

ARTICLE X INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT

PART 10.00.00 GENERALLY

The purpose of this Article is to provide mechanisms for obtaining interpretations of this Code, for obtaining relief where hardship would otherwise occur, and for enforcement of this Code.

PART 10.01.00 INTERPRETATIONS OF THIS CODE

Sec. 10.01.01 Authority To Render

In the event that any question arises concerning the application of regulations, performance standards, definitions, Development criteria, or any other provision of this Code, the County Administrator shall be responsible for interpretation and shall look to the Comprehensive Plan for guidance. Responsibility for interpretation by the County Administrator shall be limited to standards, regulations and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.

Sec. 10.01.02 Procedures

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

PART 10.02.00 DETERMINATION OF VESTED RIGHTS

Sec. 10.02.01 Generally

A. Basis and Burden of Proof

The determination of vested rights shall be based upon factual evidence provided to the County Administrator. Each vesting determination shall be based on an individual case-by-case basis. The Applicant shall have the burden of proof to demonstrate vested rights pursuant to the requirements of Florida law.

B. Compliance with Prior Development Approval

All Development subject to a vested rights determination shall be consistent with the terms of the Development approval upon which the determination was based. In the event that the developer proposes significant changes to a Project that are not required by governmental action, then the County Administrator may require application of certain portions of the Land Development Regulations to the changed portions of the Project if the County Administrator finds that the changes are such that vested rights should no longer be applicable to the changed portion pursuant to this Part.

Sec. 10.02.02 Administrative Procedures and Standards For Determination

A. The Application

The initial vesting determination request will be reviewed by the appointed designee within twenty (20) working days after receipt of an application to determine if the request is technically complete. If it is determined that the application is not technically complete, the Applicant will receive written notification of the deficient items as required by this Code. The Applicant will have twenty (20) working days to submit the deficient items. If the deficient items are not resubmitted during the time period provided, the application will become void. An extension of time for resubmittal may be granted by the County Administrator for a period of thirty (30) days and shall not be extended. A vested rights determination shall be made by the County Administrator within thirty (30) working days of finding that the application is technically complete.

B. Evidence

1. Vested property rights decisions are made on a case-by-case basis and factual evidence surrounding the circumstances must be submitted for a thorough decision to be made. It is the obligation of the Applicant to submit necessary documentation.
2. The following minimum documentation will be required for vested rights determinations:
 - a. The name and address of the Applicant, who is or shall be the owner(s) or an authorized agent on behalf of the owner(s). If the property is owned by more than one (1) person, all owners or an authorized agent of the owners shall apply.

- b. A legal description, deed, and survey of the property in question.
- c. The name and address of each owner(s) of the property.
- d. A site or Development Plan or plat for the property.
- e. A memorandum of law specifically citing all applicable law supporting vesting and a description of how each element requirement thereof is met.
- f. Substantial competent evidence of each fact alleged to support this vesting claim.
- g. Any other relevant information that the County Administrator requests of the Applicant.

C. Files

- 1. All files regarding vested property rights shall be kept by the County Administrator.
- 2. After a vested property rights decision has been made, the County Administrator will notify all appropriate County departments of the decision for any future permitting that may occur with the subject property.

D. Appeals

An appeal of the denial of a vesting determination may be made to the Board of County Commissioners within thirty (30) days of receipt of written notification to the County Administrator. All appeals of vesting determination shall be granted only by the Board of County Commissioners.

E. Fees

An application fee shall be included with the application for a determination of vested property rights, pursuant to the County's general application fee schedule, as amended from time to time.

Sec. 10.02.03 Determinations Of Vested Rights and Projects Deemed Vested

A. Expiration of Vested Rights

- 1. Statutory vested rights determinations do not have a specific expiration date unless specified in other ordinances, Building Permits, statutory limitations and limitations contained within approved Development Orders. Such vested rights may expire as otherwise allowed or required by applicable law.
- 2. County common law vested rights determinations shall remain valid for a period of up to five (5) years from the date the determination was made unless otherwise specified by the vesting authority; provided that the County may cancel

and negate such vested right prior to the expiration of said time period if it can demonstrate the request for vested rights determination was based on substantially inaccurate information provided by the Applicant, or that the revocation of said vested rights is clearly established to be essential for the health, safety and welfare of the public. An extension may be requested and granted by the Planning and Zoning Agency or the Ponte Vedra Zoning and Adjustment Board, where applicable. The request for an extension to the vesting determination must be made no less than ninety (90) days prior to the expiration of the vesting determination.

