

## LAND DEVELOPMENT CODE ARTICLE ADOPTIONS

<b>Article</b>	<b>Title</b>	<b>Most Recent Adoption Date</b>
I	General Provisions	June 22, 2004
II	Zoning Districts & Special Uses	February 21, 2023
III	Special Districts	April 19, 2022
IV	Natural Resources	August 16, 2022
V	Development Options	June 20, 2023
VI	Design Standards & Improvement Requirements	June 20, 2023
VII	Signs	May 2, 2017
VIII	Agencies & Boards	September 3, 2013
IX	Administration	December 17, 2019
X	Interpretations, Equitable Relief, & Enforcement	June 5, 2018
XI	Concurrency Management	August 17, 2018
XII	Definitions	June 20, 2023
App. A	Traffic Methodology & Procedures	August 7, 2018
App. B	Characteristics of, Finding of Fact, & Declaration of Policy for Scenic Highways	June 1, 2010
App. C	Frontage Illustration	July 29, 1999
App. D	Setbacks & Spacing	July 29, 1999
App. E	Roadway Functional Classifications	October 17, 2006
App. F	Access Classes	October 17, 2006
App. G	Examples of Classification Points & Swapdown	October 15, 2002
App. H	Impact Fee Ordinances (under separate cover)	March 16, 2005

## LAND DEVELOPMENT CODE REVISIONS

Revision	Ordinance	Articles Amended	Passed & Enacted Date
0	1999-51	Original Adoption	July 29, 1999
1	1999-60	II, IV, VIII, XII	October 19, 1999
2	2000-24	II, IV	April 18, 2000
3	2000-25	VI	April 18, 2000
4	2000-26	VII	April 18, 2000
5	2000-36	XII	June 6, 2000
6	2000-39	II, VI	July 11, 2000
7	2000-43	V (5.01.01.C.2, 5.01.02.A.2)	July 18, 2000
8	2000-58	III, V, IX, X, XII	October 10, 2000
9	2001-01	III (3.09.00)	January 9, 2001
10	2001-22	III (3.09.02)	March 20, 2001
11	2001-34	VII (7.00.00)	May 15, 2001
12	2001-39	IV	June 12, 2001
13	2001-42	X	June 26, 2001
14	2001-63	IV (4.01.05.B, 4.01.05.F.d)	November 13, 2001
15	2001-64	XII (12.01.00)	November 13, 2001
16	2001-65	II	November 13, 2001
17	2002-11	VI, Appendix E	February 26, 2002
18	2002-37	II	June 25, 2002
19	2002-42	IV (4.01.02.E)	August 6, 2002
20	2002-43	VIII (8.01.02.A, 8.01.02.B)	August 13, 2002
21	2002-50	VI (6.04.08.D.2, 6.04.07.M)	September 17, 2002
22	2002-59	III	October 15, 2002
23	2002-61	VII	October 15, 2002
24	2002-62	XII (12.01.00)	October 15, 2002
25	2002-63	Appendix F, Appendix G	October 15, 2002
26	2002-72	VII	December 10, 2002
27	2003-22	XI (11.02.02.C)	March 25, 2003
28	2003-63	III (3.07.03 )	August 12, 2003
29	2003-73	IX (9.06.04)	August 26, 2003
30	2003-90	V	October 28, 2003
31	2004-06	VIII (8.01.02.A)	January 20, 2004
32	2004-22	IX, XI, Appendix A (revising table 1), Appendix E, Appendix F	April 6, 2004
33	2004-40	I (1.03.04); VI (6.04.01, 6.04.02, 6.04.03, 6.04.06); XII (12.01.00)	June 8, 2004
34	2004-51	I, VII, XII	June 22, 2004
35	2004-71	III (3.01.02)	August 25, 2004
36	2005-20	II, IV, V	March 9, 2005
37	2005-27	Appendix H Impact Fee Ordinances – (under separate cover)	March 16, 2005
38	2005-118	II, IV, VI, XII	December 13, 2005
39	2006-66	II, VI, III (3.09.00, add 3.10.00)	May 30, 2006
40	2006-123	IV (4.01.06.C)	October 17, 2006

41	2006-124	III (3.07.14, 3.08.10); VI (6.04.05, 6.04.07); Appendix E, Appendix F	October 17, 2006
42	2006-131	XI	November 1, 2006
43	2007-9	VI, XII	February 20, 2007
44	2007-57	II, VI, X	July 24, 2007
45	2007-85	II, VI, XII	October 30, 2007
46	2008-12	II, VI, XII	March 18, 2008
47	2008-30	VI (6.04.00, 6.04.07, 6.04.08); XII	May 27, 2008
48	2009-2	II (2.03.01-A); IV (4.01.05, 4.01.06, 4.01.10); V, (5.03.03); VI (6.02.01, 6.03.02, 6.03.03, 6.04.06, 6.06.03, 6.06.04.B.8); X (10.04.03)	January 6, 2009
49	2009-28	II, III, IV, VI, VII (Entirely) and XII	June 16, 2009
50	2009-44	II, V, VI, X, XII and Sections 7.09.01.B, 7.09.01.D	October 20, 2009
51	2009-48	XI, Appendix A, Sections 6.04.07, 9.00.06, 12.01.00	November 3, 2009
52	2010-17	V (5.07.00); VI (6.04.00)	May 18, 2010
53	2010-18	XI (11.02.00, 11.03.00, 11.05.00, 11.08.00)	May 18, 2010
54	2010-23	II (2.02.00, 2.03.00); III (Entirely); V (5.06.00); VI (6.04.00, 6.05.00, 6.06.00, 6.08.00); VII (7.00.00, 7.03.00, 7.04.00, 7.07.00); IX (9.00.00); X (10.03.00); XII; Appendix B	June 1, 2010
55	2010-53	III (3.06.00, 3.07.00, 3.08.00, 3.09.00, 3.10.00); V (5.03.05, 5.03.05.C.3); VI (6.02.06.B.3.b, 6.02.06.A, 6.04.07.E.2, Table 6.09); VII (7.07.01.A.1, 7.07.01.A.h)	December 7, 2010
56	2011-15	III (3.01.00); VI (6.02.06.B, 6.04.01C, 6.04.08.B, 6.04.08.C, 6.04.08.D); XI (11.02.07)	May 3, 2011
57	2011-24	III (3.03.00); X (10.04.00); XII	June 21, 2011
58	2011-27	II	August 2, 2011
59	2011-36	II (2.02.01.G, 2.02.01.H, Table 2.03.01, 2.03.48); VI (Table 6.17); X (10.03.02); XII	October 4, 2011
60	2011-38	II (2.03.15); VI (6.01.03.H, 6.04.05.C, 6.04.06.F.7, 6.05.02.H.1, 6.05.02.H.2, 6.08.42); VII (7.09.01.D); XII	October 4, 2011
61	2012-2	II; IV; VI (6.06.02, 6.09.00, Table 6.17); XII	January 17, 2012
62	2012-8	XII (Entirely)	April 3, 2012
63	2012-23	III (3.03.02.D.1.b); IV (4.01.06.C.2, 4.01.11.F.1); VI [6.04.02.C and 6.04.06.F.3.a(3)]; XI (11.05.02.C.3.c, 11.05.03.C.3.c)	September 4, 2012
64	2012-32	II Zoning Districts and Special Uses	October 16, 2012
65	2013-4	II Zoning Districts and Special Uses, Table 2.03.01 Table of Special Uses in Zoning Districts	February 5, 2013
66	2013-26	II, (2.02.01, Table 2.02.02); III (3.06.03, 3.06.04, 3.06.06, 3.06.09, 3.06.12, 3.06.14, 3.07.03, 3.07.04, 3.07.08, 3.07.09, 3.07.12, 3.07.14, 3.08.03, 3.08.04, 3.08.07, 3.08.09, 3.08.10, 3.09.03, 3.09.04, 3.09.06, 3.09.07, 3.09.08, 3.10.03, 3.10.04, 3.10.05.H, I and K, 3.10.06, 3.10.07, 3.10.08, 3.10.10); IV (4.01.09 A-E and H-K); V (5.03.05.A.10, 5.03.05.F); VI (Table 6.01); VII (7.07.01.A); VIII, (8.01.02.A); IX (9.00.08)	September 3, 2013
67	2014-19	XI Concurrency Management Parts 11.02.00, 11.03.00, 11.09.00; Appendix A Traffic Impact Study Methodology and Procedures	April 15, 2014

68	2015-9	III, Part 3.03.00 Flood Damage Control Regulations (3.03.01, 3.03.02, 3.03.03, 3.03.04, 3.03.05, 3.03.06, 3.03.07, 3.03.08, 3.03.09, 3.03.10); XII	February 17, 2015
69	2015-14	II (2.03.12, 2.03.38, 2.03.55, Table 2.03.01); III (3.06.03, 3.07.03, 3.08.03, 3.09.03, 3.10.09); IV (4.01.05.E); V (5.01.02, 5.01.03, 5.01.04, 5.03.02 G.1.r.1, 5.03.03 F); VI (6.01.03, 6.06.02, 6.06.04 A); VII (7.03.01.A and N, 7.08.01.S, 7.09.01.D); IX (9.00.09, 9.06.04); X (10.01.02); XII	February 17, 2015
70	2015-42	III, Adding Part 3.11.00 West Augustine Overlay District (3.11.00 – 3.11.13)	June 16, 2015
71	2015-48	III, 3.07.00 South Anastasia Overlay District (3.07.14); Part 3.08.00 Mid Anastasia Overlay District (3.08.10); Part 3.09.00 North Coastal Overlay District (3.09.08); Part 3.10.00 Vilano Beach Town Center Overlay District (3.10.08)	July 21, 2015
72	2015-49	VI, Design Standards and Improvement Requirements; Part 6.04.00 Roadways, Drainage and Utilities Standards, Section 6.04.04 Construction within Right-of-Way	July 21, 2015
73	2016-13	II, Zoning Districts and Special Uses; Part 2.03.00 Special Uses, Section 2.03.06 Other Animals, Adding Section 2.03.56 Domestic Hens	March 15, 2016
74	2016-36	II, Zoning Districts and Special Uses, 2.03.00 Special Uses for Apiaries and Commercial Outdoor Firing Ranges; VI, Part 6.03.00 Fire Protection Regulations; VI, Part 6.04.00 Roadways, Drainage and Utilities Standards; XII Definition for Zoning Variance	July 19, 2016
75	2017-17	II, Part 2.03.00 Special Uses Within Zoning Districts, Section 2.03.16 “Personal Property Mini-Warehouses” and Section 2.03.42 “Recreational Vehicle/Boat Storage;” IV, Part 4.01.00 “Natural Resources,” Section 4.01.06.B “Buffers and Setbacks;” and VI “Design Standards and Improvement Requirements,” Table 6.17 “Off Street Parking Requirements”	April 04, 2017
76	2017-22	VII “Signs;” XII	May 2, 2017
77	2017-31	II (2.02.04.B.12); VI (6.07.02 “Excluded Portions of Structures”)	June 20, 2017
78	2017-40	V (5.03.02.H “Architectural Review by Associations”)	September 5, 2017
79	2018-5	III, (3.12.00, “Hastings Overlay District”)	February 6, 2018
80	2018-20	II (2.04.09); XII	April 17, 2018
81	2018-24	III (3.05.00 – 3.10.00 amending Architectural, Signage, Buffering, and Use Standards in the Coastal Overlays; Revised procedural rules); VII (Signs); X, Parts 10.03.00 and 10.04.00 revised procedural rules and signs	June 5, 2018
82	2018-41	II (Sec. 2.02.01 Animal Care Facility; Sec. 2.02.04 Accessory Uses; Sec. 2.02.04.B.12, Fence Height; Table 2.03.01; Sec. 2.03.02 Alcoholic Beverages; Sec. 2.03.57 Animal Care Facilities; Relocate Sec. 2.04.04 RV/Boat Parking to Sec. 6.01.03); VI (Add Sec. 6.08.43 Animal Care Facility; Part 6.08.00 Animal Hospital, Veterinary Clinic, General and Small; Sec. 6.08.22 Kennel); IX (Sec. 9.00.04 Expiration of Applications); XII (“Animal Care Facility” and amending “Townhouse”)	July 17, 2018



83	2018-44	VI, Section 6.04.05 Access Management; XI Concurrency Management (exempting non-residential development), Sections 11.09.06, Subsection E and F, Determining Proportionate Fair Share Obligation	August 7, 2018
84	2018-51	Amending III Special Districts (3.01.01, 3.01.02)	September 18, 2018
85	2018-62	II, Part 2.02.00 Uses within Zoning Districts, adding Sec. 2.03.57 Brew-Pubs, Sec. 2.03.58 Microbreweries, and Sec. 2.03.59 Rural Industry; Deleting Sec. 2.03.56 Domestic Hens and relocating to Sec. 2.02.04.B.18 Accessory Uses; VI, Amends Sec. 6.08.07 Canopies and Gasoline Pump Islands as Accessory Use; XII (revising definitions for "Bar, Cocktail Lounge, Saloon, or Tavern," "Frontage, Building," and adds definition for "Alcohol Beverage Establishment," "Brewpub," "Microbrewery," and "Rural Industry"	December 18, 2018
86	2019-84	Replaces II, Table 2.03.00 "Special Uses;" Amends V, Sec. 5.03.03.B. "Setbacks" to measure increase setback to the garage; Amends VI "Table 6.01" to distinguish BRL and setbacks; Table 6.17 "Off street parking requirements" to reduce parking requirements for multifamily; Sec. 6.02.01 "Access" to allow more than two (2) homes off of an easement; Clarifies Sec. 6.06.06.D.2 "Mailboxes"; IX (9.06.04. "Notice of Hearings" to extend public noticing requirements); XII "Definitions," which creates definitions for "donation" and "dedication"	December 17, 2019
87	2020-23	IV (4.01.05.E.3 "Trees and Other Vegetation" creating tree fines for Protected trees removed due to unauthorized clearing); Amends XII (amending the definition of "Protected Tree")	May 19, 2020
88	2020-31	II (2.01.02, 2.02.03, 2.03.01); V, amends Part 5.07.00; Creates new Part 5.11.00 "Workforce Housing Zoning designation;" Amends Table 6.01 for the creation of the Workforce Housing Zoning designation, XII	July 7, 2020
89	2020-35	VI (6.04.07.F.1.E "Roadway Design" to provide alternative options for pavement design)	July 21, 2020
90	2021-23	II (creating Section 2.02.04.B.19 "Short Term Vacation Rentals"); XII to include associated definitions	May 4, 2021
91	2021-53	V (5.04.00, 5.04.02.A.1, 5.04.02.A.2, 5.04.06.B); VI (6.08.00, 6.08.17)	August 17, 2021
92	2021-55	V (5.11.00); XII to include associated definitions	August 17, 2021
93	2022-32	III (3.03.00 Flood Damage Control Regulations); XII to include associated definitions	April 19, 2022
94	2022-56	XII (amends definition of historic property, adds definitions of contributing and noncontributing property)	August 16, 2022
95	2022-57	IV (4.01.09.E.3 Lighting Management for Protection of Marine Turtles, Exterior Light Fixtures)	August 16, 2022
96	2023-09	II; VI (6.08.04); XII (Veterinary Office, Animal Hospitals)	February 21, 2023
97	2023-24	V; VI; XII (Workforce Housing)	June 20, 2023

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<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

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

**PART 2.00.00 GENERALLY**

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

**PART 2.01.00 STANDARD ZONING DISTRICTS**

**Sec. 2.01.01 Intent**

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

**Sec. 2.01.02 Establishment of Zoning Districts**

A. Generally

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

B. List of Zoning Districts

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



<u>DISTRICT</u>	<u>ABBREVIATION</u>
Heavy Industrial	HI
Open Rural	OR
Public Service	PS
Airport Development	AD
Planned Unit Development	PUD
Planned Rural Development	PRD
Workforce Housing	WH

**Sec. 2.01.03 Official Zoning Atlas**

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

**Sec. 2.01.04 Zoning District Boundaries**

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

case the boundary shall be so interpreted as to avoid such change.

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

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

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

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

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

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

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

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

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

#### C. Cultural/Institutional Uses

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

#### D. Neighborhood Business and Commercial Uses

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

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

#### E. General Business and Commercial Uses

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

#### F. Town Center Mixed Use

1. Land Use Activities in this category are those which serve the surrounding neighborhood community, or small group of neighborhoods with community services, beach & recreational resort services and government services & facilities. Uses are limited to and promote the Vilano Beach Town Center Mixed Use District with a combination of mixed commercial, business, office and multi-family residential, civic, and government activities. Development may generally include two to three story buildings within the Town Center. This category does not include large-scale super centers or big box retailers, drive-throughs, or outdoor storage, but does include and encourage outdoor activities associated with the permitted and accessory uses. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes allowable Uses and Special Uses by zoning district.
2. Typical Uses in this category include retail, general business, office, hospitality, hotel, motel, bed and breakfast, personal services, grocery store, pharmacy, banks, medical and professional offices, Veterinary Offices and Animal Hospitals without outdoor boarding, animal care facilities, personal services such as beauty shops, barbers, and day spas, daily neighborhood business services, mail and package services, restaurants, bars, and pubs, night clubs, deli, catering, billiards and pool parlors, specialty food, liquor and wine stores, video, print and copy shop, urgent care facilities (not hospitals), health clubs, gyms, psychics, multi-family residential, government branch services & facilities, e.g including but not limited to, e.g. post office, branch libraries, sheriff substation, Town Center Main Street office, and cultural centers, vendors subject to permitting, school for performing or cultural arts, indoor recreation including movie theater or live theatre, alcoholic beverages sales subject to Section 2.03.01 and 2.03.02 and the source of outdoor amplified music is allowed within 50 feet of existing residentially zoned properties.
3. List of uses that are encouraged, but not limited to, are outdoor sit down cafes, art galleries, pottery shops, apparel, vintage clothing, gift shops, home décor and garden stores, bookstore, kite shop, surf shop, bike shop, specialty electronics, drycleaners (mail and package only), travel agencies, real estate offices, financial advisor office, and live-work units.

#### G. Highway Commercial Uses

1. Business Uses generally require accesses to an Arterial or Major Collector or have close proximity to Major Intersections. Highway Commercial Uses are those which serve the traveling public and are oriented to vehicular travel; however, they are distinguished from High Intensity Uses by scale and intensity. These Uses are typically not of an overall size or Building mass, as an activity center. Development generally includes one-story and low-rise Buildings and Uses tend to be in individual Structures. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes allowable Uses and Special Uses by zoning district.
2. Typical Uses in this category include, but are not limited to the following: Service Stations with or without retail food sales; automobile oil change facilities limited to three (3) enclosed service bays; automobile service and repair facilities performing similar activities as Service Stations and limited to three (3) enclosed service bays

with no outdoor storage of automobile parts; car wash facilities; Restaurants, with or without drive-through facilities; agricultural stands, temporary or permanent; outdoor plant sales; Recreational Vehicle Campgrounds; Marinas; Hotels and Motels; Adult Arcade Amusement Centers; Electronic Game Promotions; indoor activities allowed by or on the premises of a licensed pari-mutuel permit holder; Retreats; Fish Camps; Convenience Stores, with or without gasoline sales; Brewpubs and Microbreweries; Truck Stops; retail sales of items catering to tourists; and other substantially similar facilities and Uses.

#### H. High Intensity Commercial Uses

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

## I. Rural Commercial Uses

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

## J. Light Industrial Uses

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



## K. Heavy Industrial Uses

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

## L. Mining and Extractive Activities

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

## M. Office and Professional Services

1. Office and Professional Service Uses have primarily day-time operations. Normally there is an absence of impacts due to noise, light, or pollution. There is no outdoor storage or outdoor activity associated with these Uses. Commercial Uses are accessory only. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes allowable Uses and Special Uses by zoning district.
2. Typical Uses in this category include service businesses such as blueprint, printing, catering, travel agencies, mail and package services, small appliance repair shops, upholstery, and laundries; personal services such as beauty shops, barbers, bail bond agencies, employment services, or photography studios; vocational, technical, and trade schools; Restaurants; general offices, Professional Offices, and government offices; medical offices or clinics with scheduled or emergency services by physicians, dentists, Chiropractors, psychiatrists, podiatrists, physical therapists, optometrists, and other medical practitioners; Veterinary Offices, Animal Hospitals (in standalone, soundproof building without outdoor exercise yard); medical laboratories. This category also includes diagnostic centers which provide radiology, and medical screening and testing services. Facilities to provide medical equipment, supplies, devices, eyeglasses, hearing aids, or other similar items for personal use upon advice of a health provider may be included in this category so long as they are functionally associated with the office or clinic and are not an isolated or freestanding Use. This

category does not include hospitals or other health care facilities which provide overnight lodging.

