
 - f. "Community" means the real property that is or will be subject to a Declaration which is recorded in St. Johns County, Florida. The term "Community" includes all real property, including undeveloped phases, that is or was the subject of a planned unit development ordinance or development-of-regional-impact development order, together with any approved modifications thereto.
 - g. "Declaration" means a recorded written instrument, including any supplements, modifications, or amendments, in the nature of covenants running with the land which subjects the land comprising the Community to the jurisdiction and control of an Association or Associations in which the owners of the parcels, or their Association representatives, must be members. "Declaration" also includes any other instrument referred to in the Declaration such as architectural guidelines, articles of incorporation

or bylaws which pertain to Architectural Review Authority for the Community.

- h. "Developer" means a person or entity that creates the Community served by the Association; or succeeds to the rights and liabilities of the person or entity that created the Community served by the association, provided that such is evidenced in writing.
- i. "Owner" means the record owner of legal title to a Parcel.
- j. "Parcel" means a platted or unplatted lot, tract, unit, or other subdivision of real property within a Community intended for the construction of a private dwelling or other buildings as described in the Declaration which is capable of separate conveyance. The term "Parcel" does not include lands within a Community owned by the Association, governmental body, or utility.
- k. "Registered Community" means a Community which has been registered by its Association with the County according to the provisions of this Section. A Community will no longer be considered a "Registered Community" upon expiration of the registration term, unless the registration is timely renewed.
- l. "Registered Approval Community" means a Registered Community which has requested and been granted authority by the County pursuant to §5.03.02 H with respect to review and approval of Architectural Permits as a prerequisite to County approval of such permits, except as may be approved through appeal as provided by this Section.
- m. "Section" means 5.03.02.H.
- n. "Turnover" means the transition of control of the Association in a Community from the Developer to the other members of Association pursuant to Section 720.307, Florida Statutes.

2. Purpose, Scope and Application

The purposes of this Section are to establish a procedure to assure that Owners, in a Community where the Association exercises Architectural Review Authority pursuant to the Declaration, are not issued an Architectural Permit until:

- a. The Owner of the subject Parcel after providing required written notification to the Association, proceeds in application for an Architectural Permit in the absence of Architectural Approval; or
- b. The applicant for the Architectural Permit has obtained Architectural Approval from the Association.

This Section is intended to avoid unnecessary public and private expense by preventing an Owner from purposely or inadvertently proceeding with construction activities in violation of the applicable Declaration, and to assure that

an Association with Architectural Review Authority is made aware that an Architectural Permit may be issued within their Community without Architectural Approval. This Section does not delegate final authority to any Association to deny the issuance of an Architectural Permit, or to obligate the County to interpret or enforce any provisions of a Declaration. No Association will be deemed to be acting as an agent, committee, or authority of the County by reason of registration under the provisions of this Section.

3. Registration

Any Association which by a Declaration is vested with Architectural Review Authority for its Community and which otherwise satisfies the requirements of this Section may register its Community with the County.

a. Eligibility Requirements.

The subject Community and its Association must meet the following requirements:

- (1) The Association shall be a Florida domestic non profit corporation with active status according to the records of the Florida Department of State.
- (2) The Association shall be a "homeowners association" as defined by Chapter 720, Florida Statutes.
- (3) The Declaration for the Community must vest the Association with Architectural Review Authority for the Community.
- (4) The Community must contain not less than 25 individual Parcels.
- (5) Turnover must have occurred prior to the application.
- (6) The Association shall be actively exercising Architectural Review Authority for its Community including adoption and implementation of procedures to timely receive, review and respond to applications by Owners for Architectural Approval.

b. Registration Procedures

Registration of an eligible Association and Community shall be made according to the following procedures:

- (1) Applications shall be submitted to the Growth Management Department upon forms promulgated by such department.
- (2) Applicants shall certify that they are in compliance with the eligibility requirements of this Section.
- (3) Applications shall include the following information:

- (A) Name of the Association.
 - (B) Corporate Document Number assigned by the Florida Department of State.
 - (C) Name, mailing address, and phone number for the Association's representative responsible for coordination of Architectural Approval.
 - (D) Legal description by legal description, or property appraiser's parcel number of the Community.
 - (E) Opinion letter issued by an active member of the Florida Bar certifying, based upon review of the Declaration, applicable public records, and corporate documents of the Association that:
 - (i) The Association is a Florida not for profit corporation in good standing.
 - (ii) The Association, or a committee appointed by the Association has and is actively exercising, Architectural Review Authority for the Community.
 - (iii) Turnover for the Community has occurred.
 - (iv) The Association by Declaration is vested with Architectural Review Authority for its Community.
 - (v) The specific scope by type of improvement and activity of Architectural Review Authority.
 - (F) Facsimile of the stamp which the Association proposes to affix to plans which have received Architectural Approval.
 - (G) Any other information determined by the County Administrator to be reasonably necessary to ensure eligibility as provided by paragraph 3.a. above.
- (4) Each registration shall be reviewed by Growth Management and either (i) accepted, (ii) determined incomplete, or (iii) disapproved other than for incomplete application within 30 days of receipt of application. With respect to any application which is either determined to be incomplete or disapproved, the applicant shall be so notified within such 30 day period specifying the missing documentation or reason for disapproval. An applicant may supplement an incomplete application within 30 days of notice that the application was incomplete or such application shall be deemed withdrawn. Any applicant may appeal a disapproval or a determination that an application is not complete in accordance with the procedures of Section 9.07.02.

- (5) Registrations shall be valid for 5 years after an application is approved. In order to promote efficiency and flexibility in the administration of this program, the County Administrator may establish a uniform expiration day and month for all registrations and in such event all registrations shall expire on the first uniform expiration date which is at least 5 years following approval of the registration application.
- (6) Any Registered Community may renew its registration for additional terms of 5 years each. Renewal applications shall be submitted no sooner than 6 months prior to the expiration of the current registration, and if approved the renewal term will be for 5 years from the expiration date of the current term.

c. Effect of Registration.

Upon acceptance of a registration application the Community shall thereafter be considered a Registered Community until the registration is either terminated by the Community, expires or for Registered Approval Communities is determined by the County Administrator, after hearing, to be in material non-compliance with this Section. Unless timely renewed, upon expiration of a registration, a Community will, as of such expiration, no longer be considered a Registered Community. The provisions of Subsection 4 of this Section will apply to all Registered Communities. Registration shall not cause the Association to be considered an agent of the County for any purpose, nor shall registration alone cause the Association to be subject to the quasi-judicial procedures of the County or other laws or regulations applicable to the County or its agencies.

4. Issuance of Permits in Registered Communities.

Architectural Permits shall only be issued for applicable construction within a Registered Community after compliance with the provisions of this Section. All other conditions to the issuance of an Architectural Permit contained in any other Ordinance shall not be affected by this Section.

a. Issuance of Architectural Permit Absent Architectural Approval.

Any applicant for an Architectural Permit for applicable construction within a Registered Community who has not received Architectural Approval, or who otherwise chooses not to comply with the procedures of subsection 4.b of this Section may nonetheless obtain issuance of the Architectural Permit, provided that all other conditions to the issuance of the permit set forth in any other applicable regulation are met by compliance with the following procedures:

- (1) The Architectural Permit application shall be accompanied by the following documents.

- (A) An affidavit of the applicant, or if the applicant is not a natural person, by an officer/partner/manager of the Owner, swearing or attesting that a copy of the application for the Architectural Permit, together with the statement described in subsection (C) below, was sent to the applicable Association at its address maintained with Growth Management, by hand delivery or by prepaid first class mail, certified or registered, return receipt requested, at least 30 days prior to the date of submission to Growth Management.
 - (B) A copy of the receipt for hand delivery, or the receipt from the U.S. Postal Service showing delivery or attempted delivery to the Association.
 - (C) An instrument executed by the Owner of the subject Parcel, or if the Owner is not a natural person by an officer/partner/manager of the Owner, stating that the Owner (i) is aware that the subject Parcel is located within a Registered Community; (ii) is aware that the Association claims to have Architectural Review Authority governing applicable construction performed on the subject Parcel; (iii) has elected to procure an Architectural Permit absent evidence of Architectural Approval; (iv) accepts the risk that the improvements contemplated in the Architectural Permit may violate the provisions of the Declaration for the Parcel and that the Owner may be exposed to civil liability to the Association or other owners within the Registered Community; and (v) holds the County harmless from any liability to the Owner occasioned by issuance of the Architectural Permit in the absence of Architectural Approval. Such statement may only be executed by the Owner or its officer/partner/manager, and no authorization or appointment shall permit any contractor or other third party to execute the statement on behalf of the Owner.
 - (D) An extra copy of the application and statement, together with pre-stamped envelopes addressed to the applicable Association.
- (2) Upon receipt of the documents required, Growth Management shall send a copy of the application and required statement to the Association using the pre-stamped envelope furnished by the applicant. Upon compliance with these alternative procedures, the County shall, if all other applicable regulations are complied with, issue the Architectural Permit without regard to whether Architectural Approval was obtained for the subject Parcel.

b. Permit Applications Accompanied by Evidence of ARB Approval.

Applications for the issuance of an Architectural Permit for work within a Registered Community accompanied by evidence that the proposed applicable construction has received Architectural Approval are sufficient for the purposes of this Section. Evidence may be in the form of a stamp of approval affixed to the subject plans by the Association, or by such other means as deemed acceptable by Growth Management to reasonably meet the spirit and intent of this Section. Any permit for an Architectural Permit for work within a Registered Community which has not received Architectural Approval shall not be issued unless the applicant elects to comply with procedures of subsection 4.a. of this Section.