B. Projects Deemed Vested

In the following circumstances, the County shall deem certain land Development Projects to have vested rights in regards to certain Land Development Regulations, Development Orders, or land Development Permits.

1. The developer (and its successors and assigns) of any land Development Project with County approved Construction Plans at the time this Code becomes effective, shall have the right to complete Development in accordance with that Construction Plan for a period of five (5) years from the initial effective date of this Code.
2. The developer (and its successors and assigns) of any land Development Project approved by a County Final Development Plan before the time of the effective date of this Code may have the right to have Construction Plans considered and approved by the County for a period of five (5) years from the effective date of this Code, so long as they are in compliance with that Final Development Plan and other applicable Land Development Regulations of the County.
3. The developer (and its successors and assigns) of any portion of a Planned Unit Development (PUD) approved by the County before the effective date of this Code that does not have a Final Development Plan approved by the County before the effective date of this Code must have a Master Development Plan approved by the County Administrator or have a favorable vesting determination, pursuant to Section 10.02.02 of this Code, prior to proceeding with Development.
4. The developer (and its successors and assigns) of a PUD, Planned Rural Development (PRD), or Planned Special Development (PSD) approved by the County before the effective date of this Code which has a specific and detailed conflict with a specific Section of this Code may proceed with the Development process based on those detailed specific terms of that Ordinance for the term of the PUD, PRD or PSD as stated in that Ordinance, provided that such Ordinance must be amended to comply with this Code at the time any Major Modification or extension of the term of the PUD, PRD or PSD is approved by the County.
5. A complete and proper application for a PUD, PRD or PSD filed before the effective date of this Code may be reviewed and approved by the County to the extent it's specific and detailed terms comply with County Land Development Regulations in effect at the time of such filing, provided that such Development shall comply with rezoning guidelines issued on March 16, 1999 and provided that such approval shall not vest the Development for compliance with any Land

Development Regulations in effect prior to this Code which is generally referenced in the PUD, PSD or PRD Ordinance. As a further limitation on this vesting provision, any PUD, PRD and PSD application that is filed after the date this Code is initially enacted but before the date it is initially effective shall be subject to all requirements of this Code in consideration of such application for action by the Board of County Commissioners which shall take place after said effective date.

6. The developer (and its successors and assigns) of any Development of Regional Impact (DRI) approved by the County prior to the effective date of this Code shall have the right to proceed with Development in accordance with the DRI Development Order and previously approved PUD ordinances until such orders and PUD Ordinance terms expire or are extended.
7. Any complete and proper application for a Development Order or Permit not referenced above filed with the County before the effective date of this Code shall be required to comply with the Land Development Regulations in effect at the time of the final approval by the County, the Planning and Zoning Agency, or the County Administrator.

Sec. 10.02.04 Present Zoning Inconsistent With The Comprehensive Plan

- A. Pursuant to Chapter 163.3194(1)(b), F.S., any inconsistency between zoning requirements and Comprehensive Plan requirements, the provisions of the Comprehensive Plan shall govern. In the absence of an unexpired vesting determination or vesting under Section 10.02.03.B., property that has an inconsistent zoning with the Comprehensive Plan shall not have vested property rights.
- B. Any present zoning inconsistent with the Comprehensive Plan may only be rezoned consistent with the Comprehensive Plan. Upon rezoning consistent with the Comprehensive Plan, permits may be issued in conjunction with the new zoning classification.

Sec. 10.02.05 Concurrency

This Part does not provide vested rights for any concurrency issues. Part 11.08.00 of this Code shall provide vested rights determinations for Concurrency Exemptions.

PART 10.03.00 NONCONFORMING LOTS, USES AND STRUCTURES

Sec. 10.03.01 Intent

Within the districts established by this Code, there exist Lots, Structures, Uses of land or water and characteristics of Use which were lawful before the adoption of this Code, but which would be prohibited, regulated, or restricted under the terms of this Code or future amendments. It is the intent of this Code to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is, further, the intent of this Code that such nonconformities shall not be enlarged upon, expanded, intensified, nor be used as grounds for adding other Structures or Uses prohibited elsewhere in the same district. It is, further, the intent of this Code that changes in nonconformities other than their discontinuance shall be discouraged. This provision does not apply to non-conforming Signs, which are governed by Part 7.09.00 of this Code.