N. Outdoor/Passive Uses

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

O. Neighborhood Public Service and Emergency Service Uses

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

P. General Public Service and Emergency Service Uses

1. This category represents those Uses which often operate on a twenty-four (24) hour time frame and have a high degree of outdoor storage and outdoor activity. These Uses may cause a nuisance due to noise, and high levels of truck or large vehicle traffic. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes allowable Uses and Special Uses by zoning district.
2. The types of Uses included in this category include, but are not limited to public use Airports, terminals, heliports, and associated infrastructure; seaplane support facilities; rail yards and terminals; ambulance services; fire stations; police stations,

emergency medical services and facilities; government offices and facilities; water and Wastewater Treatment Plants and facilities and components of water and Wastewater Treatment Plants and facilities; electric substations; maintenance, garage, and storage yards for school buses, highway Construction equipment, telephone equipment, utility company trucks and equipment; microwave, radio, and television transmission towers; radiotelephone communication facilities; communication Antennas and Antenna Towers; and other substantially similar facilities and Uses.

**Q. Regional Business and Commercial Uses**

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

**R. Regional Cultural and Entertainment Facilities**

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

**S. Solid Waste & Correctional Facilities**

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

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

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

**Table of Allowable Uses in Zoning Districts**

Table 2.02.02

Zone District Use Category	O	R	R	R	R	R	R	R	R	W	OP	C	C	C	T	C	C	C	C	I	H	P	A	P	P
	R	S	S	S	S	G	G	M	M	H		N	G	H	M	I	R	H	W	I	S	D	U	D	
Residential	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Agricultural	A																						A	A	A
Cultural / Institutional	A										A	A	A	A	A		A						A	A	A
Neighborhood Business												A	A	A	A	A							A	A	A
General Business													A		A								A	A	
Town Center Mixed Use															A									A	
High Intensity Commercial																A		A	A				A	A	
Highway Commercial														A		A							A	A	
Rural Commercial																	A							A	A
Light Industrial																		A	A				A	A	
Heavy Industrial																					A		A	A	
Mining & Extraction	A																			A	A		A	A	A
Office & Professional											A	A	A		A	A							A	A	
Outdoor / Passive	A	A	A	A	A	A	A	A	A						A								A	A	A
Neighborhood Public Service	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
General Public Service															A			A	A	A	A	A	A	A	
Reg. Business & Commercial																A							A	A	
Reg. Cultural & Entertainment																A								A	
Solid Waste & Correct. Fac.	A																				A			A	

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

### Sec. 2.02.03 Housing Types

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

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

- A means the Use is allowable by right.  
\* Accessory Use per Section 2.02.04  
\*\* Subject to approval of a SUP, PUD or PRD ordinance.

## **Sec. 2.02.04 Accessory Uses**

### **A. Generally**

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

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

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

1. Household Animals, provided that in residential districts the number of such pets

over ten (10) weeks in age shall not exceed five (5) unless a Special Use has been granted allowing a greater number. No Animals for commercial sale shall be kept or raised in residential districts. This provision shall not apply to small, contained Household Animals, including but not limited to: freshwater or saltwater fish, hamsters, turtles and similar Animals housed within the residence.

2. Guest House or Guest Quarters or Guest Cottage, provided the Structure is a unit in a Building separate from and Accessory in Use and size to the main residential Building on a Lot, intended and used only for intermittent or temporary occupancy by a non-paying guest or family member. A Guest House may contain limited kitchen facilities such as microwave oven, bar sink, less than 10 cubic foot refrigerator/freezer, provided the unit is not occupied by the same tenant in excess of thirty (30) days within the same calendar year, and the unit shall not be rented. A Guest House shall not be considered a separate Dwelling Unit provided such conditions are met. A Guest House shall also meet the same required yards as the principal Building or Structure.
3. Boat docks, piers, boat houses, boat houses, boat shelters, structures on docks, shall be permissible as accessory structures in residential districts and OR, Open Rural districts. In addition these structures may be located on parcel(s) of land that is not developed with a main use residential structure, provided adequate parking as defined in Section 6.05.02.E is placed on site, or within 300 feet of the dock parcel, unless a Special Use Permit is obtained permitting parking at distances greater than 300 feet from the dock parcel.

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

4. Private garages and storage Buildings, provided such Structure shall be accessory in size to the main residential Building and the maximum eave height shall be no greater than the maximum eave height of the main Use Structure, unless the Structure is placed in such a manner on the Lot that the Structure cannot be viewed from the front property line, either due to distance or by being fully screened with opaque fencing or landscape. All private garages and storage buildings shall require a building permit.
5. Air conditioning compressors including HVAC pad and unit, pool equipment and/or other equipment designed to serve the main Structure may be located in any required Side or Rear Yard but not less than five (5) feet from any Lot line.
6. Non-commercial green houses and plant nurseries, provided the Structures meet the requirements of four (4) above.
7. Personal radio, TV antennae or satellite dishes not exceeding thirty-six (36) inches

in diameter, and radio antennae used exclusively for amateur radio purposes that comply with all the rules and regulations of the Federal Communications Commission, provided the following standards are met:

- a. The proposed Structure is not located on property within an Airport overlay zone except in accordance with Article III; Part 3.04.00 nor would it result in restriction or interference with air traffic or air travel to or from any existing or proposed Airport.
  - b. The proposed Structure shall be setback from the zoning Lot line one (1) foot for every three (3) feet of height of the Structure.
  - c. A radio or television receiving dish shall be located within the rear of the zoning Lot (the portion of the zoning Lot which is more distant from the street than the portion of the principal Use) except for corner Lots. On corner Lots, the dish may be located in the portion of the Lot which functions as a Rear Yard, but shall not be located closer to the street than the front edge of the principal Use. Any dish located within a required Side Yard shall be located behind the principal Structure on any Lot.
  - d. On zoning Lots a minimum size of five (5) acres or less, radio and television receiving dishes shall not be located within required Front and Side Yards.
8. Private swimming pools, spas, as regulated herein, shall be any pool, pond, lake or open tank located either above or below the existing finished grade of the site, not located within a completely enclosed Building, and exceeding one hundred fifty (150) square feet in surface area and two (2) feet in depth, designed, used or intended to be used for swimming or bath purposes. A private swimming pool shall be allowed in a residential district as an Accessory Use only if it fully complies with the following conditions:
- a. The pool is intended and is to be used solely for the enjoyment of the occupants or bona fide guests.
  - b. The pool meets the minimum Yard requirements of the zoning district in which it is located. Swimming pools are prohibited within the upland buffers associated with Wetlands, as described in Section 4.01.07 of this Code.
  - c. The pool shall be enclosed by a retaining wall, fence or other Structure having a minimum height of four (4) feet and so constructed or installed as to obstruct access thereto by persons other than the owners or occupants of the premises on which such swimming pool is located. All gates installed in such fences shall be self-latching with latches placed at least four (4) feet above the underlying ground. Gates shall be kept securely closed and latched at all times. If the property complies with the Residential Swimming Barrier Requirement of the Florida Building Code, as may be amended, the requirements of this subsection may be waived.
9. Home Office, which shall be defined as Home Occupation consisting of a private office of a practitioner of a recognized profession, business or trade which does not involve in office contact with clients or the public shall be considered an allowable Accessory Use within all residential districts as well as any other district not allowing the Use as a allowable principal Use, subject to continuing compliance



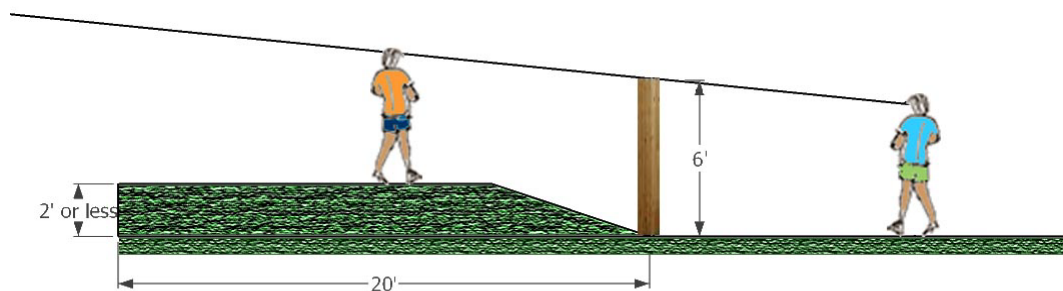
with the following criteria.

- a. No person shall be engaged in the conduct of the Home Office unless such person resides on the premises and that the premises shall be the primary residence for each of the persons engaged in the occupation.
- b. The Use of the premises for the Home Office shall be clearly incidental and subordinate to its Use for residential purposes by its occupants and shall, under no circumstances, change the residential character thereof.
- c. There shall be no change in the outside appearance of the Building or premises or other visible evidence of the conduct of the Home Office.
- d. No one shall call upon the premises in connection with the Home Office and no traffic shall be generated by the Home Office in a greater volume than the traffic typical in the subject residential neighborhood.
- e. There shall be no flammable or hazardous material stored on premises and no equipment or process shall be used in the Home Occupation which creates noise, vibration, glare, fumes, odors or electrical interference off the Lot.
- f. The activities of the Home Office shall occur entirely within the Dwelling Unit, excluding Accessory Structures such as garages, carports and sheds.
- g. The Home Office shall not occupy more than twenty-five percent (25%) of the gross Floor Area of the Dwelling Unit, exclusive of the area of an open porch or attached garage or similar space not suited or intended for occupancy as living quarters.
- h. Pick up or deliveries of any kind required by and made to the premises of the Home Office shall not exceed one business delivery per day.
- i. Any supplies stored on the premises shall be for the purpose of maintaining and operating the Home Office.
- j. The physical address of the Home Office shall not be advertised and no signage of any kind be placed on the Building or property identifying the Home Office Use.
- k. Home Offices not strictly conforming to all of the outlined criteria herein shall not be considered a Home Office and shall only be considered in accordance with the Home Occupation Special Use provisions contained in Part 2.03.00 of this Code.
- l. The Home Office shall be open to inspection by St. Johns County inspectors upon reasonable notice to occupants and at reasonable times.
- m. No person shall receive an occupational license and begin a Home Office without first executing an affidavit with the County Administrator which certifies that the Applicant.

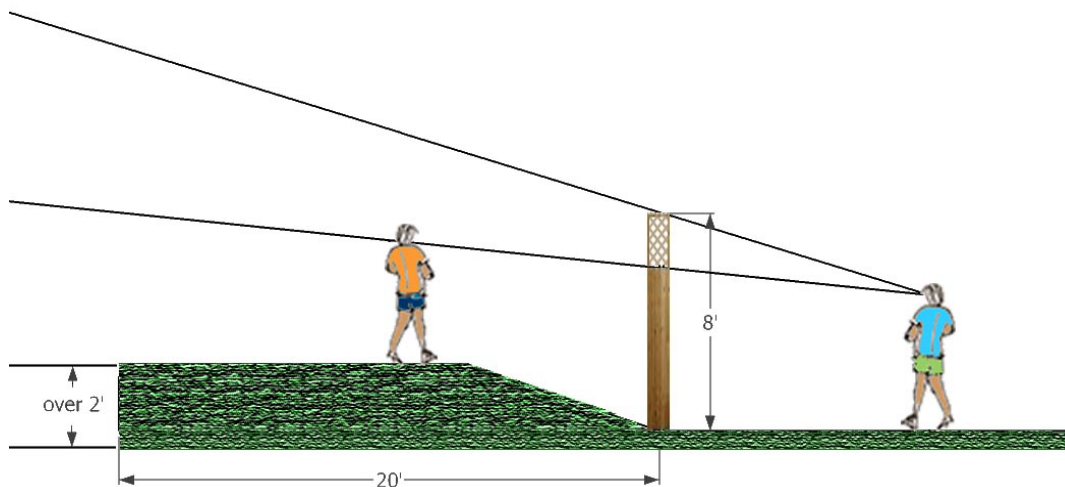
(1) Has received a copy of, understands, and will comply with the

requirements for a Home Office set forth herein.

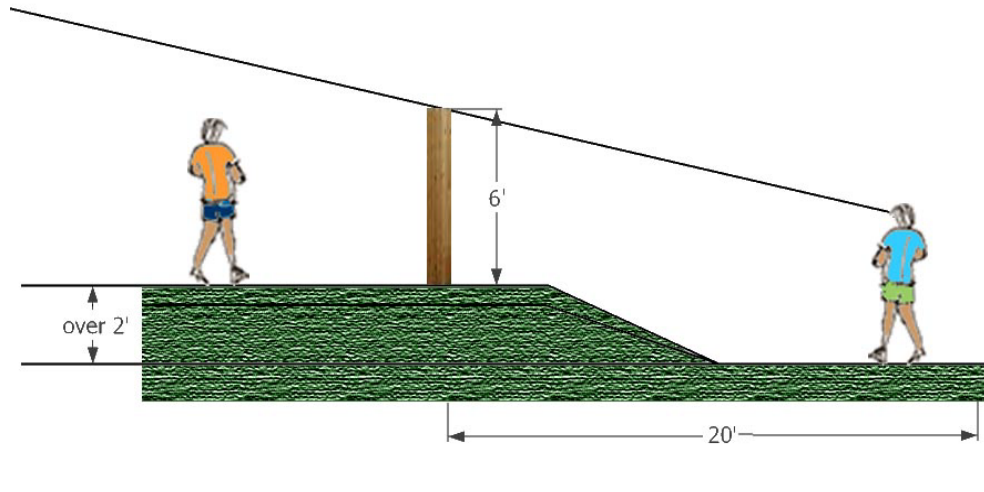
- (2) Acknowledges that the County shall have the right to reasonably inspect the premises to assure compliance.
  - (3) Acknowledges that a departure from the standards will constitute a Code violation and may result in a suspension or termination of the Home Office Use.
10. Model homes without a sales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



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



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



b. Front Property Line:

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

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

A permanently installed skateboard ramp which is used by the residents of the

primary Structure and nonpaying guests shall be allowable in the residential and agricultural zoning districts subject to the following restrictions:

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

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

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

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

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

16. Accessory Family Unit shall be considered an allowable Accessory Use in all

residential and OR zoning districts, subject to continual compliance with the following:

- a. An Accessory Family Unit is limited to Family members of the owner(s) of the main use Structure which has been declared and continues to be declared as homestead by the Property Appraiser.
  - b. An Accessory Family Unit shall be non-rental and shall not be sold separately from the main use Structure.
  - c. An Accessory Family Unit shall be located on the same Lot as the main use Structure and may not be subdivided onto a separate Lot.
  - d. An Accessory Family Unit may not exceed the lesser of thirty five percent (35%) of the square footage of the main use Structure, up to two thousand (2,000) square feet of living quarters, except that the Accessory Family Unit may be at least eight hundred (800) square feet.
  - e. An Accessory Family Unit shall meet the same required Yards as the main use Structure.
  - f. If a Manufactured/Mobile Home is utilized as an Accessory Family Unit, the minimum Lot requirement shall be two (2) acres and shall only be allowed on the property that is properly zoned for the use of a Manufactured/Mobile Home.
  - g. The Accessory Family Unit shall provide adequate parking as reasonably determined by the County Administrator.
  - h. An Accessory Family Unit must comply with all other zoning and permitting requirements.
  - i. An Accessory Family Unit shall not be considered a separate Dwelling Unit for purposes of the Land Development Code and Comprehensive Plan provided all the above requirements are met and the Accessory Family Unit is in continual compliance. Discontinuance of the Use as an Accessory Family Unit will require compliance with all requirements of the Land Development Code and laws and regulations of the County.
  - j. When an Accessory Family Unit is contained within the main use Structure, it shall be constructed in such manner as to provide permanent interior accessibility from the main use portion for the Structure.
17. Neighborhood Docks shall be considered an allowable Accessory Use in all residential zoning districts, subject to continual compliance with Section 6.08.41.
  18. Domestic Hens shall be considered an allowable Accessory Use in all residential zoning districts subject to a Non-DRC site plan review and continual compliance with the following:
    - a. The number of hens shall not exceed five (5) unless approved under Section 2.03.06.

- b. Roosters are prohibited.
  - c. Duck, geese, turkeys, peafowl, or any other poultry or fowl are not allowed under the provisions of this section of the code.
  - d. Hens must be kept in a coop and pen or portable chicken tractors, and such coops and enclosures may not include residential structures or garages. The coop and enclosure must be fenced and ventilated. All hens must be secured in an enclosure during non-daylight hours; however, during daylight hours, chickens may be located in the chicken pen and/or run.
  - e. Chicken coops, enclosures, pens, and tractors (whether stationary or mobile) are only permitted in the rear of the house behind the line formed by the back wall of the residence. Chicken coops, enclosures, pens, and tractors (whether stationary or mobile) shall be located no closer than fifteen (15) feet of any side or rear property lines and must be closer to the Applicant's primary residence than the neighboring residence.
  - f. Chicken coops, enclosures, pens, and tractors must be property designed and constructed to provide adequate security from rodents, wild birds, and predators.
  - g. Chicken coops, enclosures, pens, and tractors shall be maintained in a clean and sanitary condition at all times. Hens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.
  - h. The coop, enclosure, pen, or tractor shall not be taller than six (6) feet, as measured from the existing natural grade.
  - i. All stored feed must be kept in a rodent and predator-proof container.
19. Short Term Vacation Rentals shall be considered an allowable Accessory Use in all residential zoning districts, subject to continuing compliance with the following provisions.
- a. Applicability
- All Short Term Vacation Rentals in St. Johns County shall be subject to the regulations set forth herein, with the exception of those located:
- (1) In the unincorporated areas of St. Johns County located west of the Intracoastal Waterway;
  - (2) In a Single Family Dwelling occupied on a full-time basis by the owner as an on-premises, permanent resident and that has been declared and continues to be declared as homestead by the Property Appraiser;
  - (3) In a Two Family Dwelling, where both Dwellings are under common ownership and one of the Dwellings (a) is occupied on a full-time basis by the owner of the Dwellings as an on-premises, permanent resident and (b) has been declared and continues to be declared

as homestead by the Property Appraiser; or

- (4) In a Multi-Family Dwelling governed by or subject to a property owners association, condominium owners association, or homeowners association, or with onsite property management.

b. Minimum Application Requirements

Effective November 5, 2021, unless otherwise exempt under subsection a., above, no person shall rent or lease a Dwelling Unit, or any portion thereof, as a Short Term Vacation Rental unless registered with, and the appropriate fee paid to, the County. Each Dwelling Unit, or portion thereof, used as a Short Term Vacation Rental unit shall require a separate registration.

The Applicant for a Short Term Vacation Rental shall, at a minimum, provide the following information for review by the County Administrator:

- (1) A Complete Application for Short Term Vacation Rental registration.
- (2) A sample rental/lease agreement to be used for the Short Term Vacation Rental unit, which such agreement shall include the following minimum terms and disclosures:
  - (a) The maximum occupancy of the Short Term Vacation Rental unit, which shall not exceed the limits set forth in subsection e.(2), below.
  - (b) The maximum number of vehicles allowed for the Short Term Vacation Rental unit, which shall not exceed the number of off-street parking spaces provided at the unit.
  - (c) The name and 24-hour telephone number(s) of the owner, the property manager, and a secondary contact person, in the event the owner and property manager are not available.
  - (d) An acknowledgment and agreement by the tenant/lessee/guest of the right of the County to reasonably inspect the premises to assurance compliance.
  - (e) An acknowledgement and agreement by the tenant/lessee/guest of the obligation to comply with the provisions of this Section 2.02.04.B.19, St. Johns County Noise Ordinance (Ord. 2015-19), and all other applicable federal, state, and local laws and ordinances.
- (3) A business tax receipt from the St. Johns County Tax Collector;
- (4) A copy of the Florida Department of Revenue certificate of registration for payment of tourist development taxes;
- (5) A copy of the Florida Department of Business and Professional



Regulation license as a transient public lodging establishment;

- (6) The required application fee, in an amount established by the Board of County Commissioners by resolution; and
- (7) An executed affidavit which certifies that the Applicant:
  - (a) Has received a copy of, and understands and will comply with the requirements for Short Term Vacation Rentals set forth herein;
  - (b) Acknowledges and agrees that the Applicant shall obtain a copy of a physical, government-issued photo identification for the contracting tenant/lessee/guest.
  - (c) Acknowledges and agrees that the County shall have the right to reasonably inspect the premises to assure compliance; and
  - (d) Acknowledges and agrees to comply with the Short Term Vacation Rental standards contained herein and all other applicable state and federal laws, regulations, or standards governing Short Term Vacation Rental, including but not limited to Chapter 509, Florida Statutes, and Rule Chapter 61C and 69A, Florida Administrative Code, as they may be amended from time to time, and that failure to comply may result in enforcement as provided in subsection g., below.

c. Registration Renewal

Short Term Vacation Rental registrations are valid for twelve (12) months from the date of initial issuance by the County. Renewal Applications and renewal fees are due on or before the expiration of the previous registration.