5. Approval Communities

Any Registered Community may elect to also register and operate as a Registered Approval Community in accordance with the provisions of this subsection. The provisions of this subsection will control over any conflicting provisions in §5.03.02H for all Registered Approval Communities.

a. Registration

The subject Community shall indicate in the registration, filed pursuant to §5.03.02 H.3 that it wishes to be treated as a Registered Approval Community and agrees to comply with the additional requirements of this subsection. By making such election, the Community agrees that the Association, its Board of Directors, and all committees, architectural review boards or other entities exercising Architectural Approval for the Community will be subject to the public records, Sunshine, quasi-judicial procedures, and other laws and regulations applicable to public boards and their members.

b. Obligation for Training

Each member of the Board of Directors, and each member of the architectural review committee or other group empowered by the Declaration or appointed by the Board of Directors to exercise Architectural Approval shall be required to receive two (2) hours of training on the quasi-judicial procedures and other laws and regulations applicable to public officers, including specifically training in the requirements of Florida's public records and meeting laws set forth in Chapter 119 and 286, Fla. Stat. Such training must be completed by all such persons within 45 days after such Community is registered under this subsection. Any person who is later elected or appointed to a position requiring such training shall complete such training within 30 days after their election or appointment. So long as the Community maintains its status as a Registered Approval Community, every person required to complete such training shall be required to receive 2 additional hours of such training every 2 years. The Registered Approval Community shall furnish evidence of compliance with these training requirements when and as required by the Growth Management office.

The training shall be conducted with materials and in a manner approved in writing by the Community's legal counsel, and documentation of such training shall be timely provided to Growth Management.

c. Alternative Means for Issuance of Architectural Permit Absent Architectural Approval.

Any applicant for an Architectural Permit for work within a Registered Approval Community who has not received Architectural Approval within 30 days after receipt of a complete application to the Association may appeal the denial or failure to issue an Architectural Permit to the Board of County Commissioners, pursuant to Part 9.07.00 of this Code. In considering such appeals, the Board of County Commissioners shall waive a requirement for Association approval of an Architectural Permit application if it finds that:

- (1) There is no violation of a valid and applicable covenant and restriction.
- (2) That such waiver is in the public interest, or
- (3) The Association's review time allowed under this paragraph 5.c was exceeded.

Alternatively, if there has been no Association action and there is no finding of (1), (2), or (3), then the application shall be remanded to the Association for appropriate action. If an Association has properly refused to approve the application, the Board of County Commissioners may deny the Architectural Permit.

d. Change in Status

By notice to the County, a Registered Community may change its status to a Registered Approval Community, and a Registered Approval Community may change its status to a Registered Community. If a Registered Approval Community fails to comply with education requirements of this subsection, then the County may automatically change the status of the Community to a Registered Community.

Sec. 5.03.03 Specific Standards

Specific standards may be modified or waived if substantial compliance is met through other means, or to meet other desirable objectives, such as to accommodate traditional neighborhood design principles, maintain the function of a vegetative community, and similar issues. Modifications and waivers shall be provided with the PUD Master Development Plan Text.

A. Natural Environment

1. Minimum of twenty-five percent (25%) open space (including recreation, buffers, common areas, Environmentally Sensitive Areas, and other conservation/preservation areas providing for Significant Natural Communities

Habitat or Essential Habitat);

2. Minimum of ten percent (10%) preservation of Significant Natural Communities Habitat;
3. Minimum of five percent (5%) conservation of upland natural vegetation, not including Significant Natural Communities Habitat;
4. Ten (10) foot natural/landscaped buffer along Project property lines, except as provided in paragraph 5 below.
5. Minimum forty (40) foot natural buffer along William Bartram Scenic Highway (SR 13/CR 13).

B. Setbacks

1. Residential

- a. Fifty (50) foot setback from the Right-of-Way of Arterials & Major Collectors for any residential Lot;
- b. Five (5) foot Side Yard setback for each residential Lot with no permitted projections into the Side Yard setback allowed;
- c. Twenty (20) foot Front Yard setback to face of garage;
- d. Five (5) foot setback for Accessory Structures; and
- e. Residential Subdivisions with Lots adjacent to Arterials and Major Collectors shall be designed with a wall, fence, landscaping or landscaped berm, as provided in Section 6.06.04.B.6. Walls and fences shall be landscaped along the Arterial or Major Collector.

2. Commercial

Twenty (20) foot setback for Buildings, parking and/or storage areas along property lines adjacent to road Right-of-Way and adjacent to residential Uses.

C. Height

1. Structure Height is limited to thirty-five (35) feet in the Coastal Area as measured pursuant to Section 6.07.00.
2. Special Treatment of Certain Nonconformities Created by this Code or Other Governmental Action
 - a. If characteristics of Use such as Height requirements or other matters pertaining to the Use of land, Structures or premises are made nonconforming by the adoption date of this Code revision, or by other action of state or local government, no change shall thereafter be made in such characteristics of Use which increase nonconformity with these

regulations; provided however that changes may be made which do not increase such nonconformities; or are otherwise in compliance with this Code.

D. Transportation

1. Internal Roadway & pedestrian connections between Uses;
2. Sidewalks along major internal Roadways; and
3. Interconnectivity with adjacent properties (where feasible).
4. 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.

E. Active Recreation

1. Five (5) acres of active recreation per one thousand (1,000) design population pro rata with one (1) acre minimum (except for Development Parcels less than ten (10) acres in size);
2. If the required recreational area is five (5) acres or larger, sixty percent (60%) of the required recreational acreage shall be community park (ballfields, multi-use fields) unless the Applicant can demonstrate that other recreational Uses are more appropriate for the proposed Project. The Applicant shall provide this demonstration in the Master Development Plan Text; and
3. Road Rights-of-Way, Drainage/Utility Easements or other similarly functional Easements, golf courses, or preserved Wetlands shall not be used as active recreation areas for the purposes of this Code.

F. Unified Sign Plan

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

Sec. 5.03.04 Review Procedures

A. Generally

Except as modified below, the procedure for amendments to Official Zoning Atlas shall be followed in the review of a proposed PUD.

B. Actions by the Board of County Commissioners

1. Actions by the Board of County Commissioners shall be as provided for amendments generally. It may grant the application in accordance with PUD and

other regulations applicable, approve with modifications as provided in Section 5.03.05, and/or conditions, or may deny the application.

2. If the amendment is granted, the Board of County Commissioners shall, in its amending action, approve the Master Development Plan or indicate required modifications or conditions. Such approved plans, with any required modifications or conditions, shall be binding in determinations concerning consistency of applicable Subdivision and site Development Plans.
3. If the amendment is granted, the Development shall be required to be in accordance with applicable Subdivision and Site Plans meeting the requirements of these and other regulations, as supplemented or modified by the Board of County Commissioners in the particular case as part of the amending action, and shall conform to any time limitations established by the Board on beginning and completion of the Development as a whole or in specified phases.
4. Before Development may proceed, agreements, contracts, deed restrictions, sureties, and other instruments involved shall be in forms approved by appropriate officer(s) and agencies.

C. Applicability of Subdivision and/or Site Plan Regulations

After a PUD district has been established, no Building Permit shall be issued therein unless and until the applicable Subdivision preliminary plat, Construction Plans, Final Plat, and related documents and Site Plans, for the Development as a whole or for phases or portions thereof deemed satisfactory in relation to total Development, have been approved in accordance with the provisions contained in this Code. Such Subdivision and site Development Plans shall be consistent with the approved Master Development Plan, all commitments made and any restrictions placed on the approved Master Development Plan, and any documents, graphic, map, or other such information provided as part of the official record for the approval of the PUD district.

Sec. 5.03.05 Changes In Approved Planned Unit Developments

Changes to approved PUDs may be made in one of three (3) ways: Small Adjustments, Minor Modifications and Major Modifications. The County Administrator is authorized to approve Small Adjustments in the approved plans of PUD districts, as long as they are in harmony with the originally approved PUD district, but shall not have the power to approve changes that constitute a Minor Modification or a Major Modification. A Minor Modification shall require approval by the Planning and Zoning Agency pursuant to the requirements of Section 9.06.04 of this Code. A Major Modification shall require approval of the Board of County Commissioners and shall be handled in the same manner as the original approval pursuant to Section 9.06.04 of this Code.

A. Small Adjustments

Small Adjustments to approved PUDs, under the authority of these provisions, may be allowed by the County Administrator, with the Office of County Attorney review and concurrence, as required, on application by the original Applicant or successors in interest, upon making a finding that all of the following conditions are met:

1. The changes are in accordance with all applicable regulations currently in effect and the PUD regulations of this Code;
2. The changes do not reduce the number of parking spaces below that which is required for the Uses within the PUD by more than two percent (2%);
3. The changes do not reduce the amount of open space/recreation area or change the location of open space/recreation area;
4. The changes do not change the location, number, or type of pedestrian or vehicular accesses;
5. The changes do not increase the Structure height;
6. The changes do not decrease any required Yards;
7. The changes do not increase the traffic generation more than two percent (2%);
8. The changes are not determined to be a Minor Modification or Major Modification under the provisions of this Section.
9. If located within an approved DRI, the changes are made according to the DRI approved Conversion Table and do not result in changes to the Master Development Plan Map.
10. If subject governmental action, such as but not limited to annexation or eminent domain, the changes do not result in substantial modifications to the PUD as described in Section 5.03.05.F.

B. Minor Modifications

Unless otherwise determined to be a Small Adjustment, the Planning and Zoning Agency may approve Minor Modifications to approved PUDs, under the authority of these provisions, on application by the original Applicant or successors in interest, upon making a finding that all of the following conditions are met:

1. The changes are in accordance with all applicable regulations currently in effect including the St. Johns County Comprehensive Plan and the PUD regulations of this Code;
2. The changes do not reduce the number of parking spaces below that which is required by the Uses within the PUD by more than two percent (2%), unless a further reduction is demonstrated through a joint use parking study;
3. The changes do not relocate categories of Uses from one Parcel or Phase to a different Parcel or Phase.
4. The changes do not reduce the amount of open space/recreation area by more than five percent (5%), or result in any substantial change in the location of open space/recreation area;

5. The changes do not change the location, number, or type of pedestrian or vehicular accesses;
6. The changes do not increase the density or intensity of Use by more than two thousand (2,000) square feet of usable floor area, ten (10) Dwelling Units, or five percent (5%) in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PUD. In no case shall the overall intensity or density be increased over the maximum allowed by the PUD district in the Master Development Plan or the Comprehensive Plan;
7. The changes do not increase the Structure height;
8. The changes do not decrease the required Yards within the entire PUD by more than ten percent (10%). Decreases of required Yards by more than ten percent (10%) for individual residential Lots within a PUD may be approved as a Minor Modification. Such Minor Modification shall be subject the notice requirements and criteria as a Zoning Variance;
9. The changes do not increase the area allocated to any land Use type, except open space/recreation area, by more than ten percent (10%);
10. The changes do not increase the traffic generation by more than five percent (5%);
11. The changes do not change the location of specific land Use(s) by more than ten percent (10%) of the total land area of the specific land Use(s); and
12. The changes are not determined to be a Major Modification under the provisions of this Section.