Sec. 10.03.02 Rules Applicable To Nonconformities

A. Enlargement and Incompatibility

Nonconforming Uses are declared by this Code to be incompatible with permitted Uses in the districts involved. A Nonconforming Use of a Structure, a Nonconforming Use of a structure and land or water in combination shall not be extended or enlarged after the adoption of this Code.

B. Work in Progress

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, Construction or designated Uses of any Building on which a Building Permit has been properly issued prior to the adoption of this Code. If actual Construction has not begun under a Permit properly issued prior to the adoption of this Code within six (6) months of the date of issuance of the Permit, such Permit shall become invalid and shall not be renewed except in conformity with this Code.

C. Nonconforming Use of Open Land

Where open land (i.e., land not enclosed by Buildings) is being used for Nonconforming Use, such Nonconforming Use shall not be extended or enlarged either on the same or adjoining property.

D. Nonconforming Use of Buildings

Except as otherwise provided herein, the lawful Use of a Building existing at the effective date of this Code may be continued although such Use does not conform to the provisions hereof.

E. Discontinuance of Nonconforming Uses

No Building or portion thereof used in whole or part for a Nonconforming Use, which remains idle or unused for a continuous period of one (1) full calendar year, whether or not the equipment or fixtures are removed, shall be used again except in conformity with

the regulations of this Code.

F. Destruction of a Nonconforming Use

Buildings damaged by natural disaster, accidental fire or other disastrous force may be reconstructed or repaired to the footprint existing immediately prior to damage providing for the pre-disaster density, intensity and height, provided that such repair or reconstruction be commenced within twenty-four (24) months of the date of such damage in conformity with current health and safety requirements established in the Land Development Code and the Building Code.

G. Nonconforming Lots of Record

1. In any district in which Single Family Dwellings or mobile homes are permitted, a Single Family Dwelling or mobile home, and other permitted Uses and Structures including customary accessory Buildings may be erected, expanded or altered on any single Lot of Record which was so recorded on or before the effective date of adoption of this Code or previous Codes, notwithstanding certain limitations imposed by the provisions of this Code. This provision shall apply even though such Lot failed to meet the requirements for area or width, or both that are generally applicable in the district, provided that Yard dimensions and requirements other than those applying to area and width, or both, of the Lot shall conform to the regulations for the district in which such Lot is located.
2. In any district a conforming Use or Structure on a nonconforming Lot of Record which was so recorded on or before the effective date of the adoption of this Code may be expanded or altered provided other requirements of this Code are met.
3. After the effective date of adoption of this Code, no Lot or Parcel in any district shall be so divided to create a Lot with area or width below the requirements of this Code and no Lot or Parcel or portion of a Lot or Parcel shall be used or sold in a manner which diminishes compliance with Lot area and width requirements established by this Code.

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

If characteristics of Use such as off-street parking and loading, Yard requirements, or other matters pertaining to the Use of land, Structures, or premises are made nonconforming by this Code as adopted or amended, or by other action of state or local government, no change shall thereafter be made in such characteristics of Use which increases nonconformity with the regulations set out in this Code; provided however, that changes may be made which do not increase such nonconformities, or are otherwise in compliance with this Code.

I. Special Treatment of Nonconforming Lots Created by Roadway Improvement Projects

Where an otherwise legal Lot of Record is made nonconforming by the taking of land for road Right-of-Way by a governmental agency, the Lot shall be deemed conforming for purposes of this Code if not more than twenty percent (20%) of the area of the legal Lot

was taken. This provision shall also apply to nonconforming Lots of Record existing prior to adoption of this Code in which the government action to acquire up to twenty percent (20%) of the nonconforming Lot shall not otherwise alter or modify the existing nonconforming status.

J. Repairs and Maintenance

On any nonconforming Structure or portion of a Structure and on any Structure containing a Nonconforming Use, work may be done in any period of twelve (12) consecutive months on ordinary repairs only to repair or replace up to fifteen percent (15%) of the current just value of the Structure (or of the nonconforming portion of the Structure if a nonconforming portion of the Structure is involved), provided that the cubic content of the Structure existing after the date it became nonconforming under this or previous Codes shall not be increased.