If, at any time prior to the expiration of a Short Term Vacation Rental registration, (1) the gross square feet of the Dwelling Unit, (2) the number of Sleeping Rooms or Common Areas, or (3) the maximum occupancy of any Short Term Vacation Rental is proposed to be increased, a new Application, including the information required to be provided under subsection b.(1) through (7), above, shall be submitted to the County Administrator.

d. Registry

The County is authorized to establish and maintain a registry cataloging each Short Term Vacation Rental within the County not otherwise exempt under subsection a., above, and containing the information required by this section. The registry may be web-based, and the County may contract with an entity to develop, operate, and maintain the registry and collect applicable fees, and, if so, any reference to the Enforcement Officer herein shall include the entity the County may contract with for such purposes.

e. Use and Occupancy Standards

All Short Term Vacation Rentals shall adhere to the following use and occupancy standards:

(1) Minimum Life/Safety Requirements

A portable, multi-purpose fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 1 on each floor/level of the Short Term Vacation Rental. The extinguishers shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing location.

(2) Maximum Occupancy

Occupancy shall be limited to two (2) transient occupants per Sleeping Room or Common Area, with a maximum limit of ten (10) transient occupants per Short Term Vacation Rental, excluding children twelve (12) years of age and under.

(3) Parking

(a) A minimum off-street parking of one (1) space per three (3) transient occupants shall be provided, which may include garage spaces, if the garage space is open and available for parking of motor vehicles.

(b) The total number of motor vehicles, boats, Recreational Vehicles, and trailers on the property shall not exceed the number of off-street parking spaces identified in the Application for Short Term Vacation Rental.

(c) Only motor vehicles of registered transient occupants may be parked on the property overnight.

(d) Motor vehicles, boats, Recreational Vehicles, and trailers shall be parked only in driveways or other areas on the property designated for parking. Boats, Recreational Vehicles, and trailers shall not be parked on any street, alley, sidewalk, or public or private Right-of-Way, or part thereof, or in required Front Yards, except as provided in Section 6.01.03.H.5 of this Code.

(4) Solid Waste

(a) All trash and debris shall be kept in covered trash containers.

(b) Each Short-term Vacation Rental unit shall be equipped with a minimum of one (1) trash storage container per four (4) transient occupants or fraction thereof.

(c) Schedules of garbage pickup and recycling pickup shall be posted within the rental agreement.

(d) The containers shall be placed at the curbside for pickup no earlier than sunset the day before pickup and shall be removed from curbside no later than sunrise the following day.

(5) Noise

Compliance with St. Johns County Noise Ordinance 2015-19 shall be disclosed within the lease agreement and a copy of the ordinance provided to all transient occupants.

(6) Evacuation

All Short-term Vacation Rentals shall be immediately evacuated upon the posting of a hurricane warning by the National Weather Service or the National Hurricane Center.

f. Required Postings

Inside the Short Term Vacation Rental, on the back of, or next to, the main entrance door, in plain view, there shall be provided, as a single page, the following information:

- (1) The name and phone number of the Short Term Vacation Rental owner or property manager;
- (2) The maximum occupancy of the unit;
- (3) The maximum number of vehicles that can be parked at the unit;
- (4) The location of an evacuation route map located within the property;
- (5) The location of the nearest hospital; and
- (6) Marine Turtles regulatory policies as outlined in Sections 4.01.08.B.3 of this Code.

g. Enforcement

Noncompliance with any provision of this Section 2.02.04.B.19 shall constitute a violation this Code and may be enforced as provided in Section 10.05.01; provided, however, that the time period for corrective action for violations under this section shall be no more than seven (7) days, which such time period may be extended by the County Administrator only for good cause, and that the applicable civil penalty shall be in the amount established by the Board of County Commissioners by resolution. In the event of a violation of this Section by a tenant, lessee, guest, or occupant of a Short Term Vacation Rental, the County shall first pursue enforcement against said tenant, lessee, guest, or occupant. In the event of three (3) violations of this Section by tenants, lessees, guest, or occupants of the same Short Term Vacation Rental within a one hundred-eighty (180) day period, the County may pursue enforcement against the owner or operator of the Short Term Vacation Rental; provided, however, that the County may

at any time pursue enforcement against an owner or operator for a violation by the owner or operator.

Nothing contained herein shall prevent the County from enforcing this section and seeking all other available remedies, including, but not limited to, injunctive relief, liens, and such other civil and criminal penalties as provided by law or equity.

h. Vesting

Legally established Short Term Vacation Rentals in existence as of May 4, 2021 may be vested in the ways described below, provided they are otherwise in compliance with the requirements contained herein. To qualify for any vesting, such existing, legally established Short Term Vacation Rentals shall have until November 5, 2021 to submit a Complete and Sufficient Application for a Short Term Vacation Rental registration and until February 4, 2022 to receive a Short Term Vacation Rental registration and come into compliance with the requirements of this Section 2.02.04.B.19.

A vested use shall not be transferable to another Short Term Vacation Rental property.

For those owners that desire a higher vesting occupancy and/or a different vesting schedule than provided below, the owner of the property may make application for consideration of an alternative vesting benefit pursuant to Part 10.02.00, Determination of Vested Rights.

(1) Rental Agreement Vesting

Rental agreements entered into prior to May 4, 2021 shall be considered vested. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the normal Short Term Vacation Rental registration process.

All rental agreements entered into after May 4, 2021 shall comply with all provisions of this section.

(2) Maximum Occupancy and Parking Vesting

Legally established Short Term Vacation Rentals in existence prior to May 4, 2021 shall be temporarily allowed to maintain an occupancy of no more than twenty (20) transient occupants, providing all other requirements of this Section 2.02.04.B.19 are met. The maximum occupancy of twenty (20) transient occupants shall be retained until May 4, 2022, at which time the maximum transient occupancy shall be reduced to seventeen (17) transient occupants. As of May 4, 2023, the maximum transient occupancy shall then be reduced to fourteen (14) transient occupants. As of May 4, 2024, the maximum transient occupancy shall be reduced to, and remain, ten (10) transient occupants, as established in subsection e. (2) above. No special vesting process or fee shall be

required to obtain this vesting benefit other than demonstrating eligibility through the normal Short Term Vacation Rental registration process.

C. Permitted Accessory Uses, Office, Commercial and Planned Districts

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

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

establishment must not require entrance into or passage through any indoor area of the food establishment.

12. A permit for dogs in outdoor portions of a restaurant issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service establishment or restaurant but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

c. Enforcement and State Cooperation

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

D. Permitted Accessory Uses, Industrial Districts

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

## Use on the same zoning Lot.

## E. Permitted Accessory Uses in Open Rural Districts

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

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

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



owner-occupied, the Rural Home Industry shall be terminated.

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

#### **Sec. 2.02.05 Temporary Uses**

##### **A. Allowable Temporary Uses: Non-Residential Districts**

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

## of Development Permits.

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

## B. Allowable Temporary Uses, All Zoning Districts

1. Temporary housing may be placed when permanent structures are damaged by natural disaster, accidental fire or other disastrous force. Recreational Vehicles may be permitted as such emergency housing for living or sleeping quarters with

no connections other than electrical. Temporary emergency housing shall not exceed 180 days per Year per Parcel.

2. Any temporary Use that exceeds the time provisions of Section 2.02.05.A or B.1 above, or the Uses of Section 2.02.05.A or B.1 above may be permitted by the Planning and Zoning Agency and issued in accordance with the procedures contained in Part 9.01.00 for the issuance of a Development Permit.
3. Any temporary Use that exceeds the time provisions of Section 2.02.05.A. above, or the Uses of Section 2.02.05.A. above may be permitted by the Planning and Zoning Agency and issued in accordance with the procedures contained in Part 9.01.00 for the issuance of a Development Permit.
4. Temporary Antenna Support Facilities, except those provided in Section 2.02.05.A.1. above, may be issued in accordance with procedures in Part 9.01.00 for the issuance of a Development Permit. Such facilities shall not exceed ninety (90) days.
5. A construction Manufactured/Modular Building may be used in any zoning district as a temporary office or shelter for materials or tools incidental to Construction or Development of the premises upon which the Manufactured/Modular Building is located, provided a permit for such Construction or Development has been issued. Such use of a temporary Manufactured/Modular Building shall not be permitted for more than one month after the issuance of a Certificate of Occupancy or otherwise documented completion of such Construction or Development. The use of the temporary Manufactured/Modular Building shall not involve sales offices, unless permitted by the zoning district in which is located, or is issued a Temporary Use Permit by the Planning and Zoning Agency in accordance with procedures contained in Part 9.01.00 for the issuance of a Development Permit. The construction Manufactured/Modular Building site may also allow outdoor storage of equipment/materials, provided such is included in the request for a Temporary Use Permit.
6. Outdoor storage of Construction or Development materials/equipment may be used in any zoning district, where such use is not allowed by right, provided a permit for such Construction or Development has been issued. Such use may be issued a Temporary Use Permit by the Planning and Zoning Agency in accordance with procedures contained in Part 9.01.00 for the issuance of a Development Permit. Such use must discontinue immediately following the final inspection and approval of the permitted Construction or Development Project. Government agencies operating on government-owned or leased property shall be exempt from the requirement for a Temporary Use Permit.

C. Notice Requirements for Temporary Uses

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

**Sec. 2.02.06 Reserved**

## **PART 2.03.00 ALLOWABLE AND SPECIAL USES**

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

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

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

The table below indicates the categories of Uses which are allowed in each zoning district within St. Johns County. The categories of Uses are arranged with the zoning district across the top. An "S" indicates the Special Use is allowable subject to the standards of this Part. An "A" indicates the Use is allowable by right. The purpose of Table 2.03.01 is to provide whether a use is allowed by right, or by special use, or prohibited within a zoning district. Specific uses are listed under the general Use Category for convenience (Please see Table 2.02.00).

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





Supplemental Regulations	Uses Allowed Within Zoning Districts	OR	RSE	RS-1	RS-2	RS-3	RG-1	RG-2	RMH	RMH(S)	WH	OP	CN	CG	TCMU	CHT	CI	CR	CHI	CW	IW	HI	PS	AD
		Open Rural										Office & Professional	Commercial Neighborhood	Commercial General	Town Center Mixed Use	Commercial Highway Tour	Commercial Intensive	Commercial Rural	Commercial High Intensity	Commercial Warehouse	Industrial Warehouseing	Heavy Industrial	Public Service	Airport Development
Sec. 2.03.45	Restaurants (with/without drive through)											S	A*	A	A*	A	A	A	A	A				
Sec. 2.03.57	Brewpub												S	S	S	S	S		S	S				
Sec. 2.03.22	Psychics, Astorlogists, Palmists (Ord. 98-18)											S	S	A	S	A	A	A	A	A	A			A
Sec. 2.03.19	Community Marinas												S	A				S						
	Medical/professional offices											A	A	A	A	A	A	A	A	A	A			A
	Government offices											A	A	A	A	A	A	A	A	A	A	A	A	A
	Schools for fine arts or martial arts											A	A	A	A	A	A	A						A
	<b>General Business / Commercial Use</b>																							
Sec. 2.03.43	Commercial Recreation													A		A	A	A	S	S	S			
	Archery													A	A	A	A	A						A
	Entertainment													A	A	A	A	A						A
	Hospitality													A	A	A	A	A						A
	Retail good stores													A	A	A	A	A						A
Sec. 2.03.46	Financial Institutions (w/wo drive through)													A	A*	A	A	A	S	S				
	Pharmacies (w/wo drive through)													A	A*	A	A	A*						A
	Free Standing ATMS													A	A		A							A
Sec. 2.03.14	Crematoriums, Funeral Homes, Mortuaries													S	A		S	S	S	S				S
	Indoor Farm and Garden Supply Centers													A	A		A	A						A
	Outdoor Plant Sales													A	A	A	A							A
	Outdoor Storage													S		A	A	S	A	A	A	A		A
Sec. 2.03.44	Neighborhood Convenience Stores w/wo pumps													A		A	A		S	S				
	Gas station w/out auto service repair													A	A	A	A		A	A				A
Sec. 2.03.50	Car Wash Facilities													S		A	A	S	A	A				
Sec. 2.03.51	Auto Oil Change Facilities													S		A	A	S	A	A				
Sec. 2.03.52	Tire Service Centers													S		A	A	S	A	A				
	Small car rental offices with fleet													A	A		A							A
	Grocery Stores, Specialty Food Stores											A	A	A	A	A	A							A
	Supermarkets													A	A		A							A
	Bowling alleys													A	A		A							A
	Spas, Gyms, Health Clubs													A	A	A	A	A						A
	Community hospitals													A	A		A							A
	Vocational/Trade School											A	A	A	A	A	A	A	A	A	A			A
Sec. 2.03.24	Bed and Breakfast	Sx										S	Sx	Ax	A	A	A	A						A
	Personal Property/Mini Warehouse											S	S	S		S	A	S	A	A	A			A
Sec. 2.03.42	RV/Boat Storage													S	S		A	A		A	A	A		
	Personal Services (catering, printing, mail & package, travel agencies, upholstery, laundries)											A	A	A	A	A	A	A						A
	Small appliance repair shops											A	A	A	A		A			A	A			A
	Upholstery service													A	A	A	A	A						A
	Personal Services													A	A	A	A	A						A
	Employment services											A	A	A	A		A		A	A				A
	Bail bonds											A	A	A	A		A							A
	Photography Studios											A	A	A	A	A	A	A						A
Sec. 2.03.22	Psychics (Ord. 98-18)											S	S	A	S	A	A	A	A	A	A			A
	Adult and Child Care Centers	A	S	S	S	S	S	S	S	S	S	A	A	A	A	A	A	A	A	A	A	S	S	A
	Nursing Homes													A	A	A	A	A						A
	Psychiatric Care and Treatment Facilities with or without Housing													A	A		A							A
Sec. 2.03.45	Restaurants (with/without drive through)											S	A*	A	A*	A	A	A	A	A				
Sec. 2.03.57	Brewpub												S	S	S	S	S		S	S				
Sec. 2.03.58	Microbrewery													S	S	S	S		S	S	S	S		









Supplemental Regulations	Uses Allowed Within Zoning Districts	OR	RSE	RS-1	RS-2	RS-3	RG-1	RG-2	RMH	RMH(S)	WH	OP	CN	CG	TCMU	CHT	CI	CR	CHI	CW	IW	HI	PS	AD
		Open Rural										Office & Professional	Commercial Neighborhood	Commercial General	Town Center Mixed Use	Commercial Highway Tour	Commercial Intensive	Commercial Rural	Commercial High Intensity	Commercial Warehouse	Industrial Warehouseing	Heavy Industrial	Public Service	Airport Development
Sec. 2.03.41	Veterinary Offices and Animal Hospitals with outdoor boarding																	A						
	<b>Light Industrial Uses</b>																							
	Boat and RV storage												S	S		A	A		A	A	A	A		
	Light Manufacturing																			A	A	A		A
	Vegetable Food Processing																			A	A			A
	Production, Packaging, Assembly Plants																			A	A			A
	Warehousing w/wo Distribution Centers																			A	A			A
	Lumberyards																			A	A			A
	Large Scale Printing Plants																			A	A			A
	Newspaper Printing Operation/Distribution																			A	A			A
	Business and Commerce Parks																			A	A			A
Sec. 2.03.19	Ports																A		A	A	A	A		
Sec. 2.03.19	Marinas													S	S	A	A		A	A	A			S
	Office Showrooms																			A	A			A
	Vehicle Recycling Facilities																			S	S			
Sec. 2.03.31	Composting and other Yard Waste Facilities	S																			S	A		
Sec. 2.03.49	Extermination and Pest Control Svcs																A		A	A	A			A
	Storage Yards for Equipment, Machinery, Boats and supplies for trades contractors																A		A	A	A			A
	Boat and RV storage												S	S		A	A		A	A	A	A		
	Landscaping Services																A		A	A	A			A
	Garbage Haulers																A		A	A	A			A
	Appliance Repair Shops																			A	A			A
	Machine Shops																			A	A			A
	Vehicle Repair and Storage (All Types)																		A	A	A			A
	Mini Warehousing Personal Property											S	S	S		S	A	S	A	A	A			A
	Indoor Kennels and other animal boarding	S															A	A	A	A	A			S
Sec. 2.03.41	Veterinary Office and Animal Hospitals and Groomers																			A	A			S
	Vocational/Technical Trade Schools											A	A	A	A	A	A	A	A	A	A			A
Sec. 2.03.43	Commercial Recreation												A	A		A	A	A	S	S	S			
	<b>Heavy Industrial</b>																							
	Heavy Manufacturing																					A		A
	Slaughterhouse and Animal Processing																					A		A
Sec. 2.03.19	Port Facilities																A		A	A	A			
Sec. 2.03.19	Marinas													S	S	A	A		A	A	A			S
	Power Plants																					A		A
	Dry Cleaning Plants																					A		A
	Metal and Rubber Fabrication																					A		A
	Chemical and Fertilizer Manufacturing																					A		A
	Paper and Pulp Manufacturing																					A		A
	Petroleum Refining																					A		A
	Plastic, Glass, Cement, Concrete, Clay Manufacture																					A		A
	<b>Mining and Extraction Activities</b>																							
Sec. 2.03.10	Land Excavation/Borrow Pits	S																		S	S	A	S	A

Supplemental Regulations	Uses Allowed Within Zoning Districts	OR	RSE	RS-1	RS-2	RS-3	RG-1	RG-2	RMH	RMH(S)	WH	OP	CN	CG	TCMU	CHT	CI	CR	CHI	CW	IW	HI	PS	AD	
		Open Rural										Office & Professional	Commercial Neighborhood	Commercial General	Town Center Mixed Use	Commercial Highway Tour	Commercial Intensive	Commercial Rural	Commercial High Intensity	Commercial Warehouse	Industrial Warehousing	Heavy Industrial	Public Service	Airport Development	
	Onsite processing of resources	A																				A	A		A
	<b>Office and Professional Services</b>																								
	Personal Services (catering, printing, mail & package, travel agencies, laundries, beauty shops, barbers, photo studios)											A	A	A	A	A	A	A							A
	Small Appliance Repair											A	A	A	A		A								A
	Upholstery service											A	A	A	A		A								A
	Bail Bond Agencies											A	A	A	A		A								A
	Employment Services											A	A	A	A		A			A	A				A
	Vocational/Technical Schools											A	A	A	A	A	A	A	A	A	A	A			A
Sec. 2.03.45	Restaurants											S	A*	A	A*	A	A	A	A	A	A				
	Offices - Government											A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Offices - Professional											A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Medical offices w/scheduled or emergency services (No overnight lodging)											A	A	A	A		A								A
	Diagnostic Centers: Radiology, Screening, Testing											A	A	A	A		A								A
Sec. 2.03.41	Veterinary Offices, Animal Hospitals (in standalone, soundproof building w/o outdoor exercise yard)											A	A	A	S		A								S
	Medical Equipment, Supplies											A	A	A	A		A								A
	<b>Outdoor/Passive Uses</b>																								
	Walking and Hiking Trails	A	A	A	A	A	A	A	A	A	A					A									A
	Bridle Paths	A	A	A	A	A	A	A	A	A	A					A									A
	Greenways	A	A	A	A	A	A	A	A	A	A					A									A
	Game Preserves	A	A	A	A	A	A	A	A	A	A					A									A
	Natural Preserves	A	A	A	A	A	A	A	A	A	A					A									A
	Parks with Picnic Areas	A	A	A	A	A	A	A	A	A	A					A									A
	Primitive Camps	A	A	A	A	A	A	A	A	A	A					A									A
	Country Clubs	A	A	A	A	A	A	A	A	A	A					A	A	A							S
	Golf Clubs, Golf Driving Ranges	A	A	A	A	A	A	A	A	A	A					A	A								A
Sec. 2.03.13	Cemeteries (People or Pets) Mausoleums	A	S	S	S	S	S	S	S	S	S	S	S	S											A
	<b>Neighborhood Public and Emergency Service</b>																								
	Neighborhood Scale Fire, Police Stations, EMS	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Sec. 2.03.25	Wastewater/Water Treatment Plants	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	A	A	S
Sec. 2.03.37	Electric Substations	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	A	A	S
	Telephone Equipment, Switching, Similar	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Sec. 2.03.26	Antennas, Antenna Towers	S	S	S	S	S	S	S	S	S	S	S	S	S		S	A	S	A	A	A	A	A	S	S
Sec. 2.03.53	Social Assistance Centers	S										S	S	S	S	S	A	S	A	A	S	S	A	S	
	<b>General Public and Emergency Service</b>																								
	Airports, Heliport Seaplane Facilities																A			A	A	A	A	A	A
	Rail Yards																A			A	A	A	A	A	A
	Ambulance/Fire/Police/EMS																A			A	A	A	A	A	A
	Government offices											A	A	A	A	A	A	A	A	A	A	A	A	A	A
Sec. 2.03.25	Wastewater/Water Treatment Plants	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	A	A	S
Sec. 2.03.37	Electric Substations	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	A	A	S



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

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

or deny a requested Special Use:

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

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

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



## Sec. 2.03.02 Alcoholic Beverages

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

### A. Nearby Church - Nearby School

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

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

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

#### 1. Interpretation of "School"

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

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

Day care centers, day nurseries, nursery schools, and kindergartens that do not include general education or vocational programs along with conventional child care activities are not considered "schools" as defined in this Section.

