

<b>ARTICLE I GENERAL PROVISIONS</b>
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## **PART 1.01.00 TITLE AND CITATION**

This Code shall be known as the "St. Johns County Land Development Code" and may be cited and referred to as the "Code" or the "LDC." Provisions contained in this Code shall be referenced as Article     , Part     , or Section     .

## **PART 1.02.00 BASIS FOR ADOPTION**

### **Sec. 1.02.01 Legislative Authority**

The Board of County Commissioners of St. Johns County, Florida, has the authority to prepare, adopt and enforce this Code pursuant to Article 8, Sec. 1(f), the Florida Constitution; Section 125.01, et. seq., Florida Statutes (F.S.); Section 163. 3161, et. seq., F.S.; Section 163.3161(8), F. S.; Section 163.3201, F.S.; Section 163.3202, F.S.; Rule 9J-5, Florida Administrative Code (F.A.C.); Rule 9J-24, F.A.C.; the St. Johns County Comprehensive Plan; and such other authorities and provisions established in statutory or common law.

### **Sec. 1.02.02 Purpose**

It is the purpose of the Board of County Commissioners of St. Johns County to establish the standards, regulations and procedures for review and approval of all proposed Development of property in unincorporated St. Johns County, and to provide a Development Review Process that will be comprehensive, consistent, and efficient in the implementation of the goals, objectives, and policies of the St. Johns County Comprehensive Plan.

### **Sec. 1.02.03 Intent**

- A. In order to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive Development of the unincorporated areas of St. Johns County, it is the intent of this Code that the Development process in St. Johns County be efficient, in terms of time and expense; effective, in terms of addressing the natural resource and public facility implications of proposed Development; and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of St. Johns County.
  
- B. The Board of County Commissioners deems it to be in the best public interest for all Development to be conceived, designed, and built in accordance with good planning and design practices and the minimum standards set forth in this Code.

#### **Sec. 1.02.04 Findings**

The Board of County Commissioners of St. Johns County, Florida, hereby makes the following findings:

- A. St. Johns County, pursuant to Section 163.3161, et. seq., F.S., the Florida Local Government Comprehensive Planning and Land Development Regulation Act (hereinafter the "Act"), is required to prepare and adopt a Comprehensive Plan; and
- B. After adoption of the Comprehensive Plan, the Act, and in particular Section 163.3202(1), F.S., mandates that St. Johns County adopt Land Development Regulations that are consistent with and implement the adopted Comprehensive Plan; and
- C. Section 163.3201, F.S., provides that it is the intent of the Act that the adoption and enforcement by St. Johns County of Land Development Regulations for the total unincorporated area shall be based on, be related to, and be a means of implementation for, the adopted Comprehensive Plan as required by the Act; and
- D. Section 163.3194(1)(b), F.S., requires that all Land Development Regulations enacted or amended by St. Johns County shall be consistent with the adopted Comprehensive Plan, or element or portion thereof, and any Land Development Regulations existing at the time of adoption which are not consistent with the adopted Comprehensive Plan, or element or portion thereof, shall be amended so as to be consistent; and
- E. Section 163.3202(3), F.S., states that the Act shall be construed to encourage the use of innovative Land Development Regulations; and
- F. On September 14, 1990, St. Johns County adopted the St. Johns County Comprehensive Plan (hereinafter the "Comprehensive Plan" ) as its Comprehensive Plan pursuant to the requirements of Section 163.3161 et. seq., F.S., and Rule 9J-5, F.A.C.;
- G. Section 163.3194(1)(a), F.S., mandates that after a Comprehensive Plan, or element or portion thereof, has been adopted in conformity with the Act, all Development undertaken by, and all actions taken in regard to Development Orders by, governmental agencies in regard to land covered by such Plan or element shall be consistent with such Plan or element as adopted; and
- H. Pursuant to Section 163.3194(3)(a), F.S., a Development Order or Land Development Regulations shall be consistent with the Comprehensive Plan if the land Uses, densities or intensities, and other aspects of Development permitted by such order or regulation are compatible with and further the objectives, policies, land Uses, and densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government; and
- I. Section 163.3194(3)(b), F.S., requires that a Development approved or undertaken by a local government shall be consistent with the Comprehensive Plan if the land Uses, densities or intensities, capacity or size, timing, and other aspects of Development are compatible with and further the objectives, policies, land Uses, densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government; and
- J. St. Johns County finds that this Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in St. Johns County; encourage the most appropriate use of land, water, and resources, consistent with the public interest;

overcome present handicaps; and deal effectively with future problems that may result from the use and Development of land within the total unincorporated area of St. Johns County; and it is intended that this Land Development Code preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, and general welfare of St. Johns County; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; conserve, develop, utilize, and protect natural resources within the jurisdiction of St. Johns County; and to protect human, environmental, social, and economic resources; and maintain, through orderly growth and Development, the character and stability of present and future land Uses and Development in St. Johns County; and