C. Major Modification

The Board of County Commissioners may approve Major Modifications to approved PUDs, under the authority of these provisions upon application by the original Applicant or successors in interest, and upon making a finding that any of the following conditions are met:

1. The changes will result in an increase in density or intensity of Use, greater than two thousand (2,000) square feet of usable floor area, or an increase greater than ten (10) Dwelling Units, or an increase of more than five percent (5%) in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PUD. In no case shall the overall intensity or density be increased over the maximum allowed by the Comprehensive Plan;
2. The changes will result in an increase in Structure height;
3. The changes will result in an addition or deletion of a Use from the specifically approved PUD Uses. Requests to allow a Special Use referenced in Section 2.03.00 on an individual Parcel may be processed as a Minor Modification. Such requests shall adhere to the criteria within Section 2.03.00. Deviations to the criteria may be considered as part of the Minor Modification application in

accordance with the Land Development Code. Requests to allow for Special Uses within the entire PUD district shall be processed as a Major Modification.

4. The changes will result in a decrease in required Yards by more than ten percent (10%) other than for a single residential Lot;
5. The changes will result in an increase in the area allocated to any land Use type, except open space/recreation area, by more than five percent (5%);
6. The changes will result in a change to the location, number, or type of pedestrian or vehicular accesses, unless reconfiguration of internal pedestrian or vehicular accesses is determined by the County Administrator to be of a minor nature that may be approved as a Minor Modification;
7. The changes will result in an increase in traffic generation by more than five percent (5%);
8. The changes will result in a change in the location of specific land Use(s) by more than ten percent (10%) of the total land area of the specific land Use(s); and
9. The change is an extension of more than one (1) year in the commencement or completion term of the PUD.

The changes shall be in accordance with all applicable regulations currently in effect and the PUD regulations of this Code.

D. Submittals

All requests for review of changes to Planned Unit Developments shall include a copy of the original PUD documents, a location drawing indicating the relationship of the portion to be revised to the entire PUD district, if the revision does not include the entire PUD district, and, such other information concerning the Lot, adjoining Lots, or other information concerning the Lot, adjoining Lots, or other matters as may be essential for determining whether the provisions of the district and this Code are being observed. In addition, at the discretion of the County Administrator, a drawing indicating the current property ownership within the entire district may be required.

- E. All approved changes or modifications to an existing Planned Unit Development shall be recorded with the Clerk of the Circuit Court of St. Johns County. In addition, a copy of the approval shall be provided to the County Administrator and the Planning and Zoning Agency.
- F. Any removal of lands from an established PUD due to governmental action, such as but not limited to annexation or eminent domain, shall be evaluated by the County Administrator to determine whether such extraction materially diminishes the PUD's adherence to the PUD requirements of this Code. If such action does materially diminish the PUD's adherence to the requirements of this Code, then the County may petition the other governmental actor to tailor its action to preserve the intent and integrity of the affected PUD. If it does not materially diminish the integrity of the affected PUD, then the County may by Small Adjustment recognize such extraction and

maintain the integrity and conformity of the PUD as amended.

Sec. 5.03.06 Review Criteria

A. Generally

1. Planned Unit Development districts may hereafter be established by amendment to the Official Zoning Atlas and related amendatory action, changing the designation of a Lot or Lots from the existing classification to the Planned Unit Development districts contained in this Article, where tracts suitable in location and character for the Uses and Structures proposed are to be planned and developed on a unified basis, according to the requirements and procedures set forth herein.
2. Planned Unit Development districts may be established in appropriate locations: with respect to intended function; in conformance with the goals, policies, and objectives of the Comprehensive Plan; where compatible with the surrounding land Uses and zoning districts; where facilities and services of the County will not be adversely impacted; where a precedent will not be set for the introduction of an inappropriate Use into an area; and so as not to encourage nonresidential strip Development along streets.
3. The Planned Unit Development process may involve negotiations between Applicants, or their representatives, and representatives of St. Johns County. For the purposes of structuring the process of applying for PUD districts and any subsequent negotiations, the procedures, review criteria, and specific regulations in this Part shall be utilized.

B. Physical Characteristics Of The Site; Relation To Surrounding Property

1. The tract shall be suitable, or it shall be possible to make the tract suitable for Development in the manner proposed without hazard to persons or property, on or off the tract, outside of the Floodway, free from the probability of erosion, subsidence, or slipping of the soil or other dangers. Conditions of soil, ground water level, drainage, and topography shall all be appropriate to both type and pattern of Use intended.
2. If appropriate to the form of Planned Unit Development, lands to be included in a PUD district may be divided by Streets, alleys, Rights-of-Way, or Easements, but shall be so located, dimensioned, and arranged as to permit unified planning and Development and to meet all requirements in connection therewith, as well as to provide necessary protection against adverse relationships between Uses in the district and Uses in surrounding areas.

C. Density/Intensity

The proposed Development shall have a density or intensity in character with the surrounding land Uses and zoning, and be consistent with the density and intensity established in the Comprehensive Plan. Overall residential density of the Development shall be determined, based on the developable portion of the Project; Wetlands shall not be used in determining the overall density. Overall intensity shall be consistent with the

Comprehensive Plan for the specific land Uses.

D. Relation to Public Utilities, Facilities, and Services

Planned Unit Development districts shall be subject to the terms of the concurrency Level of Service standards relating to the provision of public services found in Article XI, Concurrency Management. Determinations concerning the adequacy and efficiency of the provision of the described public facilities shall be based upon performance standards adopted by the Board of County Commissioners.

E. Relation to Major Transportation Facilities

PUD districts, where appropriate because of the size or intensity of the proposed district, shall be so located with respect to Arterial and Collector streets, or mass transit facilities, and shall be so designed as to provide direct access to and from such districts without adversely impacting Local Roads in residential neighborhoods,

F. Compatibility

PUD districts shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise, or lights. Project control shall be accomplished through such techniques as buffering, architectural design, height limitations, and density or intensity limitations.

G. Transitions

PUD districts shall be responsive to the character of the area. When located in an area where land Use types and/or intensities or densities vary, PUD districts shall be designed in such a manner as to provide for gradual changes in intensity and/or density.

H. Internal/External Relationship

1. Access

- a. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes or traffic dividers and extra width of the approach street shall be required where existing or anticipated traffic flows indicate need.
- b. Vehicular access to streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes traffic friction, and excessive interruptions.
- c. Pedestrian access may be provided at any suitable location within the district. Where practical, it shall be separated from vehicular access points in order to reduce congestion, marginal friction, and hazards, except where signalization is used to control pedestrian and vehicular movement safety.

2. Streets, Drives, Parking, and Service Areas

Streets, drives, parking, and service areas shall provide safe and convenient access to all Buildings and general facilities. Streets shall be laid out so as to discourage outside traffic from traversing the Development on Local Roads. Commercial and office Uses shall be grouped in relation to parking areas such that after visitors arriving by automobile enter the walkway system, establishments can be visited conveniently with a minimum of internal automotive movements. Facilities and access routes for deliveries, servicing, and maintenance shall be so located and arranged as to prevent interference with pedestrian traffic within the district. Loading zones where customers pick up goods shall be located and arranged as to prevent interference with pedestrian movement.

3. Pedestrian Systems

- a. All residential PUD districts and other PUD districts, as appropriate, shall provide internal or external walkways where pedestrian circulation requires them.
- b. The Site Plan shall provide for safe, efficient, convenient, and harmonious groupings of Structures, Uses, facilities, and open spaces in a manner facilitating pedestrian movement between major origins and destinations within and adjacent to the district with a minimum of conflict with vehicular traffic.
- c. Pedestrian systems through Buildings shall be related to a network of exterior open spaces reserved for pedestrian use and enjoyment. Interior and exterior pedestrian ways shall be scaled for anticipated traffic and form a convenient pattern connecting major concentrations of Uses within the district, and shall connect to principal access points within and outside the district.
- d. Access for pedestrians and cyclists entering or leaving the district shall be by safe and convenient routes. Where there are crossings of pedestrian ways and vehicular routes at edges of Planned Unit Developments, such crossings shall be safely located, marked, and controlled, and where such ways are exposed to substantial vehicular traffic at edges of districts, be required to prevent crossings except at designated points. Bicycle and/or pedestrian paths, if provided, shall be so related to the vehicular system that street crossings are combined.

4. Orientation

The orientation of the Development shall generally be toward internal streets and pedestrian systems and away from adjacent Local Roads and adjacent residential land Uses.

5. Reserved

6. Outdoor Lighting

Outdoor lighting shall be provided in all Developments that do not require street lights. Outdoor lighting shall be located so as to illuminate the Project as necessary to provide safe passage within the Development. The source of the light, such as the bulb or filament, of outdoor lighting fixtures shall not be directly visible from property outside the zoning Lot on which it is located. Additionally, the maximum illumination allowed at the zoning Lot line shall be 0.20 footcandles.

7. Underground Utilities

PUDs shall provide for underground utilities, within its Project boundaries, including telephone, electric, and cable service lines in both public and private Rights-of-Way.

8. Off-Street Parking and Loading Requirements

Off-street parking and loading shall be as required by Part 6.05.00. Off-street parking and loading shall be provided such that location and design is appropriate to the needs of occupants and users of the district and protection of adjacent property from adverse effects. No space designated as a required off-street parking space for the general public shall be used as an off-street loading space or maneuvering room for vehicles being loaded or unloaded.

9. Protection of Visibility at Intersections

Protection of visibility for vehicles, cyclists and pedestrians shall be as generally provided in Section 6.02.05.C.4. of this Code.