## 2. Subsequent Establishment of Church or School

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

## 3. Exception to Distance Requirements for Certain Restaurants and Motels

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

## 4. Variance from Distance Requirement

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

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

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

5. Zoning Special Use Required in Certain Districts

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

B. Administrative Approval

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

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

C. Other Alcoholic Beverage Vendor

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

**Sec. 2.03.03 Adult Uses**

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

A. Restrictions on Location

1. Proximity to Residential Areas

No Adult Uses such as Adult Bookstore, adult theater, adult restaurant or café, special cabaret, physical culture establishment or adult photographic or modeling studio may be established within two thousand (2,000) feet of any unincorporated area in St. Johns County zoned for residential Use, including, but not limited to,

residential portions of any Planned Development zoning districts, nor within two thousand (2,000) feet of any church, school, child care facility, or public recreation area.

2. Proximity to Other Adult Uses

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

3. Calculation of Distances

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

4. No Illegal Activity

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

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

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

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

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

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

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

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

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

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

- A. If a place of shelter is provided outside the main residence, such shelter shall be no closer than one hundred (100) feet from any other residence.
- B. Domestic fowl or bird species shall be subject to the following standards:
  - 1. Domestic fowl or bird species, except as provided in Section 2.03.56, shall be maintained in a coop and pen or portable chicken tractor, and such coops and enclosures may not include residential structures or garages. The coop and enclosure must be fenced and ventilated. All domestic fowl or bird species must be secured in an enclosure during non-daylight hours; however, during daylight hours, they may be located outdoors in the chicken pen and/or run.
  - 2. Domestic fowl or bird coops, enclosures, pens, and tractors (whether stationary or mobile) are only permitted in the rear of the residential dwelling, behind the line formed by the back wall of the residence. Domestic fowl or bird coops, pens, and tractors (whether stationary or mobile) shall be located no closer than fifteen (15)

feet on any side or rear property line unless a greater distance is required by the Planning and Zoning Agency. These structures shall be located no closer than one-hundred (100) feet from any other residence and must be located closer to the owner's primary residence than any neighboring residence. A waiver to the 100 foot distance requirement may be granted by the Planning and Zoning Agency.

3. Domestic fowl or bird coops, enclosures, tractors, and/or pens must be properly designed and constructed to provide adequate security from rodents, wild birds, and predators.
  4. Domestic fowl or bird coops, enclosures, pens, and tractors shall be maintained in a clean and sanitary condition at all times. Domestic fowl or birds shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.
  5. The coop, enclosure, pens, or tractors shall not be taller than six (6) feet, as measured from the existing natural grade.
  6. All stored feed must be kept in a rodent and predator-proof container.
- C. An application for Special Use Permit for Other Animals shall state the maximum number and species of Animals to be housed.
- D. There shall be no commercial activity associated with the granting of a Special Use for Other Animals.

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

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

- A. No person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The Use of the premises shall be clearly incidental and subordinate to its Use for residential purposes and shall under no circumstances change the residential character thereof or be used as a basis for the addition of Accessory Structures related to the Home Occupation.
- C. There shall be no change in outside appearance of Building or premises, or other visible evidence of the conduct of such Home Occupation, except that one Sign may be permitted not exceeding one (1) square foot in area, non-illuminated, mounted flat against the wall of the principal Building at a position not more than two (2) feet from the main entrance to the residence.
- D. No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood.
- E. No equipment or process shall be used in such Home Occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the Lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises,

or causes fluctuations in the line voltage off the premises; no chemicals or chemical equipment shall be used, except those that are used for domestic or household purposes.

- F. The giving of art, music or other instructions or lessons shall be limited to not more than four (4) persons at any one time.
- G. Fabrication of articles such as are commonly classified under the terms of arts and handicraft that do not meet the requirements of a Home Office as defined by Section 2.02.04.B.9 may be deemed a Home Occupation, subject to other terms and conditions of this definition, and providing no retail sales are made at the Dwelling Unit.
- H. The following Uses shall be prohibited as Home Occupations:
  - 1. Mechanical, paint and body repair, and/or detailing services upon any type motor vehicle, boat, trailer or equipment.
  - 2. Tow truck service or other trucking services.
  - 3. Antique or gift shop.
  - 4. Barber and beauty shops.
  - 5. Health salons, gyms, dance studios, aerobic exercise and massage establishments.
  - 6. Food processing, except as may be permitted or licensed by Section 500.80 of the Florida Statutes, as may be amended from time to time.
  - 7. Private clubs.
  - 8. Bed and Breakfast establishments.
  - 9. Fortune tellers, psychics and similar Uses.
  - 10. Veterinarian services which includes care, grooming or boarding at home.
  - 11. Medical or dental office or laboratory or Nursing Home.
  - 12. Nursery school or kindergarten.
  - 13. Any other similar Use or activity as determined by the County Administrator.
- I. Other conditions and safeguards, such as limitations on hours of operation may be established in the granting of the Special Use to insure residential compatibility.
- J. An Applicant for a Home Occupation Special Use shall at the time of application file an affidavit wherein the Applicant, if approved:
  - 1. Agrees to comply with the standards set forth in this Section and any other conditions established in the granting of a Special Use.
  - 2. Acknowledges that the County shall have the right to reasonably inspect the

premises to investigate complaints, if any, from neighbors and insure compliance with the standards of this Section and other conditions of approval.

3. Acknowledges that a departure from the standards and conditions of approval will be deemed a Code violation and may result in suspension or termination of the Home Occupation.
  4. Agrees to obtain an occupational license by state law or County Ordinance prior to commencement of an approved Home Occupation.
- K. Any professional or business office or studio that does not involve in office contact with clients or the public and where all business is conducted by mail, phone or at other premises may be determined to be a Home Office in accord with Section 2.02.04(B)(9) and not subject to the granting of a Special Use.

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

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

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

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

A Manufactured/Mobile Home Park may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. The Manufactured/Mobile Home Park shall meet all design standards contained in Section 6.08.23 for Manufactured/Mobile Home Parks.
- B. Units shall not be rented for time periods of less than one week.
- C. The application for Special Use Permit shall include any request for signage, if applicable. No Sign shall exceed sixty-four (64) square feet in size and shall not exceed ten (10) feet



in height. All lighting shall be shielded.

- D. All units shall remove towing gear and shall provide skirting as required for Manufactured/Mobile Homes in Section 2.03.08.

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

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

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

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

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

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

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

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

- a. Twenty-five (25) feet of any Right-of-Way line of a publicly owned road or street, except for Dry Land Excavation and Borrow Areas which shall be one hundred fifty (150) feet of a publicly-owned local road or street and two hundred (200) feet of any Right-of-Way line of a publicly-owned Arterial or Collector.
- b. Twenty-five (25) feet of the boundary line of a publicly owned drainage or utility easement.
- c. Twenty-five (25) feet of any non-residential property line, including Agricultural Use.
- d. One hundred (100) feet of any existing or developing residential property line. In cases where a Land Excavation or Borrow Area is adjacent to residential land Use with a density of two Dwelling Units per acre or more, setbacks shall be increased from the existing one hundred (100) feet to one hundred fifty (150) feet. As an alternative, the setback may be decreased to one hundred twenty-five (125) feet, provided that a series of undulating berms are provided that serve to screen the Land Excavation or Borrow Area, when used in conjunction with required planted trees.
- e. One thousand (1,000) feet of a school, hospital or house of worship

measured on a straight line along the shortest distance between the perimeter of the Land Excavation or Borrow Area and the boundary of the property upon which the facility is situated.

- f. Fifty (50) feet of a Wetland Conservation Area.

### 3. Access

- a. Land Excavation and Borrow Areas shall be encouraged to locate in areas which have direct access to the receiving site of the excavated materials, with direct access to Arterials or Minor or Major Collectors, within approved subdivision and site Development projects under Construction, adjacent to public improvement projects such as new road corridors or in conjunction with stormwater utility projects. Site specific analysis must be performed to determine if proposed Land Excavations and Borrow Areas in the encouraged areas meet all other locational and environmental requirements.

- (1) Where the Applicant intends to provide material for a new road corridor, priority shall be given to locating such Land Excavation, in the following order of precedence:
- (2) Within the corridor.
- (3) Within one-half (0.5) mile of the corridor. Proposed Land Excavation in these areas would be investigated to determine if they could interface with the County's Stormwater Utility Program or recreational planning program.
- (4) Within the remaining areas of the County, highest priority for Land Excavations in the remaining area of the County would be given to Land Excavations located within approved DRIs, subdivisions, and site Development projects which are under Construction in proximity to the corridor and in Land Excavations which interface with stormwater utility projects.

### 4. Mitigation of Impacts

- a. Techniques to mitigate the impacts of offsite hauling on existing neighborhoods fronting onto Arterial or Collector Roadways may include restrictions on the hours and days of offsite hauling, contribution by the Applicant to the cost of road improvements on the haul route, and development of alternative haul routes.
- b. Restrictions may be imposed on the hours and days of operation of any Land Excavation when such restrictions are necessary to protect the public health, safety, and welfare.

### 5. Where Prohibited

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

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

6. Where Restricted

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

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

B. Special Use Permit

1. When Required

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

- a. Land Excavation and Borrow Area activities pursuant to Board of County Commissioners permission which may be requested by a governmental agency, an Applicant under the permission of another governmental agency, or under the permission of a court having jurisdiction in St. Johns County.
- b. Land Excavation activities within Utility Rights-of-Way, public Rights-of-Way or easements necessary to supply electric, gas, water, sanitary or storm sewer, telephone, or cable television service, provided these activities do not adversely impact an Environmentally Sensitive Area. Land Excavation activities exempted under this Section shall be regulated under Article IV of this Code. This exemption does not include excavation for the Construction of detention basins and/or retention basins which otherwise meet the definition of Land Excavation.
- c. Land Excavation for swimming pool construction.
- d. Land Excavation activities disturbing less than three thousand (3,000)

square feet of land area.

- e. Bona Fide Agricultural Operations that involve standard agricultural practices.
- f. Maintenance of dredging of canals, lakes and stormwater ponds, provided Permit requirements from other local, state and federal agencies are met.
- g. Lake Creations and retention/detention ponds within approved Construction projects permitted through other provisions of this Code where such Lake Creations or retention/detention ponds are incidental to the primary purpose of the Construction (i.e. retention ponds constructed as part of the stormwater system for a residential development Project).

2. Application Submittal and Public Notice

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

3. Factors to be Considered

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

- a. The compatibility of the proposed Land Excavation and Borrow Area with existing and planned land Uses as stipulated in the St. Johns County Comprehensive Plan. In making a determination of compatibility, the following shall be considered:
  - (1) The nature of existing and planned land Uses.
  - (2) The size of the proposed Land Excavation or Borrow Area.
  - (3) The effect of increased truck traffic generation on existing and planned land Uses.
  - (4) The proximity to residences, schools, hospitals, or houses of worship.
  - (5) The proximity to recreational Uses such as parks and playgrounds.
- b. Impact on the roads and bridges located along the proposed haul route.
- c. Adequacy and compatibility of the reclamation plan relative to the environmental as well as existing and planned Uses.
- d. Cumulative impact of all permitted (active and inactive) Land Excavation and Borrow Areas within one (1) mile of the proposed Land Excavation or Borrow Area.
- e. Whether the haul routes for the removal of Land Excavation or Borrow Area material pass schools, hospitals or houses of worship and whether the

increased truck traffic incidental to the Land Excavation or Borrow Area activity will adversely affect the conduct of the institution's activities. In evaluating the effect of the truck traffic, the following shall be considered: the capacity and existing service level of the road(s) designated as the haul route within five hundred (500) feet of the boundaries of the institution's property, the hours of operation of the Land Excavation or Borrow Area and of the institution; the estimated volume of truck traffic; and the location of access to the school, hospital or house of worship.

4. Duration of Permit

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

5. Fencing

a. Unless otherwise authorized by the Planning and Zoning Agency, all Land Excavation or Borrow Areas shall be secured with a fence and gate to prevent unauthorized access to the Land Excavation or Borrow Area. All points of access shall be secured when no activity is occurring in the Land Excavation or Borrow Area. In determining whether a fence is required for a Land Excavation or Borrow Area and the type of fence to be required, the Planning and Zoning Agency shall consider the following factors.

- (1) The location, size, depth and side slope of the Land Excavation or Borrow Area.
- (2) The nature of the surrounding Uses and the land Uses designated on the Future Land Use Map of the St. Johns County Comprehensive Plan for the area.
- (3) The depth of water, if any, in the Land Excavation or Borrow Area during the period of Land Excavation or Borrow Area activity.
- (4) Natural or man-made features existing on the site.

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

6. Expiration of Permit

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

C. Waiver

1. Generally

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

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

2. Decision by Planning and Zoning Agency

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

3. Factors to be Considered

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

- a. The location of the Land Excavation or Borrow Area.
- b. The size of the Land Excavation or Borrow Area.
- c. The depth of the Land Excavation or Borrow Area.
- d. The cubic yards of material to be excavated and removed.
- e. The side slope requested, if applicable.
- f. The nature of the Land Excavation or Borrow Area material to be removed.
- g. The nature of existing or developing Uses in the surrounding area.
- h. The projected depth of water, if any, in the Land Excavation or Borrow Area at the time of completion of the Land Excavation or Borrow Area activity.
- i. Proximity of the Land Excavation or Borrow Area to Environmentally Sensitive Areas.
- j. The existing location, configuration, setbacks and slopes of a previously permitted Land Excavation or Borrow Area.

**Sec. 2.03.11 Solid Waste Facilities**

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

- A. Location Criteria

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

1. Where Allowed

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

2. Setbacks

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

3. Access

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

4. Where Prohibited

Solid Waste Facilities shall be prohibited within the following locations:

- a. Wellhead Resource Protection Areas as found in "Wellhead Protection Area Delineation for Public Supply Utilities Located in St. Johns County, Florida" produced by the St. Johns River Water Management District, 1993.
- b. Within one thousand (1,000) feet or the five (5) year travel time as defined in Table 2 of "Wellhead Protection Area Delineation for Public Supply Utilities in St. Johns County, Florida" produced by the St. Johns River Water Management District, 1993, whichever is greater, of the center of a wellhead of a public potable water supply well.
- c. Within Environmentally Sensitive Areas as defined in Article XII.

- d. Within areas susceptible to groundwater contamination as provided in the Coastal/Conservation Element of the St. Johns County Comprehensive Plan.
- e. Within the Coastal High Hazard Area.
- f. Within the one hundred (100) year floodplain.
- g. Within open water bodies, whether natural or man-made.
- h. Within a five (5) mile radius from the perimeter of the St. Johns County Landfill.

**B. Special Use Permit**

**1. Procedure**

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

**2. Factors to be Considered**

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

- a. The compatibility of the proposed landfill with existing and planned land Uses. In making a determination of compatibility, the following shall be considered:
  - (1) The nature of existing and planned land Use.
  - (2) The size of the proposed land fill.
  - (3) The type and volume of waste to be received.
  - (4) The effect of increased truck traffic generation on existing and planned land Uses.
  - (5) The proximity to residences, schools, hospitals, or houses of worship.
  - (6) The proximity to recreational Uses such as parks and playgrounds.
  - (7) The proximity to potable water supply wells.
  - (8) The proximity to surface water bodies and Environmentally Sensitive Areas.
  - (9) Impact on roads and bridges to be used that are not designated as truck routes by St. Johns County.



## 3. Imposition of Reasonable Conditions

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

## 4. Duration of Permit

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

## 5. Expiration of Permit

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

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

## C. Special Use Standards

## 1. The site shall be fenced by a six (6) foot high fence with a locking gate at all access points. All gates shall be secured and locked when there is no activity on site. The performance standards in Section 6.08.34 shall be observed with the point of measurement being the boundaries of the zoning Lot.

## 2. Buffering and screening shall be provided in accordance with the standards in Section 6.06.04.

## 3. If Construction of the facility requires Land Excavation of one thousand (1,000) square feet or greater, approval of a Special Use Permit for such Land Excavation shall be required pursuant to Part 9.03.00.

**Sec. 2.03.12 Churches**

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

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

## B. The application for Special Use Permit shall include any request for signage. No such Sign shall exceed sixty-four (64) square feet in size and shall not exceed ten (10) feet in height. Signs shall be top lighted with point light source directed downward.

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

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

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

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

### **Sec. 2.03.14 Crematoriums**

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

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

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

- A. Off-site parking lots may be permitted as a Special Use within districts as defined in Section 2.03.01, when such Lot adjoins a premise requiring off-street parking, provided there is no intervening street, and further provided:
1. A six (6) foot masonry wall or opaque fence with a minimum eighty percent (80%) opacity shall be erected along all property lines adjacent to residentially zoned property except as such fence may conflict with the Roadway, Drainage and Utility Standards of this Code.
  2. Adequate lighting shall be provided if off-site parking is to be used at night. The lighting shall be designed and installed to be contained on the property and designed to minimize glare on adjacent property.
  3. There shall be no sales or service activity of any kind on such Lots.
- B. Off-site parking lots to accommodate required parking or loading for permitted Uses may be permitted as a Special Use within all commercial and industrial districts subject to the following regulations:
1. There shall be practical difficulties which prevent the placing of the facilities on the same Lot as the premises they are designed to serve.
  2. The off-site parking facility shall be located within three hundred (300) feet walking distance of a public entrance to the Structure or land area containing the Use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the off-site parking and the Use being served.
- C. Off-Site parking to accommodate Boat Docks, Boathouses, Boat Shelters, structures on

2.03.15.C

docks, that exceed the allowable distance of 300 feet from a residential dock parcel as defined in Section 2.02.04.B(3) may be permitted as a Special Use in such districts, provided:

1. The Off-Site Parking shall be located on a parcel under same ownership as the dock parcel.
  2. A safe, direct pedestrian path shall exist or be provided between the Off-Site parking and Boat Dock, Boathouse, or Boat Shelter.
- D. Unpaved parking lots and Vehicle Use Areas may be permitted as a Special Use in all districts provided
1. The parking lot and Vehicle Use Area is stabilized with materials such as coquina, crushed stone, or gravel in a manner acceptable to the County Administrator, or designee.
  2. The Use being served has no daily public traffic.
  3. The access apron leading from the unpaved parking lot and Vehicle Use Area into a County or State maintained roadway shall be paved as to not damage the roadway.
  4. Regardless of the unpaved parking lot and Vehicle Use Areas, parking stall dimensions, access aisles, and curb ramps for handicap accessible spaces shall be designed to meet the standards of the Florida Accessibility Code for Building Construction. Unpaved parking lots and Vehicle Use Areas shall be considered impervious for drainage approval.
- E. Applications for unpaved parking may be approved by the County Administrator or designee in accordance with all requirements of Sections 6.05.02.H.1 and 6.08.42 of the Land Development Code.