- K. It is the intent of the Board of County Commissioners of St. Johns County to effectuate and directly advance these requirements, findings, purposes and intentions for the enhancement of the community character of St. Johns County, for the betterment of the general welfare, and for the reasons set forth herein through the implementation of the Land Development Code pursuant to the Comprehensive Plan; and
- L. It is the intent of the Board of County Commissioners to implement the Land Development Code in accordance with the provisions of the Comprehensive Plan, Chapter 125, F.S.; and Chapter 163, F.S.; through the adoption of this Code, and the Board of County Commissioners find that the adoption of this Code is consistent with, compatible with, and furthers the goals, objectives, policies, land Uses and densities and intensities of Uses contained in the Comprehensive Plan.

## **PART 1.03.00 INTERPRETATION AND REGULATORY EFFECT**

### **Sec. 1.03.01 Area Where Code Applies**

- A. Except as specifically stated in this Code, the regulations of this Code shall apply throughout the unincorporated portions of St. Johns County. No Development shall be undertaken without prior authorization pursuant to this Code.
- B. It is the legislative intent of the Board of County Commissioners in adopting this Code that all provisions hereof shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the unincorporated portion of St. Johns County.
- C. This Code does not conflict with any rules, regulations or standards established in Florida Statutes.
- D. Except as otherwise provided in this Code, this Code does not affect the Standard Building Codes adopted by St. Johns County.

### **Sec. 1.03.02 Prohibitions**

- A. No Building, Structure, land or water shall hereafter be developed, used or occupied, and no Building, Structure, or part thereof shall hereafter be erected, reconstructed, moved, located, or structurally altered except in conformity with the regulations set out generally herein and for the district in which it is located. In clarification of the foregoing, it is the specific intent of the Board of County Commissioners that all floating Structures, excluding docks and boats, and Buildings, as well as Development, Buildings and Structures built over or in water, shall meet all the requirements of this Code and other codes and regulations of St. Johns County.
- B. Except as permitted hereby, no Building or Structure or part thereof shall hereafter be used, erected, constructed, reconstructed, located, moved or structurally altered in any manner so as:
  - 1. To increase height, bulk or floor area;
  - 2. To accommodate or house a greater number of families or other occupants, or to provide a greater number of Dwelling Units;
  - 3. To occupy a greater percentage or portion of Lot area;
  - 4. To provide less Lot area per Dwelling Unit or to occupy a smaller Lot;
  - 5. To provide narrower or smaller Yards or other open spaces, or spaces or separations between Buildings or portions thereof;
  - 6. To provide less off-street parking or off-street loading space;
  - 7. To allow the use of the Building or Structure;
- C. Except in State and Local land takings for public purpose no new Lot shall be created after

the effective date of this Code except in conformity with the requirements of applicable regulations. No Yard or Lot existing at the time of passage of these regulations shall be reduced by private action in width, depth, or area below the minimum requirements set forth herein. Notwithstanding the foregoing, unmanned public service facilities, including, but not limited to, pump/lift stations, utility substations, and similar public service Structures, may be sited on Lots smaller than otherwise required if it can be demonstrated to the satisfaction of the Administrator that they meet applicable setbacks, buffers, or other standards.

### **Sec. 1.03.03 Exceptions**

#### **A. Previously Issued Building Permits**

The provisions of this Code and any amendments hereto shall not affect the validity of any lawfully issued and effective Building Permit issued prior to the effective date of this Code if:

1. The Development authorized by the Permit has commenced prior to the effective date of this Code or any amendment hereto, or will commence after the effective date of this Code but prior to the Permit's expiration or termination; and
2. The Development continues without interruption in good faith until Development is complete. If the Building Permit expires, any further Development shall be in conformance with the requirements of this Code or any amendment.

#### **B. Existing Uses**

All Uses, Structures, and Lots legally existing on the effective date of this Code that are not in compliance with the provisions of this Code shall be considered nonconforming under the terms of this Code, except as otherwise provided in Article X of this Code.

#### **C. Exemptions and Vesting**

Certain Exemptions and Vesting may be applicable to Development as specifically provided in Part 10.02.00, Section 4.01.02, and other Parts and Sections of this Code.