Sec. 5.03.07 PUD Progress Report

The Applicant or its successors or assigns shall submit, to the County Administrator, a PUD Progress Report, at the end of each five (5) year phase, according to the estimated phases, as provided in Section 5.03.02.G.1.n. of this Part. The PUD Progress Report shall provide the following:

- A. The total number of Residential Lots platted, and
- B. The total square-footage of completed non-residential Development with a percentage of each type of land Use proposed in the phasing schedule, and
- C. The total amount, in acres and percentage of the phase, of open space, and recreation areas, provided in the phase, and
- D. The total amount of Residential and non-residential development that received a Certificate of Concurrency, pursuant to Article XI of this Code and a list of improvements or schedule of improvements in order to meet the Concurrency requirements.

Sec. 5.03.08 PUDs Approved Prior to the Effective Date of this Code

PUDs that were approved prior to the effective date of this Code shall be reviewed by the County Administrator and shall be considered under the following provisions.

- A. PUDs without Final Development Plan approval for any phase or segment of the Project, shall submit a Master Development Plan for the unfinished portion of the Project. If the PUD specified a phasing schedule, the Master Development Plan may be submitted within the phasing schedule. If any portion of the phasing schedule has expired, a Master Development Plan shall be required for the overall remaining portions.
- B. PUDs with approved Final Development Plans for portions of the Project, may proceed with Development as allowed and approved by the Final Development Plan. The remaining portions of the PUD without Final Development Plan approval shall submit a Master Development Plan for those portions of the project. If the PUD specified a phasing schedule, the Master Development Plan may be submitted within the phasing schedule. If any portion of the phasing schedule has expired, a Master Development Plan shall be required for the overall remaining portions.
- C. All existing approved Final Development Plans shall become Master Development Plans for that portion of the PUD.

Sec. 5.03.09 PSDs Approved Prior to the Effective Date of this Code

Projects that were approved as Planned Special Developments (PSDs) prior to the effective date of this Code shall be allowed to continue development in conformance with the ordinance creating the PSD. Small Adjustments and Minor Modifications to PSDs shall be made in accordance with the same criteria and procedures established for changes in Planned Unit Developments (PUDs) as provided in Section 5.03.05. A Major Modification to a prior approved PSD, pursuant to the criteria contained in Section 5.03.05 for Major Modification to a PUD, shall constitute a rezoning, and such PSD shall be rezoned to PUD and conform to the PUD standards of this Code.

Sec. 5.03.10 FDPs Approved Prior to the Effective Date of this Code

Final Development Plans (FDPs) approved prior to the effective date of this Code shall be allowed to continue development in conformance with the approved FDP. Small Adjustments and Minor Modifications to FDPs, determined to be consistent with the ordinance creating the PUD, shall be made in conformance with the same criteria and procedures established for changes in Planned Unit Developments (PUDs) as provided in Section 5.03.05. A Major Modification to a Final Development Plan shall not be allowed but shall constitute a Major Modification to the PUD.

Sec. 5.03.11 Certain Changes Constitute a Variance

Changes to vary the minimum yard requirements, minimum Lot area or width, maximum building height, maximum building coverage, and minimum building separation as specified in the ordinance creating the PUD or PSD for individual Lot(s) that do not apply to the PUD or PSD as a whole, shall be processed in the same manner as a Zoning Variance.

Sec. 5.03.12 Special Uses Within PUDs

The Special Uses listed in Section 2.03.01 may be allowed within a PUD, subject to the uses being provided within the PUD Master Development Plan and subject to the specific conditions and limitations of Part 2.03.00 pertaining to the requested Special Use(s) and this Part 5.03.00, unless waived within the PUD as provided in Section 5.03.02.G.1(t) and approved with the PUD Ordinance, and subject to the limitations of the Comprehensive Plan.

Sec. 5.03.13 Developments of Regional Impact Using an Approved Conversion Table

Developments of Regional Impact (DRI) with an approved Conversion Table may convert land uses, dwelling units and square footage according to the approved Conversion Table without additional DRI review. When such land use, dwelling unit and square footage conversions result in no changes to the Master Development Plan Map, the PUD may be changed by a Small Adjustment, as provided in Section 5.03.05.A. Before such Small Adjustment may be approved, the Conversion must be approved by the County and the Northeast Florida Regional Council through the allowable DRI process. If such conversion results in a Master Development Plan Map change, a Major Modification as provided in Section 5.03.05.C shall be required.

PART 5.04.00 PLANNED RURAL DEVELOPMENT (PRD) DISTRICTS

Sec. 5.04.01 Generally

The following specific regulations implement the Comprehensive Plan policies for Planned Development in the Rural/Silviculture (R/S) and Agricultural-Intensive (A-I) Future Land Use Map designations. Land Development projects shall clearly demonstrate compliance with the criteria established within the Comprehensive Plan and the following Land Development Regulations.

Sec. 5.04.02 Design Rules

Planned Rural Developments shall be developed consistent with the standards and criteria described as follows:

- A. The minimum Parcel size which may be rezoned to PRD shall be as follows:
 1. Within lands designated as Agricultural-Intensive (A-I), the minimum PRD size shall be thirty-nine (39) acres; and
 2. Within lands designated as Rural/Silviculture (R/S), the minimum PRD size shall be one hundred (100) acres.

For parcels which existed as to record on September 14, 1990, the minimum parcel size in either the Agriculture-Intensive or Rural/Silviculture areas is one-half the applicable size listed above.

- B. Planned Rural Developments shall contain two distinct areas, the Development Area and the Reserve Area. The Development Area plus the Reserve Area shall constitute the Total PRD Parcel. The Total PRD Parcel shall be contiguous in location and configuration provided that roads, utility easements or other similar features may divide the Total PRD Parcel. The Total PRD Parcel shall be configured in such a manner as to permit continuation of any farming or silvicultural Use of the Reserve Area.

1. Development Area

The Development Area shall include that portion of the Parcel which is proposed for Development at the established density of the PRD.

2. Reserve Area

The Reserve Area shall be designated within the PRD as permanent open space.

- C. The allowable unit density of the Development Area, and the relative size of the Development Area and Reserve Area shall be determined by the Applicant according to the following scale:

<u>Reserve Area Percentage of Total PRD Parcel</u>	<u>Allowed Density of Development Area</u>
80%	1 unit per 2.5 acres of Development Area
85%	1 unit per acre of Development Area
90%	2 units per acre of Development Area

The maximum total density allowed to be developed within the Development Area shall be calculated as follows: acres of Development Area TIMES the chosen maximum allowable density pursuant to the above scale. For example, if the Total PRD Parcel contains one hundred (100) acres, and ninety percent (90%) is maintained as Reserve Area, the Development Area will contain ten (10) acres which may be developed at a maximum total density of two (2) units per acre and allowing for twenty (20) units.

- D. PRDs of greater than one hundred (100) residential units may include neighborhood commercial Uses within the Development Area. If neighborhood commercial Uses are included, the Development Area's allowable residential density shall be calculated as follows: subtract acres of neighborhood commercial Use from acres of Development Area. Multiply remaining acres by allowable density of Development Area pursuant to Section 5.04.02.C. above.
- E. No single PRD shall contain more than fifty percent (50%) of the Dwelling Units available for Development pursuant to policies of the Land Use Element of the St. Johns County Comprehensive Plan.
- F. The Applicant who is proposing Development of the Development Area need not own the Total PRD Area in fee simple. It shall be sufficient for the Applicant to have sufficient property rights to the Reserve Area so as to allow for restriction of the Reserve Area as permanent open space. Such rights, and evidence of such rights, shall be obtained prior to approval of any rezoning to PRD.

Sec. 5.04.03 Development Area

The allowable units of the Development Area may be located anywhere within the Development Area, subject to the conditions below. Development may include a variety of housing types, including Single Family and Multi-Family Dwellings. In referring to the example cited above, the twenty (20) units could be placed anywhere within the ten (10) acre Development area, provided all other applicable requirements of this and other state and County regulations are met.

- A. The Development Area shall be compact, contiguous, and shall not be scattered throughout the Total PRD Parcel submitted for PRD Development. It is the intent that the Development Area and Reserve Area be configured in such a manner as to permit the continued farming or Silviculture Use of the Reserve Area, or to allow maximum open space to be maintained in the Reserve Area through clustering the residential units in the Development Area.

- B. The Development Area shall be buffered from incompatible adjacent land Uses, whether such incompatible Uses are located within the adjacent PRD Reserve Area, or outside of the PRD boundary. A minimum buffer of two hundred (200) feet shall be required between such incompatible Uses, and such buffer may consist of Wetland or upland. The buffer area may be included within the Reserve Area and shall be depicted on the PRD Master Plan map. Uses within the buffer shall be limited to those determined to be appropriate as set forth within the adopted PRD, subject to all applicable County and state regulations.
- C. Notwithstanding the buffer requirements of Section 5.04.03.B., a minimum fifty (50) foot buffer shall be provided around the Development Area. This perimeter buffer may consist of Wetland or upland. This buffer area may be included either within the Development Area or the Reserve Area, and shall be depicted on the PRD Master Plan Map. Uses within the buffer shall be limited to those determined to be appropriate as set forth within the adopted PRD, subject to all applicable County and state regulations.
- D. Wetland buffers shall be required, as provided in Section 4.01.06 and shall be depicted on the PRD Master Development Plan Map.
- E. Primary access from the Development Area to external Roadways shall be improved in accordance with County standards unless, otherwise waived in the adopted PRD, and shall be centralized in order to minimize the number of access points to external Roadways. Access points from individual Lots within the Development Area to external Roadways shall be prohibited where sufficient land area exists to provide an internal roadway system.
- F. PRDs shall provide for underground utilities, within its project boundaries, including telephone, electric, and cable service lines in both public and private Rights-of-Way.
- G. PRDs with one hundred (100) or more residential units shall provide active recreation facilities within the Development Area in accordance with the standards provided in Section 5.03.03.D. for PUDs.