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

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

- A. Storage Buildings shall be sub-divided by permanent partitions into spaces containing not more than four hundred (400) square feet each and each such space shall have an independent entrance under the exclusive control of the tenant thereof.
- B. Not more than four thousand (4,000) square feet in total area shall be occupied or used by any single tenant.
- C. Storage of goods shall be limited to personal property with no commercial distribution or sales or other business activities allowed on the premises.
- D. The storage of hazardous materials shall be prohibited.
- E. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.

- F. A minimum six (6) foot masonry wall or security fence shall be required around the perimeter of the facility. If fenced, such fence shall be opaque along property lines adjacent to Open Rural or residential zoning districts. Fencing shall not be required for storage facilities that maintain all storage bays within a completely enclosed structure.
- G. The facility shall contain a staffed on-site office.
- H. Access to the facility shall be restricted to the hours of management personnel being on-site, unless individual electronic access is available.
- I. No portion of a Personal Property Mini-Warehouse Facility shall be allowed as a Special Use within six hundred (600) feet of the Right-of-Way of a designated Scenic Highway or Scenic Roadway. For the purposes of this provision, the definition of Scenic Highway or Scenic Roadway shall be the same as the definition of Scenic Highway or Scenic Roadway as it applies to Antenna Towers.
- J. No portion of a Personal Property Mini-Warehouse Facility shall be allowed as a Special Use within five hundred (500) feet of residentially zoned property or residential portions of Planned Developments.

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

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

- A. Private Schools with a capacity of more than ten (10) students shall be located only in non-residential zoning districts and shall have direct access to an Arterial or Major or Minor Collector.
- B. Applications for Special Use within residential districts shall include any request for signage, if applicable. No such Sign shall exceed thirty-two (32) square feet in size.
- C. No Private School shall be established within one thousand (1,000) feet of an established vendor of alcohol beverages except those vendors licensed in accordance with Section 563.02(1)(a) and/or Section 564.02(1)(a) of the Florida Statutes, as may be amended from time to time, unless a Variance has been granted as provided in Part 9.03.00 of this Code.

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

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

#### **Sec. 2.03.19 Marina**

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

#### **Sec. 2.03.20 Correctional Facility**

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

A. General Standards

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

B. Major Correctional Facilities

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

C. Community Correctional Facilities

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

**Sec. 2.03.21 Farm Worker Housing**

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

- A. Farm Worker Housing may be provided on or off-site from the Agricultural Use if located within the R/S and A-I Future Land Use Map categories. Farm Worker Housing located in other Future Land Use designations shall be located within one (1) mile of the site of a commercially productive farm. The County Commission must find that Farm Worker Housing in such areas is compatible with surrounding land Uses, and overall project density shall not exceed that of the underlying plan category. Agricultural activities may be allowed on the parcel of land containing the Farm Worker Housing.

- B. Farm Worker Housing shall be permitted a density of two (2) units per acre.
- C. The Subdivision of land into individual Parcels shall be prohibited.
- D. Single-family conventional, Manufactured/Mobile Home, duplex, or Multi-Family Dwelling Units or dormitories may be used. Dormitories, for purposes of density calculations, shall be calculated at two and one-half (2.5) residents equaling one (1) unit.
- E. Farm Worker Housing sites shall provide required Front, Side, and Rear Yards of fifty (50) feet.
- F. Screening equal to that specified under Part 6.06.00 shall be provided between the Farm Worker Housing and adjacent properties with residences, if the Farm Worker Housing is located within two hundred (200) feet of the zoning Lot line or if residences located on adjacent properties are under different ownership.
- G. All Structures containing Dwelling Units shall be located a minimum of ten (10) feet apart.
- H. All access drives serving the Farm Worker Housing site shall be packed shell, gravel, or similar material which will provide a relatively dust free surface.
- I. All Farm Worker Housing shall provide adequate sewage disposal and water supply systems which meet all Federal, State, and local requirements.
- J. All Farm Worker Housing shall be constructed and maintained in accordance with all Building code requirements.
- K. Property owners or housing providers shall provide an affidavit that the housing will be limited to housing for farm workers or their dependents.
- L. The Farm Worker Housing approval shall be valid for two (2) years. Farm Worker Housing extensions shall be renewed upon verification of a claim that the housing continues to be Farm Worker Housing only. It shall be the responsibility of the housing provider or property owner to provide verification in a timely manner.
- M. If for any reason, the approval is not renewed, the Dwelling Units which exceed the density of the Comprehensive Plan must be removed within ninety (90) days of written notification from the County, or certain units may remain if converted for sale or rent as Affordable Housing in accordance with Part 5.07.00.

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

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

**Sec. 2.03.23 Special Care Housing Facilities**

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

limitations:

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

#### **Sec. 2.03.24 Bed and Breakfast Establishments**

- A. Bed and Breakfast establishments may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to a maximum of ten (10) rental units.
- B. Accessory Uses for (A) and (B) above shall be limited to those that are customary and incidental to the Bed and Breakfast establishment, and shall be limited to serving the patrons of the Bed and Breakfast establishment only and not the general public. For example, a food service that serves the general public shall be considered a restaurant and not an Accessory Use to the Bed and Breakfast establishments as described in this Section.
- C. For the purposes of calculating density, a Bed and Breakfast establishment shall constitute one (1) Dwelling Unit.
- D. Parking in excess of that required for a single-family dwelling shall be located along the Side or Rear Yard, behind the primary Structure.
- E. Signage shall be limited to a maximum of six (6) square feet, and shall not be illuminated.

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

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

- A. The Wastewater Treatment Plant and Facilities shall be secured from public access with a security fence, a minimum of six (6) feet in height. Berms and/or landscaping meeting the requirements of Section 6.06.04, Group 7 shall be required around the Wastewater Treatment Plant. A security fence, a minimum of six (6) feet in height, shall be required around ponds, located outside the plant site. Pump/Lift Stations, located outside the plant site, shall be secured either by a security fence six (6) feet in height, by enclosing equipment in lockable Buildings or enclosures, or by the use of other vandal proof

Construction measures which will provide protection against entry or damages. These requirements may be waived by the County Administrator upon demonstration that protection to an equal or greater extent is provided.

- B. For all Wastewater Treatment Plants and Facilities, the Engineer of Record shall certify that the design plans for the Plant and Pump/Lift Stations include nuisance control (odor and noise control) mitigation measures approved by St. Johns County and shall ensure that such measures are installed. The mitigation measures shall be designed relative to the facility's size, design, and intensity and may include, in part, landscaping measures. The mitigation measures shall also meet the performance standards set forth in Part 6.04.00.
- C. The operation of a public or privately operated interim wastewater facility shall be discontinued and public wastewater service shall be utilized within six (6) months of the availability of public wastewater service with adequate capacity at any project boundary unless otherwise provided for in an Interim Wastewater Treatment Agreement.
- D. Prior to placement of any Wastewater Plant and Facility on-site, the developer shall provide evidence of approval from the applicable permitting agencies.
- E. Distance requirements for Wastewater Treatment Plants shall be as follows:
  - 1. Wastewater Treatment Plant Type 1
    - a. Interim Wastewater Treatment Plants under five hundred thousand (500,000) gallons per day (g.p.d.)
    - b. For Type 1 Plants there shall be a distance requirement of one hundred fifty (150) feet from the plant to any off-site agriculturally or residentially zoned or used land or to any onsite platted Lot or Dwelling Unit.
  - 2. Wastewater Treatment Plant Type 2
    - a. Permanent Wastewater Treatment Plants under five hundred thousand (500,000) g.p.d.
    - b. For Type 2 Plants there shall be a distance of two hundred fifty (250) feet from the plant to any off-site agriculturally or residentially zoned or used land or to any on-site platted Lot or Dwelling Unit.
  - 3. Wastewater Treatment Plant Type 3
    - a. Wastewater Treatment Plants of five hundred thousand (500,000) g.p.d. or greater.
    - b. For Type 3 Plants there shall be a distance requirement of five hundred (500) feet from the Plant to the project boundary. There shall be no platted Lots or Dwelling Units within this distance requirement. If the plant is located in the Industrial Category of the Comprehensive Plan, the distance requirement shall be two hundred and fifty (250) feet.
  - 4. Neighborhood Pump/Lift Stations serving less than three thousand (3,000)



equivalent Dwelling Units (e.d.u.). There shall be no minimum distance requirement for Neighborhood Pump/Lift Stations.

5. Master Pump/Lift Stations serving three thousand (3,000) e.d.u.s or greater. There shall be a distance requirement of twenty (20) feet from the Master Pump/Lift Station to the edge of the Lot. Only nonresidential or agricultural Structures and parking may be located within the specified distance. There shall be a distance requirement of fifty (50) feet from the Pump/Lift Station to any surrounding residential Structures or Building envelopes.
6. Lesser requirements for Wastewater Treatment Plants and Facilities may be approved by the Board of County Commissioners in cases involving practical difficulties, unnecessary hardship, or superior alternatives. These difficulties, hardships, and alternatives, may include but not be limited to adjacency to environmentally sensitive land, major Rights-of-Way or retention areas. Said request shall be heard using the procedure for a Variance.
7. In instances where the distance requirements are modified, additional conditions of approval may be required.

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

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

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

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

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

A. Location and Access

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

B. Uses Permitted and Length of Stay

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

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

D. Any unit not in compliance with paragraphs (B) and (C) above in existence on or before January 26, 1999 shall be considered "legally non-conforming" and shall be subject to the provisions of Article X of this Code.

E. Management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, and other Uses and Structures customarily incidental to the operation of a recreational vehicle campground are permitted as Accessory Uses.

F. Front, side and rear setbacks for all Structures along the perimeter of the recreational vehicle campground Parcel shall be a minimum of twenty-five (25) feet.

G. In campgrounds, for purposes of calculating density, every ten (10) campsites shall constitute one (1) Dwelling Unit, based on maximum camp capacity. Therefore, the facility shall be located on a Lot large enough to meet the density requirements of the Future Land Use Map of the Comprehensive Plan for the number of Dwelling Units or the minimum requirements of the zoning district in which it is located, whichever is the most restrictive.

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

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

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

and utility requirements, the total density of the Lot is in compliance with the provisions of the Comprehensive Plan, and further restricted by the provisions of Section 2.04.07.

#### **Sec. 2.03.29 General Store**

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

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

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

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

#### **Sec. 2.03.31 Vehicle Recycling Facilities**

Vehicle Recycling Facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following condition:

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

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

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

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

#### **Sec. 2.03.33 Retreats**

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

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

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

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

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

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

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

#### **Sec. 2.03.36 Truck Stops**

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

#### **Sec. 2.03.37 Electric Substations**

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

#### **Sec. 2.03.38 Private Clubs**

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

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

#### **Sec. 2.03.39 Single Family Dwelling**

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

#### **Sec. 2.03.40 Aircraft Landing Field**

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

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

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

Veterinary Offices and Animal Hospitals may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

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

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

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

- A. The storage area shall be screened from public view and from all streets or roadways. Screening shall be provided with Evergreen plants six (6) feet in height at the time of planting and an overall screening opacity of seventy-five percent (75%) or greater, or a solid wooden, pvc, or similar material fence, or masonry or concrete block wall at least six (6) feet in height. If masonry or block wall is provided, it shall be painted and architecturally finished on the outside.

- B. There shall be a site plan submitted with the Special Use Permit that is in compliance with all requirements of the Land Development Code and such site plan shall indicate whether employee quarters are included.
- C. If signs are to be placed on the property, the Special Use Permit shall include such signage locations and a drawing shall be submitted that shows compliance with the sign regulations of the Land Development Code. Such sign plan shall be made part of the Special Use Permit.
- D. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.
- E. The facility shall contain a staffed on-site office.
- F. Access to the facility shall be restricted to the hours of management personnel being on-site unless individual electronic access is available.

### **Sec. 2.03.43 Recreation**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. Electronic Game Promotions, Adult Arcade Amusement Centers and Indoor Activities on the Premises of Licensed Pari-mutuel Permit Holder establishments shall not operate within a minimum of one hundred (100) feet of residentially zoned property or residential portions of Planned Unit Developments.
- B. If the facility is placed in a freestanding building, the parking standards provided in Table

6.17 shall apply.

- C. If the facility is located in a shopping center, or other building with shared parking, parking for the Electronic Game Promotions, Adult Arcade Amusement Centers and Indoor Activities on the Premises of Licensed Pari-mutuel Permit Holder establishments may not be included in the assessment of shared parking and adequate parking shall be demonstrated for the facility based on a parking ratio provided in Table 6.17. This demonstration shall include evidence that the remaining shopping center and/or building areas meet the standards for parking as provided in Table 6.17 excluding the use of the facility.
- D. The consumption, possession, dispensation, or sale of alcohol shall be prohibited within Electronic Game Promotions establishments, but may be allowed within Adult Arcade Amusement Centers and Indoor Activities on the Premises of Licensed Pari-mutuel Permit Holder establishments.
- E. Electronic Game Promotions, Adult Arcade Amusement Centers and Indoor Activities on the Premises of a Licensed Pari-mutuel Permit Holder establishments shall not operate within one thousand (1,000) feet of a church, park or school, unless such establishment was in operation prior to the church, park or school locating nearby. With respect to the distance between such an establishment and an established church, park, or school, the distance shall be measured by from property line to property line, without regard to the route of travel.
  - 1. The word "school" as used in this Part shall mean an establishment that is licensed as a general education or vocational facility under the jurisdiction of the Florida Department of Education, or an establishment that offers general or vocational education which includes courses of general education accepted by the Florida Department of Education for transfer to a school under its jurisdiction. Day care centers, day nurseries, nursery schools, and kindergartens that do not or do not include general education or vocational programs along with conventional child care activities are considered "schools" as defined in this Section.
  - 2. Subsequent Establishment of Church, Park or School: Whenever an Electronic Game Promotion operator has procured a permit and has commenced the business of operating an Electronic Game Promotions, Adult Arcade Amusement Centers and/or an Indoor Activities on the Premises of Licensed Pari-mutuel Permit Holder establishment at a properly zoned location and thereafter a Church, park or school shall be established within a distance otherwise prohibited by this Code, the establishment of such Church, park or school shall not be cause for the discontinuance of the business of such licensee at that location nor shall the business be considered nonconforming as defined in Part 10.03.00 of this Code.

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

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

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



6.06.04.

C. Outdoor storage/staging areas shall be enclosed with a minimum six (6) foot fence.

**Sec. 2.03.50 Car Wash Facilities**

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

A. Intensity

1. Generally, such facilities shall be limited to three (3) vehicle cleaning areas, unless a waiver is granted by the Planning and Zoning Agency.
2. The request shall elaborate on the type of facility to be provided, manned or unmanned; hours of operation; screening; and other details as necessary.

B. Setbacks, Orientation, and Design

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

**Sec. 2.03.51 Automobile Oil Change Facilities**

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

A. Intensity

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

to six (6), except for drive through facilities where the total number of vehicles that may be serviced at any one time is limited to three (3).

B. Setbacks

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

C. Orientation, Screening and Design

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

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

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

F. Waiver

1. Generally

The requirements of this Section, except for the specific prohibition of Section 2.03.51.E, may be waived where the Planning and Zoning Agency makes a positive finding on each of the following factors:

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

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

2. Decision by Planning and Zoning Agency

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

**Sec. 2.03.52 Tire Service Centers**

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

A. Intensity

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

B. Setbacks

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

C. Orientation, Screening and Design

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

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

properties.

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

F. Waiver

1. Generally

The requirements of this Section, except for the specific prohibition of Section 2.03.52.E, may be waived where the Planning and Zoning Agency makes a positive finding on each of the following factors:

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

2. Decision by Planning and Zoning Agency

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

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

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

A. The compatibility of the proposed center shall be evaluated with existing and planned uses of surrounding property. Applications shall provide sufficient details so that the request may be evaluated for potential impacts to surrounding property. At a minimum the following shall be addressed within the application materials.

1. Activities associated with the Social Assistance Center such as overnight stays, feeding programs, meal delivery, hours of operation, etc.
2. Maximum number of persons to be accommodated and in no case shall the number of persons approved in the grant of Special Use be exceeded.
3. The type and extent of buffers to be provided.

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

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

- A. Outdoor storage may be permitted as a Special Use only when located with the Mixed Use District, Intensive Commercial, Community Commercial, Rural Commercial, Public and Airport District Future Land Use Designations.
- B. Screening shall be in accordance with Part 6.06.04.B.7.b of this Code.
- C. Lighting shall be compliant with Part 6.09.00 of this Code and shall be depicted on the site plan.
- D. Storage area shall be accessory in nature to the Principal use of the property.

### **Sec. 2.03.55 Large Place of Assembly**

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

- A. Setbacks and Screening
  - 1. Buildings shall be setback a minimum fifty (50) feet from property lines.
  - 2. All improved areas, including paved or unpaved parking lots, shall be setback a minimum of thirty-five (35) feet from property lines.
  - 3. Screening shall be provided to mitigate incompatibilities with a finished masonry wall or decay-resistant fence, other than chain link, at least six (6) feet in height. If a masonry or block wall is provided, it shall be painted and architecturally finished on both sides. Buffer widths shall be in accordance with Section 6.06.04. The placement and extent of the buffer and screening standard may be enhanced, reduced, or otherwise modified by the Planning and Zoning Agency relative to location and nature of adjacent uses.
- B. Orientation, Access and Design
  - 1. A Large Place of Assembly shall have direct primary access to an Arterial, Major, or Minor Collector Road. Secondary access to Local Roads may be considered.
  - 2. A Land Development Traffic Analysis shall be provided to address site access points. The Use shall meet the vehicle storage requirements of Section 6.04.05.
- C. Special Use Permit

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

applications:

1. The compatibility of the proposed Large Place of Assembly Use with existing and planned land Uses. In making a determination of compatibility, the following shall be considered:
  - a. The nature of existing and planned land use.
  - b. The size and scale of the proposed Assembly Use.
  - c. The effect of increased traffic generation on existing and planned land Uses.
  - d. The proximity to residences, schools, hospitals, or churches.
  - e. The proximity to recreational Uses such as parks and playgrounds.
2. Impact on roads and bridges that will provide access to the Large Place of Assembly Use.
3. Whether the road providing access to the Assembly Use is substandard creating either safety or capacity concerns.
4. Number of peak trips the Use will generate and the impact on existing traffic.
5. Whether the proposed Use requests lighting that would be inappropriate or disruptive in the surrounding neighborhood.
6. Whether the proposed Use will generate noise levels that would be inappropriate or disruptive in the surrounding neighborhood.

D. Waiver

1. Generally

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

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

this Code and the specific intent of the relevant subject area(s) of the Code.

## 2. Decision by Planning and Zoning Agency

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

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

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

### **Sec. 2.03.57 Brewpub**

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

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

- D. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.
- E. No outdoor storage shall be allowed in conjunction with this use. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.
- F. All mechanical equipment visible from the street, an adjacent residential use, or residential zoning district shall be screened using architectural features consistent with the principal structure.
- G. Outdoor seating areas or areas of patron congregation shall be prohibited when the property directly abuts a residential zoning district.

**Sec. 2.03.58 Microbrewery**

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

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



## **Sec. 2.03.59 Rural Industry**

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

### **A. General Standards**

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

### **B. Ancillary Structures**

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

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

C. Waiver

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

## **PART 2.04.00 PROHIBITED USES**

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

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

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

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

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

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

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

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

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

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

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

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

- A. Sale, display and preparation and storage of products for sale within CG, CN, and OP Zoning Districts shall be conducted within a completely enclosed Building, except for those Uses permitted by right within such districts, except for sidewalk sales as customary and incidental to existing retail establishments offering products associated with existing establishments, and except when such outdoor storage is permitted in accordance with Part 2.03.00 of this Code; and further, there shall be no more than thirty percent (30%) of floor space devoted to storage within said districts.
- B. In addition to the provisions of Section 2.04.05.A. above, on-site outdoor seating for restaurants may be allowed on parcels of land zoned commercial and located within Commercial, Mixed Use District, or Town Center Mixed Use District Future Land Use Designations, or within Planned Districts. For requests on parcels of land zoned commercial and located within a Residential Future Land Use Designation, a request for outdoor seating may be evaluated in conjunction with a Special Use Permit for alcoholic beverages.