### **Sec. 1.03.04 Rules Of Construction**

#### **A. Generally**

1. In construction of the language of these regulations, the rules set out in this Section shall be observed unless such construction would be inconsistent with the manifest intent of the Board of County Commissioners as otherwise expressed in this Code, the Comprehensive Plan, or an element or portion thereof.
2. All provisions, terms, phrases and expressions contained in these regulations shall be so construed in order that the true intent and meaning of the Board of County Commissioners may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms or as provided in Webster's Dictionary, Tenth Collegiate Edition.

B. Minimum Requirements

In the interpretation and application of any provision of these regulations it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of these regulations imposes greater restrictions upon the subject matter than a general provision imposed by the Comprehensive Plan or another provision of these regulations, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

C. Conflict With Other Laws

If the provisions of this Code conflict with those of any other statute, Code, local ordinance, resolution, regulation, Comprehensive Plan, or other applicable law, the more stringent standard, limitation or requirement shall govern or prevail to the extent of the conflict.

D. Debt or Pledge

Nothing in the Code shall be construed to create a debt or general obligation of the County or a pledge of the full faith and credit or taxing power of the County.

E. Site Design Requirements Apply Onsite

No part of a Yard, area, open space, or off-street parking or off-street loading space required for one Structure or Use shall be included as meeting requirements for another, except where specific provisions therefor are made in this Code.

F. Limitations on Creation of New Lots or Reductions of Lots or Yards

No portion of a Lot, used in connection with an existing or proposed Building, Structure or Use, and necessary for compliance with the area, height, and placement regulations of this Code, shall, through sale or otherwise, be used again as a part of the Lot required in connection with any other Building, Structure, or Use.

G. Action When Development Parcel Contains Two or More Zoning Districts

1. Where a zoning Lot contains two or more district designations with different allowable floor area ratio's applying, the allowable floor area ratio for the zoning Lot shall not exceed the sum of the results obtained by multiplying the privately-owned land area of the zoning Lot in each district by the applicable allowable floor area ratio for that portion of the zoning Lot.
2. Where a zoning Lot contains two or more districts designations with different density regulations, (i.e., a differing amount of required Lot for each Dwelling Unit), the density (maximum number of Dwelling Units) shall not exceed the numeric sum of the maximum number of units that could be constructed on individual portions of the zoning Lot in each zoning district, provided, however, at least one (1) Dwelling Unit may be located on a Lot if the total Lot area is sufficient to meet the minimum requirements for a Dwelling Unit under either of the applicable density regulations.

- 3. Nothing in this Section shall authorize the location of a Use in a district where that Use is not either an allowable principal or Accessory Use or an allowable Special Use.

H. Reserved

I. Text Controls

In case of any difference of meaning or implication between the text of this Code and any figure, the text shall control.

J. Computation of Time

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

K. Day

The word "day" shall mean a calendar day.

L. Week

The word "week" shall be construed to mean seven (7) calendar days.

M. Month

The word "month" shall mean a calendar month.

N. Year

The word "year" shall mean a calendar year, unless a fiscal year is indicated or 365 calendar days is indicated.

O. Gender

Words importing the masculine gender shall be construed to include the feminine and neuter.

P. Number

A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include any single person or thing.

Q. Shall and May

The word "shall" is mandatory; "may" is permissive.

R. Tense

Words used in the past or present tense include the future as well as the past or present.

S. Written or In Writing

The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or other form or method of writing.

T. Abbreviations Used

AASHTO: American Association of State Highway and Transportation Officials

CR: County Road

DCA: Florida Department of Community Affairs

DEP: Florida Department of Environmental Protection

DOT: Florida Department of Transportation

EOR: Engineer of Record who is an individual registered by the State of Florida as a Professional Engineer. Further, the individual must be competent to perform engineering assignments in the specific technical field of Civil Engineering and such engineering practice must not be in conflict with subparagraphs (2)(d), (5)(c) and (5)(d) of Rule 21H-19.01 of the Rules of the Department of Professional Regulation, Board of Professional Engineers.

F.A.C.: Florida Administrative Code

FDEP: Florida Department of Environmental Protection

FDOT: Florida Department of Transportation

FLUCCS: Florida Land Use, Forms and Cover Classification System

F.S.: Florida Statutes

FWCC: Florida Fish & Wildlife Conservation Commission

HUD: United States Department of Housing and Urban Development.

SJRWMD: St. Johns River Water Management District

SR: State Road

History: Ord. 2004-40; Ord. 2004-51