Sec. 5.04.04 Reserve Area Criteria

The intended use of the Reserve Area is to provide for the continuation of farming or silvicultural activities, or the Reserve Area may remain in its natural state. Uses and Structures within the Reserve Area shall be limited to those determined to be appropriate as set forth within the adopted PRD, subject to all applicable County and state regulations. Pursuant to PRD approval, the Reserve Area shall be designated as permanent open space and such designation shall be placed in the land title records so as to advise potential future purchasers of the PRD regulations which are applicable to the property. The County may modify the requirements of a previously approved PRD Development to release a Reserve Parcel from its open space restrictions by approval of a Future Land Use Map amendment, in accordance with the requirements of the Comprehensive Plan and applicable law. The Reserve Area shall be subject to the following conditions:

- A. The Reserve Area shall, at a minimum, contain generally the same ratio of uplands to Wetlands as contained in the Total PRD Parcel. For example, if a Total PRD Parcel of one hundred (100) acres contains ninety (90) acres of Wetland and ten (10) acres of

- upland, at least ten (10) percent of the Reserve Area must be upland acreage.
- B. Where uplands are isolated or restricted in such a manner that an equal ratio of uplands to Wetlands (as contained in the Total PRD), cannot be designated in the Reserve Area, the amount of upland acreage in the Development Area and Reserve Area shall be generally equal, if it is found that the PRD otherwise meets the intent of this Code. For example, if the Development Area consists of approximately five (5) acres of noncontiguous upland, approximately five (5) acres of upland is required in the Reserve Area.

Sec. 5.04.05 Review Criteria

Applications for PRD shall be reviewed generally in the same manner as a PUD. PRDs shall provide a Master Development Plan Text and Map as required for PUDs and as described in Section 5.03.02 of this Code.

Structure Height is limited to thirty-five (35) feet in the Coastal Area as measured pursuant to Section 6.07.00.

Special Treatment of Certain Nonconformities Created by this Code or Other Governmental Action

- A. If characteristics of Use such as Height requirements or other matters pertaining to the Use of land, Structures or premises are made nonconforming by the adoption of this Code revision, or by other action of state or local government, no change shall thereafter be made in such characteristics of Use which increase nonconformity with these regulations; provided however that changes may be made which do not increase such nonconformities; or are otherwise in compliance with this Code.

Sec. 5.04.06 Exemptions To PRD Requirements

- A. Single Family Exemption to PRD Requirements

For land owners of platted Lots of Record as of September 14, 1990, and legally non-conforming Lots of Record legally divided as of June 19, 1978, whose property does not meet the minimum Parcel size required for PRD approval, an exemption to the PRD requirements shall apply, and land owners shall be allowed to place or construct one (1) Single-Family Dwelling Unit on each such Exempt Parcel. Development of more than one Single-Family Dwelling Unit shall be subject to the PRD requirements contained herein.

- B. Family Farm and Lot Provision

In order to encourage and permit the Development of tracts of land as family farms, land owners shall be allowed to place or construct one (1) Single-Family Dwelling Unit for use as the Owner's primary residence within lands designated Agricultural-Intensive (A-I) or Rural/Silviculture (R/S). In addition, the Owner's immediate family members shall be allowed to place or construct one (1) Single-Family Dwelling Unit for use as their primary residence on the same Parcel, or subparcel thereof, as the Owner's primary residence. This provision shall be limited to a one (1) time use for each family member. For the purpose of this provision, immediate family shall include the owner's parents, step-parents or adopted parents; spouse; brothers and sisters; children, step-children or

adopted children and grandchildren. Immediate family shall also include the parents, step-parents or adopted parents; children, step-children or adopted children and grandchildren of the Owner's spouse.

Where an additional residence is placed or constructed on a Parcel, or where a new subparcel is created under this provision, Development shall be subject to all other applicable County and state requirements, including those contained within this Code.

Sec. 5.04.07 Changes In Approved Planned Rural Developments

Changes in approved PRDs shall be made in accordance with the same criteria and procedures established for changes in Planned Unit Developments (PUDs) as provided in Section 5.03.05, and shall conform to the PRD standards of this Code.

Sec. 5.04.08 Special Uses Within PRDs

The Special Uses listed in Section 2.03.01 may be allowed within a PRD, subject to the uses being provided within the PRD Master Development Plan and subject to the specific conditions and limitations of Part 2.03.00 pertaining the requested Special Use(s) and this Part 5.04.00, unless waived within the PRD as provided in Section 5.03.02.G.1(t) and approved with the PRD Ordinance, and subject to the limitations of the Comprehensive Plan.

PART 5.05.00 DEVELOPMENT AGREEMENTS

Sec. 5.05.01 General Provisions

A. Short Title

This Part shall be known and may be cited as the "St. Johns County Development Agreement Regulations."

B. Purpose

It is the intent of this Part to set forth the procedures and requirements necessary for St. Johns County to consider and enter into Development Agreements. It is the further intent of this Part to encourage a strong commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for Development concurrent with the impacts of Development, encourage the efficient use of resources, and reduce the economic cost of Development.

C. Definitions

The definitions set forth in Section 163.3221, F.S., shall apply to this Part.

Sec. 5.05.02 Procedures

A. Initial Determination

1. The purpose of the Initial Determination is to avoid time being wasted on Development Agreements which clearly are not in the interests of the County. This advance review of the feasibility of entering into a Development Agreement will be based on the impacts and benefits of the Development.
2. All Developers wishing to initiate a Development Agreement shall provide the following information, prior to formal application, to enable the Initial Determination to be made:
 - a. Generalized description of Development and of the impacts and benefits of the Project.
 - b. General information such as the name and address of the owner, Applicant, and agent; site area; location; and legal description.
 - c. Any Developer commitments and anticipated special benefits or impacts of the Development.
 - d. Any anticipated approvals, waivers, Variances, exceptions or government commitments sought by the Developer.
3. Since the Initial Determination is an informal procedure, only very general information will be required and the format of the Applicant's submittal may be as simple as a letter. The analysis of the impacts of the Development on public

facilities should not be detailed. The Initial Determination of capacity performed for concurrency is sufficient detail for the Initial Determination of transportation impacts, for example. The County Administrator will render an Initial Determination within fifteen (15) working days of submittal of an application. The determination may be positive, negative or inconclusive. If inconclusive or negative, the review will specify the basis for the determination.

B. Application

1. The Developer has the right to submit an application after the Initial Determination regardless of the conclusion of the Initial Determination.
2. Application will be made on a County Development Agreement application form to the County Administrator. It shall include a fee as established by the Board of County Commissioners. There will be no minimum or maximum size of Development for which a Development Agreement may be requested. At the time of application, a statement of ownership and authorization from the owner to proceed shall be required. A land title report shall be required prior to entering into the agreement, and may be in the form of documents which satisfy staff as to the validity of title. Documentation submitted to satisfy validity of title shall be considered acceptable for a three (3) month period and will need to be updated thereafter. Similarly, the required traffic analysis may be performed up to three (3) months prior to submittal of the application. However, if significant Development has taken place subsequent to the submitted traffic analysis, the Applicant may be called on to update the analysis. In situations where no significant Development has occurred, a traffic analysis may be acceptable beyond the three (3) month limit.
3. Only a qualified Applicant may file an application to enter into a Development Agreement. A qualified Applicant is a person who has legal or equitable interest in the real property which is the subject of the Development Agreement. If there is a question as to the sufficiency of the Applicant's interest in the subject real property with respect to entering into the agreement, the County Administrator may request and rely upon an opinion of the County Attorney's Office.

C. Staff Report

The County Administrator shall prepare and file with the Clerk to the Board of County Commissioners a staff report and recommendation within sixty (60) days of the application's sufficient submittal. Notwithstanding the foregoing, if the County Administrator determines that an application is insufficient, the Applicant shall be provided with a statement of any additional information required within twenty (20) working days of the application's initial submittal or resubmittal, and the report and recommendation of County staff shall be due sixty (60) days from the receipt by the County Administrator of a sufficient submittal or written notice from the Applicant that it will not be submitting additional information. The time limits established above may be extended upon agreement by both the Applicant and St. Johns County when necessary to facilitate the preparation and review of the Development Agreement.

D. Review Process

1. Where a Development is undergoing a number of simultaneous reviews (e.g. rezoning and Development Agreement review) these will, to the extent possible, be unified into one review process. Fee reductions may be considered in such instances, especially if one review is immediately subsequent to another. Material prepared for one review (e.g. transportation analysis) may be filed for another, if appropriate.
2. Once an application is filed, the time frames established herein shall be followed. If the information provided by the Applicant is deficient, the Applicant shall have the right to provide additional information. The review time shall be extended accordingly.
3. The County Administrator shall review and formulate a recommendation on every Development Agreement application. The County Administrator may request review of the application by the appropriate departments or agencies.

E. Notice

1. Notice shall be provided as required in Part 9.06.00;
2. As required by Section 163.3225, F.S., the form of the notices of intention to consider adoption of a Development Agreement shall specify:
 - a. The time and place of each hearing on the application;
 - b. The location of the land subject to the Development Agreement;
 - c. The Development Uses proposed on the property, including the proposed population densities and proposed Building intensities and height; and
 - d. Instructions for obtaining further information regarding the request, including where a copy of the proposed agreement can be obtained.

F. Hearings

The Board of County Commissioners shall conduct two (2) public hearings on each application. The public hearings may take place during the regularly scheduled public hearings. At the conclusion of the second public hearing, the Board of County Commissioners shall approve, approve with modifications, or deny the application.

Sec. 5.05.03 Requirements of a Development Agreement

A. General Information

A Development Agreement shall, at a minimum, include the following:

1. A legal description of the land subject to the agreement and the names of the legal and equitable owners;

2. The duration of the agreement;
3. A general description of the Development, the land Uses proposed for the Development including population densities, and Building intensities and height, and a description of the impacts and benefits of the Development;
4. The land Use designation of the property as designated on the Future Land Use Map of the St. Johns County Comprehensive Plan;
5. The current zoning and Future Land Use of the property and the zoning and Future Land Use of adjacent properties within three hundred (300) feet of the Project;
6. A description of public facilities that will service the Development, including who shall provide such facilities;
7. A description of any Developer commitments;
8. The date any new public facilities, if needed, will be constructed;
9. A schedule to assure public facilities are available concurrent with impacts of the Development;
10. A description of any reservations or dedications of land for public purposes;
11. A description of all local Development Permits approved or needed to be approved for the Development of the land;
12. Any anticipated approvals, waivers, Variances or exceptions sought by the developer;
13. A finding that the Development permitted or proposed is consistent with the Future Land Use Map of the St. Johns County Comprehensive Plan and this Code;
14. A statement indicating that the failure of the agreement to address a particular Permit, condition, term, or restriction shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, condition, term, or restriction;
15. Such conditions, terms, restrictions, or other requirements determined to be necessary by St. Johns County for the public health, safety, or welfare of its citizens; and
16. With respect to any public facilities to be designed and/or constructed by the Developer, design and Construction shall be in compliance with all applicable federal, state, and County standards and requirements in order to insure the progress, quality and cost effectiveness of Construction of the public facilities, to resolve in a timely manner design and Construction related problems which may occur, and to protect the safety and welfare of the public. The standards and requirements shall include, but not be limited to, guarantees of performance and

quality and Project controls (including scheduling, quality controls, and quality assurance).