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

Mobile sales units shall not be located on un-improved property nor shall such unit be located

within any zoning district not allowing outside sales activities, except as provided in a temporary Use as defined in Section 2.02.05 of this Code.

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

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

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

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

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

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

History: Ord. 1999-60; Ord. 2000-24; Ord. 2000-39; Ord. 2001-65; Ord. 2002-37; Ord. 2005-20; Ord. 2005-118; Ord. 2006-66; Ord. 2007-57; Ord. 2007-85; Ord. 2008-12; Ord. 2009-2; Ord. 2009-28; Ord. 2009-44; Ord. 2010-23; Ord. 2011-27; Ord. 2011-36; Ord. 2011-38; Ord. 2012-2; Ord. 2012-32; Ord. 2013-4; Ord. 2013-26; Ord. 2015-14; Ord. 2016-13; Ord. 2016-36; Ord. 2017-17; Ord. 2017-31; Ord. 2018-20; Ord. 2018-41; Ord. 2018-62; Ord. 2019-84; Ord. 2020-31; Ord. 2021-23; Ord. 2023-09

<b>ARTICLE III SPECIAL DISTRICTS</b>
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### **PART 3.00.00 GENERALLY**

The following Special District standards are to be applied to the mapped zoning districts as overlay regulations in the manner prescribed in each Special District below. The purpose of each special district is to regulate Development within each district in a manner that is in keeping with the special circumstances of the district.

### **PART 3.01.00 CULTURAL RESOURCES PRESERVATION**

#### **Sec. 3.01.01 Generally**

##### **A. Purpose**

1. The purpose of these Cultural Resources regulations is to establish procedures, consistent with the Florida Historical Resources Act (Chapter 267, F.S., as amended), related to the identification and protection of Cultural Resources within unincorporated St. Johns County. These regulations are to be read in harmony and consistently with the intent and powers established by the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 *et seq.*), and Chapter 267, F.S. as it is the express intent that these regulations locally implement the Florida Statutes. These procedures shall provide for the establishment of a Cultural Resource Review Board in accordance with Federal Regulations 36 CFR 61.5 (c) (2), as amended, and for the identification and documentation of Cultural Resources within the County; the subsequent designation of certain Cultural Resources as Significant Cultural Resources or as St. Johns County Landmarks; the review of plans and Development projects for effects to Cultural Resources, and the protection to the maximum extent practicable of Cultural Resources in St. Johns County.
  
2. The Cultural Resources of St. Johns County are important community assets that enrich the lives of citizens and visitors alike. Certain Structures, Buildings, objects and sites within St. Johns County possess a special public interest and are important resources to understanding the heritage and historical development of the area. As such, these Cultural Resources, and in some cases their environs, should be designated as Significant Cultural Resources. Such Significant Cultural Resources should, to the extent possible, be maintained and protected in order to benefit the educational, cultural, economic and general welfare of the public. It is also recognized that harm or reasonably preventable deterioration of Cultural Resources on any property located within unincorporated St. Johns County constitutes harm to the public welfare.

##### **B. Intent**

It is the intent of these regulations to:

1. Protect against the unwarranted and unnecessary degradation, destruction or encroachment upon, or addition of features that are likely to have adverse effects on the historic, architectural, archaeological, or cultural character of Cultural Resources in St. Johns County.
2. Maintain the integrity and distinct character of Cultural Resources.
3. Encourage Uses of Cultural Resources that will lead to their continuance, conservation and improvement in a manner appropriate to the preservation of the cultural, architectural, archaeological, and historical heritage of St. Johns County.
4. Protect views to and from Cultural Resources by encouraging new Development to occur in a manner that will not degrade or detract from an adjacent Cultural Resource, or a Cultural Resource within the view-shed of new Development.
5. Encourage new Construction or modification to Cultural Resources which maintains the special character of the resource.
6. Discourage destruction of Buildings, Structures, objects, and sites of special cultural, architectural, archaeological, and historical importance that qualify as Significant Cultural Resources.
7. Encourage the continued use and adaptive re-use of Buildings and Structures that have been identified as Significant Cultural Resources.
8. Provide a framework for the continued identification and active preservation of Cultural Resources by the County.

C. Regulatory Framework

These regulations support the Intent of this Part through a four-step process.

1. The regulations establish a Cultural Resource Review Board (CRRB) made up of interested citizens and individuals with professional expertise or a demonstrated interest in fields related to Cultural Resources preservation, and establish duties of the CRRB.
2. The regulations provide a process whereby the Board of County Commissioners shall direct an inventory of the Cultural Resources within the County to be performed and maintained. Such inventory shall provide for the identification, evaluation, documentation, interpretation and mapping of Cultural Resources.
3. The regulations provide a process whereby the Board of County Commissioners may designate certain Cultural Resources as St. Johns County Landmarks and St. Johns County Landmark Districts pursuant to recommendations submitted by the CRRB.
4. The regulations establish guidelines for the continued identification, assessment, treatment, and management of Cultural Resources in St. Johns County.



## **Sec. 3.01.02 Cultural Resource Review Board (CRRB)**

### **A. Membership and Procedures**

1. The CRRB shall consist of five (5) regular members appointed by the Board of County Commissioners to include representation from each County Commission District, if possible. Additionally, two (2) at-large alternates may be appointed. Members shall be appointed for four (4) year, staggered terms. An appointment to fill an unexpired term shall be for the remainder of the unexpired term only. The Board of County Commissioners shall fill vacancies, including expired terms.
2. Appointees to the CRRB shall be residents of the county, and shall be qualified through the demonstration of special interest, experience, or education in the preservation of Cultural Resources. Members shall, when possible, have practical and professional experience in one or more of the following fields: archaeology, architecture or architectural history, curation or conservation, planning, professional engineering, real estate, history, historic preservation, or related disciplines.
3. The CRRB shall establish and adopt operating procedures that shall be in compliance with all applicable local, State and Federal laws. Such procedures shall be adopted by resolution and may be amended, as appropriate. The actions of the CRRB shall be in accordance with the guidelines and responsibilities of the State Historic Preservation Office.
4. The CRRB shall meet as needed in order to fulfill its functions in a timely manner. No less than four meetings shall be held each year. Reasonable public notice pursuant to the requirements contained in Section 9.06.00 of this Code shall be provided for all meetings of the CRRB, and all meetings shall be open to the public. The CRRB shall keep minutes of its proceedings and other official actions. A majority vote shall be required in order to provide any affirmative recommendation or action pursuant to this Section.
5. If any member fails to attend three (3) successive meetings or fails to attend four (4) total meetings during the calendar year, the CRRB may declare the member's office vacant and notify the Board of County Commissioners.

### **B. Functions**

The Board of County Commissioners shall direct the CRRB to perform the functions assigned in this Section, as well as any other functions assigned by the Board of County Commissioners or otherwise undertaken by the County Administrator.

1. The CRRB shall establish priorities for the identification, nomination, protection, preservation and potential acquisition of Cultural Resources.
2. The CRRB shall review public and staff requests to designate certain Cultural Resources as Significant Cultural Resources, and establish such designations by majority vote of the Board. Such designations shall be reported to the County Administrator for inclusion in the Cultural Resources Inventory.

3. The CRRB may review and comment related to any Cultural Resource Management Plan required pursuant to proposed alterations, relocations, demolitions, and new construction or other activities where the Project affects a Significant Cultural Resource. Such review will occur within the established Development Review Process.
4. The CRRB, with the assistance of the County Administrator, shall establish application procedures and application forms for County Landmark and County Landmark District designations. The CRRB shall receive and evaluate applications for potential Landmarks from the general public, historic preservation professionals, and other interested parties. Applications shall be evaluated in consideration of the Criteria for Landmark Designation as set forth in subsection 3.01.03.C. The CRRB shall make recommendations to the St. Johns County Board of County Commissioners for approval or disapproval of designations. The CRRB shall also review National Register nominations within St. Johns County and provide recommendations on the nominations to the State Historic Preservation Office, in accordance with the National Historic Preservation Act of 1966, as amended, and with 36 CFR 60, as amended.
5. The CRRB shall review applications for Certificates of Appropriateness as set forth in Section 3.01.03.F for projects affecting County Landmarks and Landmark Districts and issue Certificates of Appropriateness based upon the review.

### **Sec. 3.01.03 Designation of a St. Johns County Landmark**

#### **A. General**

Certain sites, buildings, structures, objects, or districts, may be considered to have particularly unique or special significance related to the cultural, architectural, archaeological and historical heritage of St. Johns County. Such Cultural Resources may be designated as Landmarks or Landmark Districts (hereinafter referred to generally as Landmarks) following the criteria and procedures outlined in this subsection.

#### **B. Procedures for Landmark Designation**

1. Applications for Landmark status may be initiated by the CRRB, the Board of County Commissioners, the County Administrator, or the property owner(s). Nominations for Landmark District status may be initiated by the CRRB, the County Commission, or fifteen (15) percent of property owners in a proposed Landmark District. Any county resident may make a recommendation for Landmark nomination, and submit the recommendation to the CRRB for consideration.
  - a. The application shall be filed with the County Administrator and shall contain: (1) a statement in evidence of the criteria for Landmark designation(s) as contained in Section 3.01.03.C, (2) a legal boundary description clearly establishing the exact boundaries of the property or district, (3) an architectural or archaeological description, (4) a statement of significance related to the local community, and (5) the justification by which the potential Landmark is considered worthy of designation. When appropriate, site plans, photographs, and floor plans may be required.

- b. A Landmark District shall have an accompanying Overlay with criteria and guidelines that provide protection against inappropriate Development within the District. The overlay document shall be developed by the County Administrator in association with the District landowners prior to designation review and shall be included in the Landmark application.
  - c. The County Administrator shall review the application for completeness and accuracy, and once accepted the application will be placed on the agenda of a scheduled meeting of the CRRB.
2. The CRRB shall vote to recommend or not recommend Landmark status.
  3. The Board of County Commissioners shall hold a public hearing on the proposed Landmark designation(s) upon the recommendation of the CRRB. Notice shall be given pursuant to the notice requirements contained in Section 9.06.02, including notification to the property owner(s) and adjacent property owners.
  4. At the public hearing, the County Administrator shall present the proposed designation(s) and the recommendation of the CRRB to the Board of County Commissioners, which shall review each potential Landmark considering: the recommendation from the CRRB, the criteria for Landmark designations contained in subsection 3.01.03.C below, and public testimony and evidence submitted for the record at the public hearing. The Board of County Commissioners shall move to approve, approve with modifications or conditions, or deny the proposed Landmark designation(s). The decision of the Board of County Commissioners shall constitute final action for the County and may, thereafter, be appealed to circuit court in accordance with Florida law.
  5. Within fifteen (15) working days of a Landmark designation, the Board of County Commissioners shall notify the property owner(s) and the adjacent property owner(s) of the designation.
  6. The Landmark designation shall be recorded in the official record books of St. Johns County, and noted in the Cultural Resources Inventory.

C. Criteria for Landmark Designation

Any site, building, structure, object or district listed on the National Register of Historic Places shall be nominated for Landmark designation by the CRRB. For a site, building, structure, object, or group thereof not listed on the National Register to be designated a Landmark, it shall have achieved significance within the time period established by the National Register of Historic Places, which is fifty (50) years old or older, and may be considered eligible for designation if it meets at least three of the following attributes of Integrity: location, design, setting, materials, workmanship, feeling and association; and one or more of the following criteria:

1. Associated in a significant way with the life of a person of recognized importance.
2. The site of an historic event with significant effect upon St. Johns County, the State of Florida, or the nation.

3. Exemplifies an historic, cultural, political, economic, or social trend of St. Johns County, the State of Florida, or the nation.
4. Embodies distinguishing characteristics of an architectural style, period or method of Construction.
5. Is the work of an architect or builder whose work has significantly influenced the development of St. Johns County, the State of Florida, or the nation.
6. Contains elements of design, detail, materials or craftsmanship of outstanding quality or represents a significant innovation or adaptation to the Florida environment.
7. Has value as a Building that is recognized for the quality of its architecture and that retains sufficient features showing its architectural significance.
8. Has yielded, or is likely to yield, archaeological information or artifacts important in prehistory or history.
9. Is a geographically definable area or neighborhood united by culture, architectural styles or physical development, which has historic or cultural significance in the community.

D. Effect of Landmark Designation

1. Landmark status confers the rights and privileges of a qualifying historic property as recognized by the State and Federal governments for the purposes of available tax exemption programs and other programs and exemptions designed to aid in the preservation of such qualifying properties. All Landmarks shall be listed on the Cultural Resources Inventory as a Significant Cultural Resource with Landmark Designation.
2. A design for official St. Johns County Landmark plaques shall be maintained by the County Administrator and may be installed on the property.
3. Cultural Resources that are designated Landmarks are entitled to certain Local, State, and Federal programs which are available as incentives for historic preservation. A descriptive listing of all incentives available in St. Johns County for Landmarks shall be maintained by the County Administrator.
4. A Landmark District shall have an accompanying Overlay District with criteria and guidelines that provide protection against inappropriate Development within the District. The overlay document shall be developed by the County Administrator in association with the District landowners prior to Landmark District designation review and shall be included in the Landmark District application. The CRRB shall review the overlay document and make a recommendation to the Board of County Commissioners. Approval by the Board of County Commissioners is required prior to the overlay document taking affect.

E. Certificate of Appropriateness

1. No demolition, Alteration, relocation, or new Construction may take place on a designated Landmark or a contributing property to a Landmark District without the issuance of a Certificate of Appropriateness by the CRRB whether or not a building permit is required for such work. Minor projects, as defined in the Development Review Manual, may be reviewed and approved by the County Administrator without issuance of a Certificate of Appropriateness.
2. The County Administrator shall create and maintain the appropriate applications and create guidelines to assist applicants and the CRRB in its assessment of the suitability of work involving Landmarks. Applications and procedures for Certificate of Appropriateness review shall be maintained in the County's Development Review Manual. A Certificate of Appropriateness shall be issued in accordance with the *Secretary of Interior's Standards for the Treatment of Historic Properties*, and the principles of *Treatment of Archaeological Properties*, as maintained by the Department of the Interior's Advisory Council on Historic Preservation, as well as with local design guidelines or Overlay criteria pertaining to the property or the District.

F. Initiation of Certificate of Appropriateness Review Procedures

1. The County Administrator shall refer to the CRRB any project affecting a designated Landmark requiring CRRB review. An application for a Certificate of Appropriateness must be filed with the County Administrator in accordance with the Development Review Manual. The County Administrator shall review the application and provide recommendations to the CRRB.
2. The CRRB shall take action at a public meeting on each application for Certificate of Appropriateness.
3. The CRRB shall provide findings of fact to be included with the Development Order or Permit. Certificates of Appropriateness for demolitions may be delayed for a period of no more than one (1) year from the date that action is taken by the CRRB on the Certificate of Appropriateness in order to explore alternatives to the demolition. Guidelines for decisions on demolition delays shall be maintained in the County's Development Review Manual.
4. Development related to a Project may commence and proceed prior to final issuance of a Certificate of Appropriateness provided no activity which may cause any Adverse Effect to the Landmark or its environs shall occur. Such condition shall be noted on any Development Order or Permit.
5. Applicants may appeal a decision by the CRRB to the Board of County Commissioners following the processes set forth in section 9.07.00 of this code.
6. Landmark Districts

Within the Development Review process of the County, as established by the County Administrator, the CRRB must issue a Certificate of Approval for proposal of new Construction, and major changes or Alterations to contributing and non-contributing properties or vacant land within a Landmark District. The review shall be based upon the approved Overlay design criteria and guidelines for the District, and shall be in

accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, as amended.

#### **Sec. 3.01.04 Cultural Resources Protection and Management**

##### **A. General**

The provisions of this section shall govern the County management of Cultural Resources and the review of proposed action or Development for Adverse Effects on Cultural Resources, or potential Cultural Resources, in St. Johns County. When applications are filed for Development Permits, Development Orders, demolitions, rezoning, or other approvals that may affect Cultural Resources or are in areas that are likely to contain such resources, the Cultural Resources staff shall review these applications for effects to Cultural Resources following procedures outlined in the County's Development Review Manual.

##### **B. St. Johns County Cultural Resources Inventory**

The County Administrator, in coordination with the CRRB, shall survey, create and maintain an inventory of known and potential Cultural Resources located within unincorporated St. Johns County. The inventory shall be known as the "St. Johns County Cultural Resources Inventory" and shall provide for identification, evaluation, recordation and documentation of known or potential Cultural Resources. In the case of subsurface resources, the Inventory shall indicate a low, medium or high probability of occurrence. The Inventory shall also indicate those resources deemed Significant Cultural Resources, Landmarks, and Landmark Districts. The inventory shall be maintained by the County Administrator in a manner consistent in format and data as the Florida Master Site File as maintained by the Division of Historical Resources of the Department of State. The Cultural Resources Inventory shall be mapped and updated so as to remain current.

##### **C. Significant Cultural Resources**

1. Significant Cultural Resources may be designated by the County Administrator, the CRRB, or by the Florida Division of Historical Resources. Resources listed on the National Register of Historic Places, and those listed as County Landmarks shall also be designated as Significant Cultural Resources.
2. In assessing the significance of a Cultural Resource, the Administrator and the CRRB shall use the following criteria, as provided by the National Register of Historic Places. A Cultural Resource must be fifty (50) years old or older, and it must meet at least three (3) of these seven (7) recognized qualities of Integrity: location, design, setting, materials, workmanship, feeling and association. In addition to Integrity, the Cultural Resource must meet one or more of these criteria:
  - a. Associated in a significant way with the life of a person of recognized importance.
  - b. The site of an historic event with significant effect upon St. Johns County, the State of Florida, or the nation.
  - c. Exemplifies an historic, cultural, political, economic, or social trend of St. Johns County, the State of Florida, or the nation.

- d. Embodies distinguishing characteristics of an architectural style, period or method of Construction.
  - e. Is the work of an architect or builder whose work has significantly influenced the development of St. Johns County, the State of Florida, or the nation.
  - f. Contains elements of design, detail, materials or craftsmanship of outstanding quality or represents a significant innovation or adaptation to the Florida environment.
  - g. Has value as a Building that is recognized for the quality of its architecture and that retains sufficient features showing its architectural significance.
  - h. Has yielded, or is likely to yield, archaeological information or artifacts important in prehistory or history.
  - i. Is a geographically definable area or neighborhood united by culture, architectural styles or physical development, which has historic or cultural significance in the community.
3. If a Cultural Resource is found upon County Administrator or CRRB review or through cultural resource consultants' recommendations to retain Integrity and meet one or more of the stated criteria, the County Administrator or the CRRB shall make a Determination of Significance. The County Administrator shall maintain a list of all sites determined Significant and shall update Florida Master Site File forms associated with Significant Cultural Resources to reflect this determination.

4. Potentially Significant

If the County Administrator establishes that the Cultural Resource has Integrity and appears likely to satisfy at least one (1) of the criteria listed in section 3.01.04(C), but insufficient data exists for a final Determination of Significance, then the County Administrator shall declare the resource to be Potentially Significant. All resources designated Potentially Significant shall be afforded the same protections as those determined Significant. The resource will remain Potentially Significant until the owner presents sufficient research to allow staff to make a final Determination of Significance.

D. Protection Requirements

1. When the County Administrator determines that Cultural Resources are likely to be present on a Development site, or where insufficient information exists to make a determination, the applicant shall cause to be performed a Cultural Resource Assessment Survey. Determining the likelihood of the presence of Cultural Resources on a Development site shall be based upon: proximity of project areas to known Cultural Resources and to the county's defined archaeological probability zones which incorporate proximity to water sources, topographic data, and soil type; an evaluation of current and past site conditions including land disturbances; an evaluation of the known history of the area; a review of the County's Cultural Resources inventory; and common observation.