K. Nonconforming Structures Unsafe Because of Maintenance

If a nonconforming Structure or portion of any Structure or any Structure containing a Nonconforming Use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official of St. Johns County to be an unsafe Building, it shall not thereafter be resolved, repaired, or rebuilt except in full conformity with the regulations of this Code.

L. All existing nonconformities shall continue to be nonconforming and subject to limitations of this Part unless such nonconformities are made conforming by another Part of this Code or by the granting of a Special Use or Variance.

M. Where an establishment conducting Electronic Game Promotions exists lawfully in any zoning district as of the passage of this Ordinance, or has submitted an Application/Affidavit for Certificate of Business Office/Home Office to the Growth Management Department by December 31, 2010 and whose application is subsequently approved, such use may be continued anywhere on such property or site, or within such center, as a nonconforming use subject to all restrictions, limitations and requirements set forth in Section 10.03.02, Land Development Code, and all other applicable provisions of the Code of Ordinances; except that businesses qualifying under this provision which commence Electronic Game Promotions operations on the premises on or after December 31, 2010 shall meet the parking requirements as provided in Table 6.17 of this Code.

PART 10.04.00 VARIANCES

Sec. 10.04.01 Generally

Any person desiring to undertake a Development activity not in conformance with this Code may apply for a Variance in conjunction with the application for Development Review.

Sec. 10.04.02 Zoning Variances

Except as stated herein or within the Ponte Vedra Zoning District, the St. Johns County Planning and Zoning Agency (PZA) may grant Zoning Variances which are found not be contrary to the public interest and owing to special conditions, a literal enforcement of this Code will result in unnecessary and undue Hardship. The Planning and Zoning Agency may provide such conditions and safeguards as may be appropriate and in harmony with the purpose and intent of this Code as part of the Variance. Zoning Variances shall be required for the following Parts and Sections of the Land Development Code. Other Variances to provisions of this Code shall be considered Non-Zoning Variances in accordance with Section 10.04.03 of the Code, or Flood Damage Prevention Variances in accordance with Section 10.04.04 of the Code.

1. Section 2.02.04 Accessory Uses
2. Section 2.02.05 Temporary Uses
3. Part 2.03.00 Special Uses - Variances to Special Uses may be filed, reviewed, and considered by the PZA concurrently with the Special Use request
4. Section 6.01.01 Schedule of District Area, Height, Bulk, and Placement Regulations
5. Section 6.01.02 Residential Setbacks to Communication Antenna Towers
6. Section 6.01.03 Lot Width and Yard Requirements
7. Section 6.01.04 Zero Lot Line Residential
8. Section 6.01.05 Minimum Lot Area by Available Utilities
9. Section 6.05.02.E. Number of Required Off-Street Parking Spaces
10. Section 6.06.04 Buffering and Screening Requirements
11. Part 6.07.00 Height Regulation
12. Part 6.08.00 Supplemental Design Standards for Specified Uses

A. Limitations on Zoning Variances

1. All Variances for increase in permitted height of Structures may be granted only by the Board of County Commissioners. Such requests shall be considered by

the Board of County Commissioners after a recommendation is made on such request by the Planning and Zoning Agency.

2. Variances shall be nontransferable and granted to the Applicant only, and the Variance shall be commenced within one (1) year from the effective date of the final Development Order; provided however that the PZA may adopt the following conditions:
 - a. The Variance may be transferable and run with the land when the facts involved warrant same or where Construction or land Development is included as part of the Variance.
 - b. The time within which the Variance shall be commenced may be extended for a period of time longer than one year. Failure to exercise the Variance by commencement of the Use or action approved thereby within one (1) year or such longer time as approved by the PZA, shall render the Variance invalid and all rights granted thereunder shall terminate. Transfer of the property by the Applicant, unless the Variance is granted transferable, shall terminate the Variance.
3. Whenever the PZA has granted or denied a Variance, it shall not then consider any petition for Variance on any part or all of the same property for a period of one (1) year from the effective date of the Development Order granting the Variance.
4. The time limits in Section 10.04.02.A.3. above may be waived by the affirmative vote of a majority of the PZA when such action is deemed necessary to prevent injustice or to facilitate the proper Development of the County.