B. Stipulations

All Development Agreements shall contain stipulations regarding the following, where applicable:

Parties involved; notice and hearing dates; property location; approved Uses, densities, intensities and heights; duration; regulations and fees applicable; public facilities and concurrency schedule; impact fee agreement, if applicable; dedications and Permits required; consistency with Comprehensive Plan and Land Development Regulations; conditions and terms of approval, with any phasing if needed; design/construct agreement to cover Developer-provided public improvements, if required by the County; standard performance and warranty provisions on improvements to be accepted by the County; policies with regard to changes to approved Development; policies with regard to changes to the agreement; resolution for disputes; cure period for defaults; and the basis for revocation.

C. Phasing

A Development Agreement may provide that the entire Development or any phase thereof be commenced or concluded within a specific period of time.

D. Developer Commitments

With respect to Developer commitments that would be eligible for impact fee credits, nothing herein shall affect the eligibility to qualify for credits under appropriate impact fee ordinances.

Sec. 5.05.04 Post-Approval

A. Amendment and Cancellation of Agreement by Mutual Consent

A Development Agreement may be amended or canceled by mutual consent of the parties to the Agreement or by their successors in interest. Prior to amending a Development Agreement, the Board of County Commissioners shall hold two (2) public hearings on the proposed amendment, unless the first public hearing is conducted by the Planning and Zoning Agency at the option of the Board of County Commissioners.

B. Term

The term of a Development Agreement shall not exceed ten (10) years or such time as Section 163.3220 through 163.3243, F.S., may provide. A Development Agreement may be extended by mutual consent of the Board of County Commissioners and the Developer, subject to public hearings in accordance with Section 5.05.02 of this Code. The term of any one extension shall not exceed five (5) years or such time as Section 163.3220, et. seq., F.S., may provide.

C. Recordation

Within fourteen (14) days after St. Johns County enters into the Development Agreement, the Clerk to the Board of County Commissioners shall have the agreement recorded in the public records of St. Johns County. A copy of the recorded Development Agreement shall be submitted to the Department of Community Affairs within fourteen (14) days after the Agreement is recorded. If the Agreement is amended, canceled, modified, extended, or revoked, the Clerk shall have notice of such action recorded in the public records and such recorded notice shall be submitted to the Department of Community Affairs.

D. Periodic Review

1. The County shall review the Development subject to the Development Agreement every twelve (12) months in accordance with Section 163.3235, F.S.
2. The County shall begin the review process by giving notice to the Developer that the County intends to undertake a periodic review of the Development.
3. If the County finds and determines that the Developer has complied in good faith with the terms and conditions of the Development Agreement during the period under review, the review for that period is concluded.
4. If the County makes a preliminary finding that there has been a failure to comply with the terms of the Development Agreement, the Board of County Commissioners shall conduct a public hearing at which the Developer may demonstrate good faith compliance with the terms of the Agreement. If the Board of County Commissioners finds and determines on the basis of substantial competent evidence that the Developer has not complied in good faith with the terms and conditions of the Agreement during the period under review, the Board of County Commissioners may modify or revoke the agreement.

E. Governing Laws and Policies

The laws and policies governing Development specifically approved in a Development Agreement shall be as set forth in Section 163.3233, F.S.

F. Enforcement

Enforcement of the terms of a Development Agreement shall be as set forth in Section 163.3243, F.S., and as otherwise provided in this Code.

PART 5.06.00 COMMUNITY DEVELOPMENT DISTRICTS

Sec. 5.06.01 General Provisions

A. Short Title

This Part shall be known and may be cited as the "St. Johns County Community Development District Regulations."

B. Purpose

It is the intent of this Part to set forth the procedures and requirements necessary for St. Johns County to consider and approve Community Development Districts. It is the further intent of this Part to encourage a strong commitment to capital facilities planning, management and financing to ensure the provision of adequate capital infrastructure to service projected growth without overburdening the general taxpayer.

C. Community Development Districts For Land Areas of 1,000 Acres Or More In Size

1. Any person may petition to establish a District, including public entities.
2. The information in the Petition shall be set forth in Section 190.005(1)(a), F.S., and Rule 42-1, F.A.C.
3. The Petition shall be submitted, along with a non-refundable processing fee of \$15,000 to St. Johns County at least ten (10) days prior to being filed with the Florida Land and Water Adjudicatory Commission. A copy of said Petition shall be filed with the County Clerk, a copy with the County Administrator, a copy with the Office of the County Attorney and a copy with each of the members of the St. Johns County District Processing Group established by the County Administrator. A copy of said Petition shall also be submitted, on the same day as submitted to the County, to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the District. The Board of County Commissioners may amend the applicable processing fees by resolution, as may be allowed by Florida law.
4. Petitioner may confer informally with County to official submission of the Petition. Petitioner may informally make non-final drafts of a Petition with attachments available to the County prior to its formal submission and filing.
5. The County shall have forty-five (45) days, or other time period provided by law, from the date of official filing with the State to conduct its optional hearing under Section 190.005(1)(c), F.S., and Rule 42-1., F.A.C.
6. The County Administrator and representative of Petitioner shall confer no later than the date of official submission to the County on the contents of a stipulation, including procedural and substantive matters for the processing of the Petition and for the determination of the circumstances under which the County may or may not elect to notice and conduct the optional hearing.

7. The County Administrator shall prepare and file with the Board of County Commissioners a staff report which shall include but not be limited to conclusions and recommendations. The report shall be so filed within time sufficient to allow for its consideration at the public hearing within forty-five (45) days after the official filing of the Petition with the State.
- D. Community Development Districts For Land Areas Less Than One Thousand (1,000) Acres In Size
1. The information in the Petition shall be as set forth in Section 190.005(2)(a), F.S., and Rule 42-1, F.A.C.
 2. The Petition to establish Community Development Districts of less than one thousand (1,000) acres in size shall be submitted to St. Johns County. The original of the Petition shall be filed with the County Clerk, a copy with the County Administrator, and a copy with the Office of the County Attorney. A copy shall also be submitted on the same day as submitted to the County to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the District.
 3. When the Petition is filed with the County, the Petitioner shall pay a filing fee of fifteen thousand dollars (\$15,000) to the County. However, based on written documentation of the County having incurred expenses in excess of fifteen thousand dollars (\$15,000) for review and processing of a particular proposed Community Development District of less than one thousand (1,000) acres in size, the County Administrator may assess the cost of said expense exceeding fifteen thousand dollars (\$15,000) for payment by the Petitioner. Such assessment shall be paid prior to final County action on the Community Development District. The County may amend the initial filing fee by resolution.
 4. Prior to filing, Petitioner shall coordinate with the County Administrator on time frames, procedures and substantive matters relative to the Petition, and the County and Petitioner may enter into a Stipulation governing these matters. Said Stipulation must be approved by the County Administrator and the Office of the County Attorney.
 5. The St. Johns County Board of County Commissioners may elect to hold a noticed workshop in regards to the Petition.
 6. Notice and conduct of the public hearing on whether to grant or deny the Petition to adopt the Ordinance to establish the District shall be by the Board of County Commissioners in accordance with the requirements and proceedings of Section 190.005(2)(b), F.S.
 7. The Petition shall be deemed completed if it contains responses to the matters required to be contained in the Petition by Section 190.005(1)(a), F.S. The County Administrator shall determine completeness of the Petition and notify the Petitioner of his determination no later than fifteen (15) working days after the date of filing by certified letter, return receipt requested. If the County Administrator determines the Petition to be incomplete, Petitioner shall have fifteen (15) working days from official notification thereto, to refile the petition.

These procedures may be varied, and any alternative procedures may be put into effect, between the County Administrator and representatives of the Petitioner by Stipulation referenced above.

8. The Petition and its attachments shall be determined sufficient to commence the process of County consideration by the County Administrator within fifteen (15) working days from determination of completeness. Sufficiency shall mean that the responses to the contents of the Petition shall have enough information with which the County may begin the process of consideration. These matters dealing with sufficiency of the Petition and its attachments may be modified by mutual agreement between the County Administrator and representatives of the Petitioner in the Stipulation referenced above.
9. Notwithstanding any other provision in this Part, the St. Johns County Board of County Commissioners may, within ninety (90) days after a Petition has been filed, transfer the Petition to the Florida Land and Water Adjudicatory Commission for processing and approval or denial, and the County shall thereafter have no right or power to grant or deny the said Petition that has been transferred to the Florida Land and Water Adjudicatory Commission.
10. The County Administrator shall have thirty (30) working days from the date of determination of sufficiency of the Petition and its attachments to prepare and file with the Board of County Commissioners, and Office of the County Attorney, a report which shall include conclusions and recommendations for consideration by the Board of County Commissioners by non-emergency Ordinance procedures of the relationship of its Petition and its attachments to the factors listed in Section 190.005(1)(e), F.S. If the Petitioner wishes to submit supplementary information with regard to the factors to be considered by the Board of County Commissioners, in order to assist the County Administrator its report, Petitioner shall submit such supplemental information no later than five (5) days after the date of official determination of sufficiency of the Petition and its attachments. Said report shall contain a conclusion with regard to each of the statutory factors in Section 190.005(1)(e), F.S. The time frames and procedures involved in consideration of the said factors, the Petition and its attachments and any supplementary information filed, may be modified by the County Administrator and Petitioner by mutual agreement in the above referenced Stipulation.
11. In any event, unless modified by the Stipulation between the County and Petitioner, the Board of County Commissioners of St. Johns County shall conduct a noticed and non-emergency hearing on whether to adopt the Ordinance to establish the District no later than four (4) weeks from the date of receipt of the report and conclusions from the County Administrator.
12. At the hearing, the Board of County Commissioners of St. Johns County shall consider the information of record, including the Petition and its attachments, any supplementary information and the report and conclusions of the County Administrator, in the light of the six (6) statutory factors in making its determination to grant or deny a Petition to establish a Community Development District by Ordinance to serve lands less than one thousand (1,000) acres in size. The process establishing a District by County Ordinance shall be based on the statutory factors and any other relevant or material information allowed by law.