2. The survey shall be designed to locate all Cultural Resources and assess their significance. The survey should be consistent with the guidelines for Cultural Resource Assessment Surveys (Phase I) in Module 3, Chapter 2 of the *Cultural Resource Management Standards and Operational Manual*, as amended, of the Florida Division of Historical Resources. The County Administrator has the authority to require additional information or fieldwork depending upon the nature of the project area.
3. All survey reports must be reviewed and approved in writing by the County Administrator prior to issuance of any Construction or Development permits. The report shall be reviewed for completeness and sufficiency and the findings considered. The County reserves the right to request a concurrent review of survey reports by the State Historic Preservation Office in lieu of or in addition to County review.
4. In the event that the Phase I investigation provides substantial evidence of a Significant Cultural Resource or a Potentially Significant Cultural Resource but insufficient data exists to make a determination, the County Administrator shall require further research be performed. For archaeological sites, a Phase II investigation of the site shall be required. The Phase II investigation must be consistent with the requirements in Module 3, Chapter 3 of the *Cultural Resource Management Standards and Operational Manual* of the Florida Division of Historical Resources. For standing structures, objects, or other features, additional work may include further historic research, architectural assessments, and other measures appropriate to generate sufficient information to assess significance.

A report of the additional work must be reviewed and approved in writing by the County Administrator prior to issuance of demolition permits, Land Clearing, and Construction or Development permits. In the event the additional work further substantiates that a Significant Cultural Resource is present, a Determination of Significance shall be made by the County Administrator.

#### E. Review of Projects affecting Significant Cultural Resources

1. In reviewing projects affecting Significant Cultural Resources, the County Administrator shall make a determination of “No Adverse Effect” or “Adverse Effect” to the resource.
  - a. A Project is considered to have an effect when the characteristics of the Cultural Resource that qualified the resource as significant are proposed to be altered. Alteration of features in the surrounding environs may also have an effect.
  - b. A Project is considered to have an Adverse Effect when the effect may reasonably be foreseen to diminish or degrade the integrity of the location, design, setting, materials or workmanship of the historic property or the general integrity of an archaeological site. Adverse effects on historic properties include, but are not limited to:



- (1) Physical destruction, damage, or alteration of significant elements of all or part of the property or Archaeological Site.
  - (2) Isolation of the property from its setting, or alteration of the character of the property's setting, when that setting contributes to the property's qualification as a Significant Cultural Resource.
  - (3) Introduction of visual, audible, or atmospheric elements that are out of character with the property or adversely alter its setting.
2. If the County Administrator makes a determination of "No Adverse Effect", then the project may proceed without alteration. This determination may be reconsidered if substantive changes in project design or if new information is made known.
  3. If the County Administrator makes a determination that the proposed Development will have an "Adverse Effect", the applicant must submit a Cultural Resource Management Plan to be reviewed and approved by the County Administrator. The Plan should be developed with input from the County Administrator, and shall establish alternatives to avoid, minimize, or mitigate the effect. The County Administrator reserves the right to request a concurrent review by the CRRB and the State Historic Preservation Office to aid in assessing the plan for approval. The Plan may also be subject to approval by the CRRB and the State Historic Preservation Office.

F. Adverse Effects Occurring as a Result of Proposed Development - Requirement for a Cultural Resource Management Plan

1. Where evidence of likely Adverse Effect has been further substantiated pursuant to the findings of the Phase I or Phase II survey, or where evidence of likely Adverse Effect is apparent through common observation, the Applicant shall provide a Cultural Resource Management Plan related to the Significant Cultural Resource.

The information required shall be dependent upon the nature, context and significance of the resource. The Management Plan shall at a minimum, provide the following:

- a. Potential impacts to the Significant Cultural Resource citing any irreversible or irretrievable commitment of resources.
- b. Alternatives to any proposed demolition and options to mitigate adverse effects. Possible options may include but are not limited to: establishment of an historic conservation easement, relocation of an historic structure or object, data recovery (Phase III) excavation of a significant archaeological site, documentation of significant historic buildings following the Historic American Buildings Survey/Historic American Engineering Record standards, and other preservation or mitigation alternatives.
- c. Schedule of any demolition, excavation, or any activity causing alteration to the Significant Cultural Resource.

- d. Provision of an adequate time to create additional recordation and documentation, and if appropriate, relocation of the resource. In the event that relocation of a resource is required, a minimum of ninety (90) days shall be allowed for such relocation to occur but no longer than one (1) year.
2. Criteria to be considered when establishing alternatives for the Management Plan include:
    - a. The archaeological, historic or architectural significance of the building, structure, site or object;
    - b. The importance of the building, structure, or object to the ambience of a district;
    - c. The likelihood of the site to yield information important in prehistory or history;
    - d. The difficulty or impossibility of reproducing such a building, structure, or object because of its design, texture, material, detail, or unique location;
    - e. Whether the resource is one of the last remaining examples of its kind in the neighborhood, the County, or the region;
    - f. Whether there are definite plans for the reuse of the property and the effect of those plans on the character of the surrounding properties;
    - g. Whether reasonable measures can be taken to save the building, structure, object, or site from collapse or other destruction;
    - h. If relocation of a structure or object is proposed, consideration shall be given as to whether the proposed relocation area is compatible with the historical and architectural character of the structure or object, and whether the structure or object can be moved without significant damage to its physical integrity.
  3. If a part or all of a Significant Cultural Resource is to be destroyed the County shall have the option to salvage significant features and data to ensure their preservation.

**G. Review and Approval of Cultural Resource Management Plan**

1. When required, a Cultural Resource Management Plan shall be submitted to the County Administrator and reviewed pursuant to the established Development Review Process. The County Administrator may approve, approve with conditions, or disapprove the Cultural Resources Management Plan. In the event disagreement about the terms of the Management Plan arises, the CRRB shall review the Management Plan at their next scheduled public meeting, and make a ruling on its appropriateness.
2. The Management Plan shall be attached to any Development Order or Permit, and shall remain in effect as prescribed within the Management Plan.

3. Development related to a Project may commence and proceed prior to final approval of a Management Plan provided no activity which may cause any effect to the Significant Cultural Resource or its environs shall occur. Such condition shall be noted on any Development Order or Permit. Violations of the Management Plan are subject to penalties and enforcement pursuant to Part 10.05.00 of this Code.

#### **Sec. 3.01.05 Properties Listed or Determined to be Eligible for Listing on the National Register of Historic Places**

For all properties listed or determined to be eligible for listing on the National Register of Historic Place, the County shall support the responsibilities, requirements and protocols of the Division of Historical Resources. The CRRB shall pursue County Landmark designation for all properties listed on the National Register.

#### **Sec. 3.01.06 Emergency Action Involving a Threat to a Cultural Resource or Landmark**

##### **A. Request for Emergency Action**

The County Administrator may take emergency action to review and consider a threat to a Cultural Resource or Landmark. A threat is considered to be any activity which may have an Adverse Effect upon a Cultural Resource or Landmark. Notice related to a potential threat may be submitted to the County Administrator by any interested party or Agency. In the case of a Development application which may pose a threat, the County department receiving such application concerning a Cultural Resource or Landmark shall immediately notify the County Administrator.

1. In support of the request for emergency action, written information describing the potential threat shall be submitted to the County Administrator. Such information shall provide evidence that an Adverse Effect may occur to the Cultural Resource or Landmark if demolition, alteration or construction is allowed to occur thereon.
2. The County Administrator shall have the authority to order the County Building Official to immediately suspend all demolition, or alteration, or construction activity on the property, in which event the County Administrator shall determine if a potential threat exists.
3. The County Administrator shall notify the Applicant for the Permit of the request for emergency action. All demolition, alteration, or Construction activity requiring Building Permits or the processing of Permit applications relating to the property shall be held in abeyance until action is completed with regard to the threatened property. The County Building Official shall have the authority to suspend any Permit issued for any threatened Significant Cultural Resource during which time the Applicant or Property Owner shall provide a Cultural Resource Management Plan as described in Section 3.01.05.
4. Upon approval of a Cultural Resource Management Plan by the Board of County Commissioners, the County Building Official shall authorize release of the Permits, with any conditions attached and to remain in force as set forth in the Management Plan.

#### **Sec. 3.01.07 Maintenance and Protection of Cultural Resources and Landmarks**

A. Generally

1. No provision of this Section shall be interpreted to require a property owner to undertake an alteration or to restore a Significant Cultural Resource or Landmark to its original appearance.
2. No person shall instigate or cause the demolition or destruction of a Significant Cultural Resource or Landmark eligible for review under the provisions of this code through purposeful neglect or intentional damage.
3. No person shall knowingly disturb, damage, or destroy a Cultural Resource on county owned, or managed, property.

B. Compliant Inspections, Penalties, and Enforcement

Staff shall conduct inspections in order to insure compliance with this Code. Individuals or companies whose activities adversely affect a Cultural Resource eligible for review under the provisions of this Code are subject to penalties and enforcement procedures pursuant to Part 10.05.00 of this Code.

C. Emergency Conditions

When the County Administrator determines that there are emergency conditions which pose a threat to the safety or general welfare of the public, affecting a Cultural Resource or Landmark, the County Administrator may order the correction of these conditions. When the emergency conditions require demolition or destruction of a Cultural Resource or Landmark, the County Administrator shall make every effort to provide adequate time for a resource assessment or a Cultural Resources Management Plan to be prepared.

## **PART 3.02.00 WELLHEAD PROTECTION**

### **Sec. 3.02.01 Purpose**

- A. The purpose of this Part is to ensure the protection of the existing and future public potable water supplies in St. Johns County, Florida, through the establishment of Wellhead Resource Protection Areas (RPA) around public potable water supply wells, and the prohibition or regulation of specific activities and facilities in these areas.
- B. The St. Johns County Board of County Commissioners hereby declares that in order to ensure an adequate and safe future supply of potable water that certain land Uses and associated activities, which are deemed by the County to be potential sources of degradation of the drinking water in St. Johns County, may be regulated or prohibited within defined areas. This Part sets forth regulations and prohibitions deemed necessary by the St. Johns County Board of County Commissioners to ensure protection of the present and future public potable water supply wells for the residents of unincorporated St. Johns County, Florida.
- C. It is recognized that public water supply Development occurs within two (2) separate and distinct aquifer systems, those being the shallow, discontinuous, semi-confined Surficial Aquifer and the deeper, continuous, confined Floridan Aquifer. Further, it is recognized that the Surficial Aquifer requires a higher degree of protection than does the Floridan Aquifer.
- D. As an interim measure, Wellhead Resource Protection Area refers to all Public Water Supply Utilities within St. Johns County. For the Surficial Aquifer only, maps, travel times, drawdown rates, capture zones, location, and all other attributes of identified Public Water Supply Utilities shall be found in "Wellhead Protection Area Delineation For Public Supply Utilities Located In St. Johns County, Florida" produced by the St. Johns River Water Management District, 1993. All regulations within this Part shall follow amendments or revisions made to the above referenced document.
- E. New public water supply wells developed by a Public Water Supply Utility after the effective date of this Code shall prepare a Wellhead Protection Area Study with a professional geologist and submit the findings to St. Johns County in both hard copy and digital format.

### **Sec. 3.02.02 Wellhead Resource Protection Area Map**

- A. Designation of Wellhead Resource Protection Areas

Wellhead Resource Protection Areas (RPA) are hereby established for the Surficial Aquifer and the Floridan Aquifer.

For the Surficial Aquifer, a one thousand (1,000) foot Zone or the five (5) year travel time rate as illustrated in Table 2 of the wellhead study referred to in Section 3.02.01.C., whichever is greater, around public potable water supply wells is designated as a Wellhead Resource Protection Area (RPA) to protect existing and future potable water resources for the people of unincorporated St. Johns County. For the Floridan Aquifer, a fixed one thousand (1,000) foot zone around public potable water supply wells is designated as a Wellhead RPA. For the Surficial Aquifer, the County Administrator in coordination with St. Johns River Water Management District and the specific Public Water Supply Utility shall determine as to whether or not the well is pumping at its normal or full capacity rate in

deciding the five (5) year travel time buffer for new Development or activities which may occur in the area. This Wellhead Resource Protection Area is further divided in two zones for the two Aquifer systems as follows:

1. Primary Zone, Surficial Aquifer

The inner boundary of the Wellhead Resource Protection Area shall be defined by a two hundred (200) foot radius, or the one (1) year travel time as defined in Table 2 of the wellhead study referred to in Section 3.03.01.C., whichever is greater, from the wellhead. In accordance with Section 3.03.02.A. above, the County Administrator in coordination with St. Johns River Water Management District and the Public Water Supply Utility shall determine the pumping capacity rate of the well from the wellhead.

2. Secondary Zone, Surficial Aquifer

The outer boundary of the Wellhead Resource Protection Area shall be defined by a one thousand (1,000) foot radius, or the five (5) year travel time, whichever is greater, from the wellhead.

3. Primary Zone, Floridan Aquifer

The inner boundary of the RPA shall be a fixed two hundred (200) foot radius from the wellhead.

4. Secondary Zone, Floridan Aquifer

The outer boundary of the RPA shall be a fixed one thousand (1,000) foot radius from the wellhead.

B. Interpretation of Wellhead Resource Protection Area Designations

To determine the location of properties and facilities within the Wellhead Resource Protection Areas, the following general rules shall apply:

1. Map boundaries

Provisions of this regulation shall apply if a contiguous parcel of land lies wholly or in part within a Wellhead Resource Protection Area, to the extent of the boundary delimitation.

2. Changes to map boundaries

Wellhead Resource Protection Area designations may be changed by the Board of County Commissioners, on the basis of defined criteria, including but not limited to changes in the technical knowledge concerning the aquifers of St. Johns County, changes in pumping rates for public potable water supply wells in wellfields, wellfield reconfiguration, the addition of new public potable water supply wells to a wellfield, or approval by the Board of County Commissioners of additional wellfields.

**Sec. 3.02.03 Regulation Of Activities In The Wellhead Resource Protection Areas**

A. Prohibited Activities, Primary Zone, Surficial and Floridan Aquifer

The following activities are prohibited in the Primary Zones of Wellhead Resource Protection Areas:

1. The Primary Zone shall be a zone of exclusion for all Uses except existing residential Uses, Uses functionally related to the water supply system, open space, parks, and playgrounds. For the Surficial Aquifer only, no parking areas, Structures, or other impervious surfaces, other than those surfaces that are accessory to existing residential Uses, will be permitted in this zone except for playing courts, open-air shelters, and other similar recreation facilities. An exemption shall be allowed for one single family dwelling unit per Parcel or Lot that may be within this zone of exclusion, provided that Parcel or Lot was created on or before the adoption of the St. Johns County Comprehensive Plan.
2. New sanitary landfills, including new phosphogypsum piles, and any other disposal of a solid waste, or solid waste transfer facility, as permitted under Rule 17-701.020, F.A.C.
3. New Industrial Land Use designations.
4. New Interim wastewater treatment plants, unless Advanced Wastewater Treatment (AWT) standards and other regulatory requirements for Community Wastewater Treatment Plants are met.
5. New concentrated animal feeding operations as defined in Rule 17-670.200, F.A.C.
6. New dairy farm storage and treatment facilities, high intensity areas and land application areas as defined in Rule 17-670.200, F.A.C.
7. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Surficial Aquifer.
8. Any new land applications of sludge and septage.
9. New underground storage facilities.
10. Stormwater management ponds.

B. Prohibited Activities, Secondary Zone, Surficial Aquifer

The following activities are prohibited in the Wellhead Resource Protection Areas (RPA) for the Surficial Aquifer, Secondary Zone:

1. New sanitary landfills, including new phosphogypsum piles, and any other disposal of a solid waste, or solid waste transfer facility, as permitted under Rule 17-701.020, F.A.C.
2. New concentrated animal feeding operations as defined in Rule 17-670.200, F.A.C.

3. New dairy farm storage and treatment facilities, high intensity areas and land application areas as defined in Rule 17-670.200, F.A.C.
4. Any new land applications of sludge and septage.
5. New underground storage facilities.
6. Any surface drainage modifications which would reduce recharge to the Surficial Aquifer.

C. Restricted Activities, Secondary Zone, Floridan Aquifer

The following activities are restricted in the Wellhead Resource Protection Areas (RPA), for the Secondary Zone, Floridan Aquifer: These activities may be allowed, subject to review and approval of a Special Use Permit. These activities may also require a Development Permit from the County in accordance with Part 9.01.00.

1. Sludges

Existing sludge spreading activities in an RPA must be permitted by and meet the requirements of state and local environmental permitting agencies and this Part.

2. Septages

Existing septage spreading activities in an RPA must be permitted by and meet the requirements of state and local environmental permitting agencies and this Part.

3. Hazardous Wastes

Any new facility that uses, handles, stores, or generates hazardous wastes in an RPA above thirty (30) gallons in a liquid form, or six (6) pounds of solid, must be permitted by and meet the requirements of the Florida Department of Environmental Protection and this Part.

4. New sanitary landfills, including new phosphogypsum piles, and any other disposal of a solid waste, or solid waste transfer facility, as permitted under Rule 17-701.020, F.A.C.

5. New concentrated animal feeding operations as defined in Rule 17-670.200, F.A.C.

6. New dairy farm storage and treatment facilities, high intensity areas and land application areas as defined in Rule 17-670.200, F.A.C.

7. New underground storage facilities.

D. Expansion or Modification of an Existing Facility

Expansion or modification of an existing facility identified in Section 3.02.03.A., 3.02.03.B., or 3.02.03C above shall only be approved by the Planning and Zoning Agency by Special Use Permit in accordance with Section 3.02.05 below.



#### **Sec. 3.02.04 General Exemptions**

The following legally existing activities and facilities are deemed by the County to be generally exempt from the requirements of this Part.

A. General Exemption for Continuous Transit

The transportation of any hazardous waste through an RPA shall be exempt from the provisions of this Part provided that the transporting motor vehicle is in continuous transit. The transport of any hazardous waste through existing permanent pipelines shall also be exempt provided that the currently authorized Use or Uses are not changed.

B. General Exemption for Vehicular Fuel and Lubricant Use

The use of any petroleum product solely as a fuel in a vehicle's fuel tank or as a lubricant in a vehicle shall exempt the vehicle from the provisions of this Part.

C. General Exemption for the Use of Nitrates Contained in Fertilizers

The use of fertilizers containing nitrates shall be generally exempt from this Part.

D. General Exemption for Janitorial Uses

The use of hazardous waste for the maintenance and cleaning of residential, commercial and office Buildings is generally exempt from the provisions of this Part.

E. General Exemption for Construction Activities

The activities of constructing, repairing or maintaining any facility or improvement on land within an RPA shall be generally exempt from the provisions of this Part provided that all contractors, subcontractors, laborers, material men and their employees or agents, when using, handling, storing, producing, transporting or disposing of hazardous wastes use applicable Best Management Practices.

F. General Exemption for Laboratory or Instrument Use

Professional laboratories shall not be required to obtain a Special Use Permit for the handling, storage, use, generation, transport or disposal of hazardous wastes, if and only if, these substances are stored, generated, transported, handled, used or disposed of in the normal course of business of the laboratory.

G. General Exemption for Retail Sales Activity

Retail sales establishments which store and handle, for resale, hazardous wastes in the substance's original and unopened containers shall not be required to obtain a Special Use Permit, when using, handling, storing, producing, transporting or disposing of hazardous wastes, use applicable Best Management Practices, and are generally exempt from the provisions of this Part.

H. General Exemption for Application of Pesticides, Herbicides, Fungicides, and Rodenticides

The application of those hazardous wastes used as pesticides, herbicides, fungicides, and rodenticides in recreation, agriculture, pest control, and aquatic weed control activities shall be exempt from the provisions of this Part provided that:

1. Application of the substance is in strict conformity with the use requirements as set forth in the EPA registry for that substance and as indicated on the containers in which the substances are sold.
2. The application is in strict conformity with the requirements as set forth in Chapters 482 and 487 F.S., and the Florida Administrative Code.
3. The application of any of the pesticides, herbicides, fungicides, and rodenticides shall be highlighted in the records of the certified operator supervising its use. The certified operator shall provide specific notification in writing to the applicators under his or her supervision that they are working at a site located in a potable water Wellhead Resource Protection Area for which particular care is required. Records shall be kept of the date and amount of those substances applied at each location and said records shall be available for inspection by the County.

I. General Exemption for Office Uses

Office Uses, except for the storage, handling or use of hazardous wastes as provided for in this Part, shall be generally exempt from the provisions of this Part.