B. Imposition Of Conditions

In granting a Development approval involving a Variance, the PZA may impose such conditions and restrictions upon the premises benefited by a Variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the Variance. One or more findings shall be made in support of each condition.

Sec. 10.04.03 Non-Zoning Variances To Be Considered As Part Of Development Review

A. Recommendation of Approval and Authority

1. Unless otherwise stated, a request for deviations to this Code, other than a Zoning Variance or administrative waiver otherwise approved by the County Administrator, must be approved by the Board of County Commissioners (BCC) if a Variance is sought. Such Non-Zoning Variance shall be considered in conjunction with the application for Development Review.
2. If the non-zoning variance involves a deviation from the requirements of Part 3.06 thru Part 3.10 of the Code, the applicable overlay review board shall hear and determine whether to approve the item at a public hearing instead of the BCC. The Overlay review board must use the criteria in Section 10.04.03.B to

approve a request to a non-zoning variance to the applicable overlay section. Appeals to overlay decisions may be appealed to the Board of County Commissioners pursuant to Section 9.07.04.

3. If a non-zoning variance involves a deviation from Article VII, Signs, excluding Part 7.08.00 Prohibited Signs for which no variance or waiver may be granted, the Planning and Zoning Agency, in lieu of the Board of County Commissioners will hear and determine whether to approve the requested non-zoning variance. The PZA must use the criteria in Section 10.04.03.B as well as supplemental criteria in Section 7.02.04.A.2.

B. Required Findings

The BCC shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial evidence, on each of the following:

1. There are practical difficulties in carrying out the strict letter of the regulation.
2. The Variance request is not based exclusively upon a desire to reduce the cost of developing the site.
3. The proposed Variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
4. The proposed Variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
5. The effect of the proposed Variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

C. Imposition Of Conditions

In granting a Development approval involving a Non-Zoning Variance, the BCC may impose such conditions and restrictions upon the premises benefited by a Non-Zoning Variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the Non-Zoning Variance. One (1) or more findings shall be made in support of each condition.

Sec 10.04.04 Reserved

Sec 10.04.05 Use Variance

A Use Variance, except as permitted in the Ponte Vedra Zoning District, is not allowed.

Sec. 10.04.06 Variances Made Part of a PUD

A. PUD Application

Variances to provisions of this Code may be requested as a waiver to the Code in any PUD application, in accordance with Section 5.03.02.G.1.t. of this Code, for review and consideration with the PUD.

B. PUD Modification

1. Variances to the criteria contained in Section 10.04.02 or to criteria in a PUD that serves the same purpose and effect as those provisions in Section 10.04.02 affecting an individual Lot or Parcel within an approved PUD shall be processed as a Minor Modification to the PUD in accordance with Section 5.03.05. Such requests for modification affecting an individual Lot shall demonstrate a hardship as required for a Zoning Variance.
2. Other Variances to other criteria in a PUD affecting portion of the PUD shall be subject to the Non-Zoning Variance provisions as provided in Section 10.04.03, as long as such Non-Zoning Variance does not change a specific provision of the overall approved PUD or is not specifically prohibited by that PUD. If the request seeks to change a specific provision of the PUD, a modification to the PUD is required in accordance with Section 5.03.05.

Sec. 10.04.07 Special Provisions Where Variance Is Sought To Requirements To Flood Damage Prevention Regulations (Flood Damage Prevention Variance)

A. Additional Finding

The National Flood Insurance Program (NFIP) Variance criteria are based on the general principal that Variances pertain to a piece of property and are not personal in nature. In addition to the findings required above, the Board of County Commissioners shall find that the requested Variance is for a Parcel of land with physical characteristics so unusual that complying with the Code would create an exceptional hardship to the Applicant or the surrounding property owners and will not result in an increase in the elevation of the base Flood, additional threats to public safety, additional public expense, the creation of nuisances, fraud or victimization of the public, or conflicts with other local ordinances. Any Variances will be the minimum necessary, considering the Flood hazard, to afford relief.