13. The Ordinance creating a Community Development District is not a Development Order within the meaning of Chapter 380, F.S. or Chapter 163, F.S. Such District as established by Ordinance shall not have the power of local government to adopt a Comprehensive Plan, Building Code or Land Development Code and the District shall take no action which is inconsistent with applicable St. Johns County Comprehensive Plans, Ordinances or Regulations governing the use of the land in the planning, permitting and approval of the Development to be serviced by the Development District. All developmental planning, environmental and land Development laws, regulations and rules shall apply to all Development of the land to be serviced by the District. The Ordinance establishing the District shall include:
 - a. The description of the external boundaries of the District and of any real property within the external boundaries of the District which is to be excluded.
 - b. The names of five (5) persons designated in the Petition to be the initial members of the Board of Supervisors.
 - c. The name of the District and for other matters required or allowed by law or this Code.

E. County As Petitioner Or Co-Petitioner

1. The Board of County Commissioners may petition the Florida Land and Water Adjudicatory Commission to establish a Community Development District to provide systems, facilities and services for lands the size of one thousand (1,000) acres or more and shall follow the procedures in Section 190.005(1), F.S.
2. The Board of County Commissioners may also co-Petition with any other Petitioner for the establishment of a District to provide systems, facilities and services to lands of one thousand (1,000) acres or more in size.
3. The Board of County Commissioners of St. Johns County may also decide by duly noticed non-emergency Ordinance to establish a Community Development District to service land areas less than one thousand (1,000) acres in size in accordance with the provisions of Section 190.005(2), F.S.

F. Additional Requirements For All Petitions

1. In addition to the information required in the Petition and its attachments by law, the County may require the Petitioner to submit documentation providing relevant material and pertinent information necessary for the consideration of the factors referenced in Section 190.005(1)(e) or 190.005(2)(c), F.S. The purpose of such information shall be:
 - a. Establish that appropriate planning, engineering, economic, management and other expertise, as may be appropriate, has been provided and applied to the information in the particular Petition and to the statutory factors to be considered.

- b. Establish that in the process of applying said expertise to said factors, if any unusual matter or problem has arisen, then the information from those experts has been applied to identify the problem and discuss and propose how it can be resolved.

PART 5.07.00 WORKFORCE/AFFORDABLE HOUSING DENSITY BONUS

Sec. 5.07.01 Purpose

The purpose and intent of the Workforce/Affordable Housing Density Bonus is as follows:

- A. The Workforce/Affordable Housing Density Bonus accommodates provisions for the Development of housing affordable to very low, low, and moderate income households in fulfillment of policies of the Future Land Use and Housing Elements of the St. Johns County Comprehensive Plan. For purposes of this Section, Workforce/Affordable Housing is defined as housing for which monthly rents or monthly mortgage payments (including taxes and insurance) do not exceed thirty percent (30%) of gross household annual income as reflected Sec. 5.07.03.D.
- B. The Workforce/Affordable Housing Density Bonus addresses an equitable geographic distribution of Workforce/Affordable Housing in accordance with Policies of the Housing Element of the Comprehensive Plan.
- C. The Workforce/Affordable Housing Density Bonus addresses the preservation of affordability of units, designated under the program, for very low, low, and moderate income households.

Sec. 5.07.02 Applicability

In cases of conflict between this Part and other Sections of this Code, the provisions of this Part shall prevail.

A. Location

This Part may be applied to any residential Development proposed within the unincorporated areas of St. Johns County.

B. Discretionary Program

The Workforce/Affordable Housing Density Bonus Program is a discretionary program in which additional density may be granted if the granting of such additional density will further the County's objective of providing housing opportunities for very low, low, and moderate income households. Nothing stated herein is intended to, and specifically is intended not to, create any property right(s) for the owner of any property.

C. Concurrent Processing

The Workforce/Affordable Housing Density Bonus shall be considered and applied concurrently with an associated Development Order application. Such a Development Order shall be either a rezoning, an amendment to a Planned Unit Development, or a Special Use, all of which require duly noticed public hearings before the Planning and Zoning Agency and the Board of County Commissioners. Such hearings are necessary

due to the accommodation of a land Use intensity greater than that shown on the Future Land Use Map.

Sec. 5.07.03 General

An Applicant may request additional Dwelling Units for the provision of Workforce/Affordable Housing, in accordance with the provisions of the Comprehensive Plan and in accordance with this Part.

A. Manner of Providing Units

The Workforce/Affordable Housing shall be provided through Construction of units onsite, or on another site approved concurrent with the Project approval.

B. Minimum Number of Units to be provided.

The minimum number of Workforce/Affordable Housing units to be accommodated shall be as follows:

1. For rental Projects, twenty percent (20%) of the "bonus" units shall be designated for very low and low income, and twenty percent (20%) for moderate income households.
2. For ownership Projects, twenty percent (20%) of the bonus units shall be designated for low income, and twenty percent (20%) for moderate income households. There shall be no obligation to provide housing for very low income households.
3. The required unit count shall be established by rounding up to the nearest whole number, with a minimum of one (1) unit.
4. In applying the Workforce/Affordable Housing Density Bonus, only the number of units required pursuant to Section 5.07.03.B.1 and 2 above (minimum number of units to be provided) shall be subject to qualifications, assurances, and restrictions as set forth below.

C. Assurances of Affordability

The Developer shall provide guarantees, approved by the County Administrator in writing which shall be recorded with the Clerk of the Circuit Court of St. Johns County which, for a minimum period of ten (10) years for both rental units and ownership units, maintain the affordability for units that are required for very low, low, and moderate income households. During this period of time, no unit shall be rented or sold except to a qualified household. The guarantee must be recorded in the public records with the Clerk of Circuit Court of St. Johns County and shall run with the land as restrictions enforceable by future tenants and purchasers of the property. The proposed method and provisions regarding such assurance must be reviewed by the County Administrator or other staff charged with the responsibility of Workforce/Affordable Housing, then referred to the Planning and Zoning Agency, who shall make a recommendation to the Board of County Commissioners as to acceptability. The Board of County Commissioners shall make a final determination of acceptability at the time of consideration of the

Development Order application.

Sufficient information must be provided, as a part of the Workforce/Affordable Housing Density Bonus petition, to allow the Planning and Zoning Agency and the Board of County Commissioners to make a reasonable assessment of the proposal. Items which may be considered include, but are not limited to:

1. Regulatory agreements tied to projects where there are other participating agencies which have affordability restrictions (e.g. state, federal);
2. Restrictions on the rental rate or sales price limits;
3. Restrictions on conversion to nonresidential Use; and,
4. Other agreements which are previously reviewed and approved by the Office of the County Attorney.

D. Income Qualifications

For units required to be very low, low, and/or moderate, a Developer shall record in the public record a guarantee that the household, upon entry to the unit, shall meet the definition of a very low, low, or moderate income household. The definition of very low, low, and moderate income households is as provided in the St. Johns County Comprehensive Plan, the State Housing Initiatives Partnership Program (SHIP) or other qualified state and federal housing programs. The Florida Housing Finance Corporation produces annual updates to its "Rents Adjusted to Unit Size" and "Income Limits Adjusted to Family Size by Number of Persons in Household" and sends to all cities and counties participating in SHIP or other Workforce/Affordable Housing programs. These charts are the standards to be used in determining maximum rents and income eligibility and are made part of the Development Review Manual. The manner of guarantee must be reviewed by the Planning and Zoning Agency who shall make a recommendation to the Board of County Commissioners as to acceptability. The Board of County Commissioners shall make a final determination of acceptability at the time of consideration of the Development Order. The form of the guarantee shall be approved by the Office of the County Attorney prior to certification of the final Site Plan.

E. Limitations on Restrictions

No Workforce/Affordable Housing units which are required pursuant to this program or units above the density of eight (8) units per acre shall be subject to restrictions beyond the income qualification set forth herein. This provision may be waived by the Board of County Commissioners upon consideration of the following:

1. The need for the restriction in terms of providing housing for a specific target group, e.g., disabled populations and the assurances that the target group will, indeed, have access to the new housing,
2. Whether the restriction is in line with the objective of providing housing opportunities for very low, low, and moderate income households, and,
3. The impact upon the immediate geographic area.

F. Dispersal

Units for very low, low, and moderate income households shall be distributed throughout a Development so that there is not a concentration of the Workforce/Affordable Housing Density Bonus units.

1. It is encouraged that Workforce/Affordable Housing units be distributed throughout the Development and throughout a multi-phased Development.
2. Developments that offer varied bedroom and floor area options shall include similar variations in the required Workforce/Affordable Housing units.
3. When specific percentages of very-low, low, and moderate income households are stated in an application, the manner, such as deed restrictions, in which the percentages are to be maintained shall be described.
4. When the Workforce/Affordable Housing Density Bonus is used in conjunction with other state and federal programs (e.g. HOP, HOME, SHIP, tax credits) which require a minimum amount of Workforce/Affordable Housing that is in excess of the minimum required for the Workforce/Affordable Housing Density Bonus, the Workforce/Affordable Housing Density Bonus petition shall pertain to all units. If such minimums are imposed subsequent to approval of the Workforce/Affordable Housing Density Bonus, it will be necessary to formally apply for a modification to the Workforce/Affordable Housing Density Bonus Development Order.
5. In addition to the above, when the percentage of units targeted for Workforce/Affordable Housing is at, or exceeds, fifty percent (50%) of multi-family Development, a Management Plan shall be a part of the application. Items to be addressed in a Management Plan include, but are not limited to: types and quantity of recreation facilities, tenant and/or ownership education services, accessibility to social service information and/or programs; onsite management, onsite day care facilities, onsite security, and, special crime prevention and crime reduction design considerations, and assurances that the Management Plan shall be implemented and maintained. Compliance shall be verified by the County Administrator or his designee.

G. Allowable Density

The density of the Development shall not exceed the allowed density outlined in the Future Land Use Element. "Allowed density" shall be determined by either: (a) the unit count allowed by density designations on the Future Land Use Map plus the density bonus, or (b) the allowable density of a previously approved Development Order for the same property.

H. Provisions of Basic Services

For Developments which have a density greater than eight (8) units per acre or which seek a density bonus equal to, or greater than, seventy percent (70%), there must be a demonstration of proximity to transportation networks and employment opportunities so

that residents will be able to access employment or other destinations appropriate for the type of housing.

I. Displacement

Any person displaced as a result of Development of the Workforce/Affordable Housing Density Bonus Project, shall be the subject of a relocation program initiated by the Developer in coordination with the County, which will, at a minimum, describe efforts to relocate and/or make aware of comparable housing opportunities including the availability of housing at the subject site. The County may choose to apply the U.S. Department of HUD published criteria.

Sec. 5.07.04 Standards For Approval

An application submitted under this Part shall be reviewed for compliance with the following standards. Recommendations as to compliance shall be made by the County Administrator, with the final determinations being made by the Board of County Commissioners. Each of these standards must be met in order for an Workforce/Affordable Housing Density Bonus award to be made.

- A. The Development must be located in the unincorporated area of St. Johns County.
- B. The resulting Development shall be deemed compatible with the surrounding land Uses. The determination of compatibility shall include:
 - 1. A standard assessment of Future Land Use Map designations, zoning designations, and actual Use of the surrounding lands,
 - 2. The impact of the proposed Development upon surrounding land Uses, both current and future, and,
 - 3. The impact of the external environment upon the suitability and success of the proposed Workforce/Affordable Housing Density Bonus Development.
- C. The Development shall meet all concurrency requirements at the level of impact calculated at the bonus density as in Article XI Concurrency Management.
- D. Adequate assurances as required in Section 5.07.03.C.3 through Section 5.07.03.C.5.
- E. Adequate provisions for displaced tenants pursuant to Section 5.07.03.I.
- F. The resulting Development shall be consistent with the goals, objectives, and policies of the Comprehensive Plan and the provisions of this Part.

Sec. 5.07.05 Review and Approval Process

A. Presubmittal Conference

Prior to submittal of a petition requesting a density bonus, the Applicant shall attend a presubmittal conference with the County Administrator, or designee.

B. Submission of Petition

A petition for the Workforce Housing Density Bonus shall be submitted to the County Administrator concurrent with submission of a general application for a Special Use, rezoning, or amendment to a previously approved Planned Unit Development. The Workforce Housing Density Bonus application form and required submittal materials shall be established by the County Administrator.

C. Determination of Sufficiency

The County Administrator shall determine sufficiency of the petition within five (5) working days from its receipt. If it is determined that it is not sufficient, written notice shall be sent to the Applicant specifying the deficiencies within three (3) working days of the determination. The County Administrator shall take no further action unless the deficiencies are remedied. If the deficiencies are not remedied within twenty (20) working days, the petition shall be considered withdrawn. If the petition is determined sufficient, the County Administrator will process it pursuant to the procedures and standards of Section 5.07.04.

D. Review by County Administrator

The petition shall be reviewed by Staff after a determination of sufficiency but prior to consideration by the Board of County Commissioners.

E. Review by the Planning and Zoning Agency

The petition shall be reviewed by the Planning and Zoning Agency after a determination of sufficiency but prior to the consideration by the Board of County Commissioners. The County Administrator shall present a report to the Planning and Zoning Agency which describes how the proposed Development complies with the general provisions as set forth in Section 5.07.03 and with respect to compliance with each of the standards set forth in Section 5.07.04. The Planning and Zoning Agency shall make a determination of compliance with each of the general provisions. The Planning and Zoning Agency shall recommend approval, approval with conditions, or denial of the requested increase in density based on the standards. The Planning and Zoning Agency may recommend conditions in order to assure compliance with said general provisions and/or standards. The Planning and Zoning Agency's recommendation shall be forwarded to the Board of County Commissioners, who have the final authority with regard to compliance with Section 5.07.04.

F. Action by the Board of County Commissioners

All Workforce Housing Density Bonus petitions shall be approved, approved with conditions, or denied by the Board of County Commissioners. The Board of County Commissioners shall then act on the associated Development Order and may approve it at the requested density or at a lesser density.

Sec. 5.07.06 Effect

Approval of a Workforce Housing Density Bonus by the Board of County Commissioners shall grant the right to increase density consistent with the terms approved in the Development Order. The density bonus shall run with the Development Order.

A. Amendments to a Workforce Housing Density Bonus

A density bonus may be amended, extended, varied or altered only pursuant to the standards and procedures established for its original approval, or as otherwise set forth in this Part.

B. Transfer of a Density Bonus

A density bonus runs with the Development Order and may be transferred to a new owner of the Development only if the new owner agrees to fulfill all the terms of the agreement made by the original owner. Density gained through the Workforce Housing Density Bonus shall not be eligible for use in any Transfer of Development Rights Program developed by the County.

PART 5.08.00 WETLAND DENSITY BONUS

Sec. 5.08.01 Purpose

The purpose and intent of the Wetland Density Bonus is to encourage, through the provision of the density bonus, the inclusion of Wetland areas within Parcels proposed for Development in order to allow for review of potential impacts to adjacent Wetlands, if any, and to provide for the preservation of the Wetlands. It is not the intent of this provision to require the preservation of Wetlands absent such an election by the Owner or Developer. Proposed Development activity within Wetland areas not tendered for preservation, however, shall be subject to the requirements of this Code, and all applicable law and permitting requirements.

Sec. 5.08.02 Applicability

In cases of conflict between this Part and other Parts of the Code, the provisions of this Part shall prevail. The Wetland Density Bonus may be applied to any Development proposed within the unincorporated areas of St. Johns County.

Sec. 5.08.03 Standards Of Approval

There shall be a density bonus allowed for the preservation of Wetlands contained within a proposed Development site, equal to the lesser of:

- A. Ten percent (10%) of the Wetland acreage preserved, or
- B. Ten percent (10%) of the upland acreage proposed for Development,

Multiplied by the applicable residential density allowed by the Future Land Use Map.

In the event this density bonus is exercised by an owner or Developer, preservation of the Wetland acreage which was the basis for the calculation of the Wetland Density Bonus shall be by deed restriction, conservation easement, or other written evidence acceptable to the County.

Part 5.09.00 VARIABLE DENSITY BONUS

Sec. 5.09.01 Generally

The Variable Density Bonuses, pursuant to this Part, are designed to allow and encourage creative land Development. Generally, the Variable Density Bonuses allow incentives for the developer to provide unified land Development through a PUD, and to encourage the use of central water and Sewer service.

Sec. 5.09.02 Applicability

This Part may apply to all Development within the residential designations depicted on the Future Land Use Map of the Comprehensive Plan.

Sec. 5.09.03 Standards

The standards of this Part shall be as established in the St. Johns County Comprehensive Plan.

Part 5.10.00 OPTIONAL DENSITY BONUS

Sec. 5.10.01 Generally

The Optional Density Bonuses, pursuant to this Part, are designed to allow and encourage creative land Development. Generally, the Optional Density Bonuses allow incentives for the Developer to provide the following benefits for the County: (i) to dedicate land for parks and open space, beach and water access, and land for other public purposes; (ii) to preserve and provide open space areas throughout the County by preserving uplands and Wetlands in a natural state, especially in areas where the depth of land affords a view or vista of bodies of water, marshlands and similar natural aesthetic viewing areas; (iii) to provide additional buffers, above the required buffering, between incompatible Uses; (iv) to mitigate an existing non-conforming Use or incompatible Use; and (v) to preserve open spaces along SR A1A and SR 13. In addition, the use of these Optional Density Bonuses assist the County in the control of urban sprawl, leapfrog Development, and strip Development and furthers the goals, objectives and policies of the Comprehensive Plan. Optional Density Bonuses may be utilized in all residential designations, as provided in this Part.

Sec. 5.10.02 Applicability

This Part may apply to all Development within the residential designations, as depicted on the Future Land Use Map of the Comprehensive Plan.

Sec. 5.10.03 Standards

Optional Density Bonuses are illustrated in the following table:

TABLE 5.01

OPTIONAL DENSITY BONUS	
Optional Density Based On Acres or Action Taken	Density Bonus Factor
Dedication of Land for Public Benefit	2
Preservation of Open Space West of SR 13/CR 13 (William Bartram Scenic Highway)	1
Preservation of Open Space East of SR A1A	1
Preservation of Uplands Adjacent to Contiguous Wetlands	2
Dedication of Uplands Adjacent to State Owned Navigable Waters for the Benefit of the Public with Access and Parking being Provided	4
Mitigation of an Existing Non-conforming or Incompatible Land Use	2
Dedication of Public Beach Access	2
Dedication of Beach Parking	4
Traditional Neighborhood Development	2
Provision of Affordable Housing	Refer to Part 5.07.00

Sec. 5.10.04 Density Calculations

- A. The Optional Density Bonuses, as depicted in Table 5.02, are available with approval by the Board of County Commissioners through approval of a Planned Unit Development. In requesting an Optional Density Bonus, the Applicant shall provide the Optional Density Bonus requested, the calculations in obtaining total Dwelling Units (applying the bonus), and the justification as to the public benefit. The Board of County Commissioners shall review the request and render a decision as to extent of the public benefit and may approve or deny the request. Should the Board of County Commissioners deny the request for Optional Density Bonus, the application shall not exceed the density allowed by the Comprehensive Plan.
- B. The Optional Density Bonus shall be calculated as the number of acres proposed for density bonus TIMES the density bonus factor added to the allowable number of units.
- C. Optional Density Bonuses for preservation or dedication of open space or uplands adjacent to contiguous Wetlands shall only be calculated on the amount of land area provided exceeding the minimum requirements of this Code.
- D. Optional Density Bonuses under this Part shall not be obtained on the same area within a Development Project that has obtained a Wetland Density Bonus provided in Part 5.08.00.

History: Ord. 2009-48, Ord. 2010-17, Ord. 2010-23, Ord. 2010-53, Ord. 2013-26, Ord. 2015-14