B. Considerations

Before granting a Flood Damage Prevention Variance, the Board of County Commissioners shall consider:

1. The hardship that would result from failure to grant a requested Variance must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not considered exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of neighbors likewise cannot, as a rule, qualify as exceptional hardships.
2. The danger that materials may be swept from the site onto other lands.
3. The danger to life and property from Flooding or erosion.
4. The potential of the proposed facility and its contents to cause Flood damage and the effect of that damage on the owner and the public.

5. The importance of the services provided by the proposed facility to the community, and whether it is a functionally dependent facility.
6. The availability of alternative locations, not subject to Flooding or erosion, for the proposed Use.
7. The compatibility of the proposed Use with existing and anticipated neighboring Development.
8. The relationship of the proposed Use to the Comprehensive Plan and floodplain management program for the area.
9. Safe vehicular access to the property in times of Flood.
10. The expected heights, velocity, duration, rate of rise and sediment transport of the Flood waters and effects of wave action, if applicable, at the site.
11. The costs of providing governmental services during and after Floods including maintenance and repair of public utilities and facilities.

C. Special Restriction For Regulatory Floodways

Variances that would increase Flood levels during the base Flood shall not be issued within any regulatory Floodway.

D. Flowage Easements

No Variance that would increase Flood damage on other property shall be granted unless flowage easements have been obtained from the owners of all affected properties. In no event shall a Variance be granted that would increase the elevation of the base Flood more than one (1) foot.

E. Historic Structures

Variances may be issued for the repair or rehabilitation of historic structures meeting the definition in this ordinance upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure.

F. Notification

All Variances to the Flood Damage Prevention regulations shall:

1. Specify the difference between the Flood protection elevation and the elevation to which the Structure is to be built.
2. State that the Variance may result in substantially increased premium rates for Flood insurance.
3. State that Construction below the Flood protection level increases risks to life and property.

G. Record Of Variances To Be Maintained

The County Administrator shall maintain a record of all Variances including the

justification for their issuance and a copy of the notice of the Variance.

PART 10.05.00 ENFORCEMENT

Sec. 10.05.01 Enforcement Procedures and Remedies

- A. The administration and enforcement of the provisions of this Code shall be the responsibility of the County Administrator or other person authorized by law.
- B. The County Administrator shall provide notice pursuant to Chapter 162, F.S., to anyone in violation of the provisions of this Code, specifying the nature of the violation and necessary corrective action.
- C. If violations are not corrected in the time specified by the County Administrator, the person or entity found to be in violation of this Code may be prosecuted for said violation in the same manner as misdemeanors are prosecuted, as provided in Section 125.69, F.S. Alternatively, violations of this Code may also be prosecuted as provided for in Chapter 162, F. S., including but not limited to the citation procedure provided in Part II of Chapter 162, F.S. and St. Johns County Ordinance 94-36, or any other method provided by law.
- D. Each day that a violation of this Code continues, after a notice, shall constitute a separate violation and may be punished as set forth in the preceding paragraph.
- E. Notwithstanding the penalties provided by this Code, the County Administrator or his designated representative may issue "stop work orders" to halt Construction in violation of this Code or in violation of any development permit approved through this Code, and the Board of County Commissioners shall have the right to seek a civil injunction from the circuit court for St. Johns County, against the violator of any provision of this Code, and if such injunction is granted, the violator may be required by the County and the Court to pay all reasonable costs and attorney fees incurred by the Board of County Commissioners of St. Johns County in obtaining and enforcing such injunction.

Stop work orders shall be in writing and shall be given to the owner of the property involved or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law including but not limited to Section 125.69, Florida Statutes.

- F. The violation of any of the regulations, restrictions and limitations promulgated under the provisions of this Code may be restricted by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law, and such suit or action may be instituted and maintained by the St. Johns County Board of County Commissioners, or by any person, firm, corporation, association or other group or body with standing to do so under the laws of Florida.
- G. To enforce any provision of this Code, the County Administrator is authorized to conduct

inspections and obtain inspection warrants as provided by Chapter 933, Florida Statutes.

Sec. 10.05.02 Penalties

Penalties shall be as allowed by Florida law.

History: Ord. 2000-58; Ord. 2001-42; Ord. 2007-57; Ord. 2009-2; Ord. 2009-44; Ord. 2010-23; Ord. 2011-24; Ord. 2011-36; Ord. 2015-14; Ord 2018-24