J. General Exemption for Residential Uses

Residential Uses shall be generally exempt from this Part. However, notwithstanding the minimum lot size requirements of Section 6.01.01 and Section 6.01.05 of this Code, a minimum lot size of one (1) acre is required for the use of a septic system within an RPA, except for existing lots of record as of the adoption of this Code.

**Sec. 3.02.05 Special Use**

A. Generally

A property owner in an RPA may make a request to the Planning and Zoning Agency under Part 9.03.00, Special Use procedures, for a Special Use under Section 3.02.03.D, Expansion or Modification of an Existing Facility.

B. Duration

A Special Use for a particular activity or facility shall expire automatically five (5) years after issuance.

C. Conditions and Safeguards

In granting the Special Use Permit, additional conditions and safeguards may be prescribed which are deemed necessary to protect the existing impacted well(s), future identified well(s) or future potable water supply resources. The Applicant for a Special Use Permit shall in addition to the standards of Part 9.03.00, demonstrate by the preponderance of competent substantial evidence of:

1. Unique circumstances exist which are peculiar to the particular non-residential activity or facility and which are different than any other prohibited or allowed non-residential activity or facility.

2. Best Possible Technology

Best possible technology exists which will isolate the activity or facility from the existing or future potable water supply resources.

3. Hydrogeologic data and analysis

Site-specific hydrogeologic data and analysis establish that the activity or facility will not elevate water quality parameters above the limits set forth in Rule 17-3, F.A.C., at the point of discharge.

## **PART 3.03.00 FLOOD DAMAGE CONTROL REGULATIONS**

### **Sec. 3.03.01 General Provisions**

#### **A. Short Title**

These regulations shall be known as the Flood Damage Control Regulations of St. Johns County, hereinafter referred to as “these regulations.”

#### **B. Scope**

The provisions of these regulations shall apply to all Development that is wholly within or partially within any Flood Hazard Area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities including those that are exempt from the Florida Building Code; placement, installation, or replacement of Manufactured Homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

#### **C. Purpose**

The purpose of these regulations and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in Flood Hazard Areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of Flood Hazard Areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of Flood Hazard Areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

D. Coordination with the Florida Building Code

These regulations are intended to be administered and enforced in conjunction with the Florida Building Code. Where cited herein, "ASCE 24" refers to the edition of the standard that is referenced by the Florida Building Code.

E. Warning

The degree of flood protection required by these regulations and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of mapped special Flood Hazard Areas, or that uses permitted within such Flood Hazard Areas, will be free from flooding or flood damage. The Flood Hazard Areas and base flood elevations contained in the Flood Insurance Study and shown on FIRMs and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guarantee of vested use, existing use, or future use is implied or expressed by compliance with these regulations.

F. Disclaimer of Liability

These regulations shall not be deemed or construed to in any way create liability on the part of the Board or any official, officer or employee thereof, including but not limited to the Floodplain Administrator, for any flood damage that may result, directly or indirectly, from reliance on these regulations or any administrative decision lawfully made thereunder.

**Sec. 3.03.02 Applicability**

A. General

Where there is a conflict between a general requirement and a specific requirement of these regulations, the specific requirement shall be applicable.

B. Areas to Which These Regulations Apply

These regulations shall apply to all Flood Hazard Areas within St. Johns County, as established in Section 3.03.02.C, below.

C. Basis for Establishing Flood Hazard Areas

The FIS for St. Johns County, Florida and Incorporate Areas dated December 7, 2018, and all subsequent amendments and revisions, and the accompanying FIRM, and all subsequent amendments and revisions to such maps, are adopted by reference as a part of these regulations and shall serve as the minimum basis for establishing Flood Hazard Areas. Studies and maps that establish Flood Hazard Areas are on file at the Building Department, 4040 Lewis Speedway, St. Augustine, Florida 32084.

1. Submission of Additional data to Establish Flood Hazard Areas

To establish Flood Hazard Areas and base flood elevations, pursuant to Section 3.03.05, below, the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- a. Are below the closest applicable base flood elevation, even in areas not delineated as a special Flood Hazard Area on a FIRM, the area shall be considered as Flood Hazard Area and subject to the requirements of these regulations and, as applicable, the requirements of the Florida Building Code.
  - b. Are above the closest applicable base flood elevation, the area shall be regulated as special Flood Hazard Area unless the applicant obtains a Letter of Map Change that removes the area from the special Flood Hazard Area.
2. The Floodplain Administrator may accept the use of best available data providing it is more stringent than that provided on the FIRM.

D. Other laws

The provisions of these regulations shall not be deemed or construed to nullify any provisions of local, state or federal law.

E. Abrogation and Greater Restrictions

These regulations shall supersede any ordinance in effect for management of Development in Flood Hazard Areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, storm water management regulations or the Florida Building Code. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by these regulations.

F. Definitions

The definitions set forth in Part XII of this Code shall apply to this Part. Where terms pertaining to flood damage control regulation are not defined in Part XII and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in Part XII of this Code or the Florida Building Code, such terms shall have the meanings such as the context implies.

G. Interpretation

In the interpretation and application of these regulations, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

### **Sec. 3.03.03 Duties and Powers of the Floodplain Administrator**

#### **A. Designation**

The Floodplain Administrator is an authorized position in the Department of Growth Management. The Floodplain Administrator may delegate performance of certain duties to other employees.

#### **B. General**

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and may establish policies and procedures in order to clarify the application of their provisions. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided in these regulations without the granting of a variance pursuant to Section 3.03.07, below.

#### **C. Applications and Permits**

The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new Development will be located in Flood Hazard Areas;
2. Review applications for modification of any existing Development in Flood Hazard Areas for compliance with the requirements of these regulations;
3. Interpret Flood Hazard Area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed Development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for Development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with these regulations is demonstrated, or disapprove the same in the event of noncompliance; and

8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews and inspections for buildings and structures in Flood Hazard Areas comply with the applicable provisions of these regulations.

D. Substantial Improvement and Substantial Damage Determinations

For applications for Building Permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, Substantial Improvements, repairs of Substantial Damage and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes Substantial Improvement or repair of Substantial Damage; the determination requires evaluation of previous permits issued for repairs as specified in the definition of Substantial Damage; and
4. Notify the applicant if it is determined that the work constitutes Substantial Improvement or repair of Substantial Damage and that compliance with the flood resistant construction requirements of the Florida Building Code and these regulations is required.

E. Modifications of the Strict Application of the Requirements of the Florida Building Code

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 3.03.07, below.

F. Notices and Orders

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with these regulations.

G. Inspections

The Floodplain Administrator shall make the required inspections as specified in Section 3.03.06, below, for Development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect Flood Hazard Areas to determine if Development is undertaken without issuance of a permit.



#### H. Other Duties of the Floodplain Administrator

The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of Substantial Improvement and Substantial Damage made pursuant to Section 3.03.03.D, above;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to FEMA;
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the FIRMs if the analyses propose to change base flood elevations, Flood Hazard Area boundaries or Floodway designations; such submissions shall be made within 6 months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by these regulations and the Florida Building Code to determine that such certifications and documentations are complete;
5. Notify FEMA when the corporate boundaries of St. Johns County are modified; and
6. Advise applicants for new buildings and structures, including Substantial Improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on FIRMs as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

#### I. Floodplain Management Records

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood resistant construction requirements of the Florida Building Code, including FIRMs; LOMCs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes Substantial Improvement or repair of Substantial Damage; required design certifications and documentation of elevations specified by the Florida Building Code and these regulations; notifications to adjacent communities, FEMA and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Building Department, 4040 Lewis Speedway, St. Augustine, Florida 32084.

### **Sec. 3.03.04 Permits**

#### **A. Permits Required**

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of these regulations, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any Flood Hazard Area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of these regulations and all other applicable codes and regulations has been satisfied.

#### **B. Floodplain Development Permits or Approvals**

Floodplain Development Permits or Approvals shall be issued pursuant to these regulations for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a Floodplain Development Permit or Approval is required in addition to a Building Permit.

##### **1. Buildings, Structures and Facilities Exempt from the Florida Building Code**

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), Floodplain Development Permits or Approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of these regulations:

- a. Railroads and ancillary facilities associated with the railroad.
- b. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- c. Temporary buildings or sheds used exclusively for construction purposes.
- d. Mobile or modular structures used as temporary offices.
- e. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site

and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

- h. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- i. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in Flood Hazard Areas established on Flood Insurance Rate Maps.

C. Application for Permit or Approval

To obtain a Floodplain Development Permit or Approval the applicant shall first file an application in writing on a form furnished by the County. The information provided shall:

1. Identify and describe the Development to be covered by the permit or approval.
2. Describe the land on which the proposed Development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed Development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section 3.03.05, below.
5. For projects proposing to enclose areas under elevated buildings, a signed Declaration of Land Restriction (Non-conversion Agreement); the agreement shall be recorded on the property prior to issuance of the Certificate of Occupancy.
6. State the valuation of the proposed work.
7. Be signed by the applicant or the applicant's authorized agent.
8. Give such other data and information as required by the Floodplain Administrator.

D. Validity of Permit or Approval

The issuance of a Floodplain Development Permit or Approval pursuant to these regulations shall not be construed to be a permit for, or approval of, any violation of these regulations, the Florida Building Code, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

E. Expiration

A Floodplain Development Permit or Approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

F. Suspension or Revocation

The Floodplain Administrator is authorized to suspend or revoke a Floodplain Development Permit or Approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of these regulations or any other ordinance, regulation or requirement of this community.

G. Other Permits Required

Floodplain Development Permits or Approvals and Building Permits shall include a disclaimer that issuance of a Floodplain Permit or Approval or a Building Permit does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law, as well as a condition that all other applicable state or federal permits be obtained before commencement of the permitted Development, including but not limited to the following:

1. The St. Johns River Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. FDEP for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the Coastal Construction Control Line; section 161.141, F.S.
4. FDEP for activities subject to the Joint Coastal Permit; section 161.055, F.S.
5. FDEP for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

**Sec. 3.03.05 Site Plans and Construction Documents**

A. Information for Development in Flood Hazard Areas

The site plan or construction documents for any Development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of Flood Hazard Areas, Floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where Base Flood Elevations, or Floodway data are not included on the FIRM or in the FIS, they shall be established in accordance with Section 3.03.05.B.2 or 3.03.05.B.3, below.

3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the FIS, such elevations shall be established in accordance with Section 3.03.05.B.1, below.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in Coastal High Hazard Areas and Coastal A Zones, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount and proposed final grades of any filling, grading or excavation.
6. Where the placement of fill is proposed, the amount, type and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the Coastal Construction Control Line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by FDEP.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents and other data that are required by these regulations but that are not required to be prepared by a Registered Professional if it is found that the nature of the proposed Development is such that the review of such submissions is not necessary to ascertain compliance with these regulations.

**B. Information in Flood Hazard Areas without Base Flood Elevations (Approximate Zone A)**

Where Flood Hazard Areas are delineated on the FIRM and Base Flood Elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include Base Flood Elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants Base Flood Elevation and Floodway data available from a federal or state agency or other source or require the applicant to obtain and use Base Flood Elevation and Floodway data available from a federal or state agency or other source.
3. Where Base Flood Elevation and Floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate, require the applicant to include Base Flood Elevation data prepared in accordance with currently accepted engineering practices.

4. Where the base flood elevation data are to be used to support a LOMC from FEMA, advise the applicant that the analyses shall be prepared by a Professional Engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

C. Additional Analyses and Certifications

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this Section 3.03.05, the applicant shall have the following analyses signed and sealed by a Professional Engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a Regulatory Floodway, a Floodway Encroachment Analysis that demonstrates that the encroachment of the proposed development will not cause any increase in Base Flood Elevations; where the applicant proposes to undertake development activities that do increase Base Flood Elevations, the applicant shall submit such analysis to FEMA as specified in Section 3.03.05.D, below, and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine Flood Hazard Area for which Base Flood Elevations are included in the FIS or on the FIRM and Floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated Flood Hazard Area encroachments, will not increase the Base Flood Elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated Flood Hazard Areas not connected to a riverine Flood Hazard Area or in Flood Hazard Areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with currently accepted engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 3.03.05.D, below.
4. For activities that propose to alter sand dunes or mangrove stands in Coastal High Hazard Areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

D. Submission of Additional Data

When additional hydrologic, hydraulic or other engineering data, studies and additional analyses are submitted to support an application, the applicant has the right to seek a LOMC from FEMA to change the Base Flood Elevations, change Floodway boundaries or change boundaries of Flood Hazard Areas shown on FIRMs and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Professional Engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

### **Sec. 3.03.06 Inspections**

#### **A. General**

Development for which a Floodplain Development Permit or Approval is required shall be subject to inspection.

##### **1. Development Other than Buildings and Structures**

The Floodplain Administrator shall inspect all Development to determine compliance with the requirements of these regulations and the conditions of issued Floodplain Development Permits or Approvals.

##### **2. Buildings, Structures and Facilities Exempt from the Florida Building Code**

The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of these regulations and the conditions of issued Floodplain Development Permits or Approvals.

#### **B. Buildings, Structures and Facilities Exempt from the Florida Building Code, Lowest Floor Inspection**

Upon placement of the Lowest Floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the Lowest Floor must be prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the Lowest Floor was determined in accordance with Section 3.03.05.B.3.(b), above, the documentation of height of the Lowest Floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

#### **C. Buildings, Structures and Facilities Exempt from the Florida Building Code, Final Inspection**

As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the Lowest Floor or final documentation of the height of the Lowest Floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 3.03.06.B, above.

#### **D. Manufactured Homes**

The Building Official shall inspect Manufactured Homes that are installed or replaced in Flood Hazard Areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a Manufactured Home, certification of the elevation of the Lowest Floor shall be submitted to the Building Official.

### **Sec. 3.03.07 Floodplain Variances and Appeals**

#### **A. General**

The Board of County Commissioners shall hear and decide on requests for appeals and requests for Floodplain Variances from the strict application of these regulations. Pursuant to section 553.73(5), F.S., the Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, *Building*.

#### **B. Appeals**

The Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the administration and enforcement of these regulations. Any person aggrieved by the decision of Board of County Commissioners may appeal such decision to the Circuit Court, as provided by Florida Statutes.

#### **C. Limitations on Authority to Grant Floodplain Variances**

The Board of County Commissioners shall base its decisions on Floodplain Variances on technical justifications submitted by applicants, the considerations for issuance in Section 3.03.07.H, below, the requirements for issuance set forth in Section 3.03.07.I, below, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of County Commissioners has the right to attach such conditions as it deems necessary to further the purposes and objectives of these regulations.

#### **D. Restrictions in Floodways**

Notwithstanding any other provision of this Part, a Floodplain Variance shall not be issued for any proposed development in a Floodway if any increase in Base Flood Elevations would result, as evidenced by the applicable analyses and certifications required in Section 3.03.05.C, above.

#### **F. Historic Buildings**

A Floodplain Variance with approval of the St. Johns County's Cultural Resources Review Board and the Floodplain Administrator is authorized to be issued for the repair, improvement or rehabilitation of an historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, *Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as an historic building and the Floodplain Variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as an historic building, a Floodplain Variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

#### **G. Functionally Dependent Uses**



A Floodplain Variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a Functionally Dependent Use, as defined in Part XII, provided the Floodplain Variance meets the requirements of Section 3.03.07.D, above, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the Base Flood.

#### H. Considerations for Issuance of Floodplain Variances

In reviewing requests for Floodplain Variances, the Board of County Commissioners shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, these regulations and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed Development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed Development to the community;
5. The availability of alternate locations for the proposed Development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed Development with existing and anticipated Development;
7. The relationship of the proposed Development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

#### I. Requirements for Issuance of Floodplain Variances

Floodplain Variances shall be issued only upon:

1. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit

compliance with any provision of these regulations or the required elevation standards;

2. Determination by the Board of County Commissioners that:
  - a. Failure to grant the Floodplain Variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - b. The granting of a Floodplain Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - c. The Floodplain Variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the Floodplain Variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a Floodplain Variance to allow construction of the Lowest Floor of a new building, or Substantial Improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the Floodplain Variance, specifying the difference between the Base Flood Elevation and the proposed elevation of the Lowest Floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the Base Flood Elevation increases risks to life and property.

### **Sec. 3.03.08 Violations**

#### **A. Violations**

Any Development that is not within the scope of the Florida Building Code but that is regulated by these regulations that is performed without an issued Floodplain Development Permit or Approval, that is in conflict with an issued Floodplain Development Permit or Approval or that does not fully comply with these regulations, shall be deemed a violation of these regulations. A building or structure without the documentation of elevation of the Lowest Floor, other required design certifications or other evidence of compliance required by these regulations or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

#### **B. Authority**

For Development that is not within the scope of the Florida Building Code but that is regulated by these regulations and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

C. Unlawful Continuance

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

**Sec. 3.03.09 Reserved**

**Sec. 3.03.10 Flood Resistant Development**

A. Buildings and Structures

1. Design and construction of Buildings, Structures and Facilities Exempt from the Florida Building Code.

Pursuant to Sec 3.03.04.B.1, above, buildings, structures, and facilities that are exempt from the Florida Building Code, including Substantial Improvement or repair of Substantial Damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 3.03.10.G, below.

2. Buildings and Structures Seaward of the Coastal Construction Control Line

If extending, in whole or in part, seaward of the Coastal Construction Control Line and also located, in whole or in part, in a Flood Hazard Area:

- a. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, *Building* Section 3109 and Section 1612 or Florida Building Code, *Residential* Section R322.
- b. Minor structures and non-habitable major structures, as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of these regulations and ASCE 24.

B. Subdivisions

1. Minimum Requirements

Subdivision proposals, including proposals for Manufactured Home Parks and Subdivisions, shall be reviewed to determine that:

- a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

- c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. Subdivision Plats

Where any portion of proposed Subdivisions, including Manufactured Home Parks and Subdivisions, lies within a Flood Hazard Area, the following shall be required:

- a. Delineation of Flood Hazard Areas, Floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- b. In residential Subdivisions, no buildable portion of any lot is permitted in a Regulatory Floodway;
- c. Where the Subdivision has more than 50 lots or is larger than 5 acres and Base Flood Elevations are not included on the FIRM, the Base Flood Elevations determined in accordance with Section 3.03.05.B.1, above; and
- d. Compliance with the site improvement and utilities requirements of Section 3.03.10.C, below.

C. Site Improvements, Utilities and Limitations

1. Minimum Requirements

All proposed new Development shall be reviewed to determine that:

- a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- b. All public utilities and facilities such as sewer, gas, electric, communications and water systems are located and constructed to minimize or eliminate flood damage; and
- c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. Sanitary Sewage Facilities

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

3. Water Supply Facilities

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

4. Limitations on Sites in Regulatory Floodways

No Development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the Regulatory Floodway unless the Floodway Encroachment Analysis required in Section 3.03.05.C.1, above, demonstrates that the proposed development or land disturbing activity will not result in any increase in the Base Flood Elevation.

5. Limitations on Placement of Fill

- a. Fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour.
- b. If intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
- c. Compensatory storage shall be provided above the normal high groundwater table elevation and below the Base Flood Elevation; alternatively, site-specific data shall be provided to demonstrate the proposed fill will not raise the Base Flood Elevation on adjacent or downstream properties, such data shall be derived from technical information that is submitted to and subject to the approval of the County, such applicability of this provision shall be determined by the County Engineer. Compensatory storage volumes shall be in addition to stormwater detention or retention volumes otherwise required to reduce peak runoff rates from the development pursuant to Article VI of this Code.
- d. Compensatory storage shall not be required if the development is within a landlocked Flood Hazard Area that is under one ownership and may not be subdivided.

6. Limitations on Sites in Coastal High Hazard Areas (Zone V) and Coastal A Zones

In Coastal High Hazard Areas and Coastal A Zones, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by FDEP and only if the engineering analysis required by Section 3.03.05.C.4, above, demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 3.03.10.G.8(c), below.

D. Manufactured Homes

1. General

All Manufactured Homes installed in Flood Hazard Areas shall be installed by an

installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of these regulations. All Manufactured Homes located seaward of the Coastal Construction Control Line shall comply with the more restrictive of the applicable requirements.

2. Foundations

All new Manufactured Homes and replacement Manufactured Homes installed in Flood Hazard Areas shall be installed on permanent, reinforced foundations that:

- a. In Flood Hazard Areas (Zone A) other than coastal high hazard areas and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, *Residential* Section R322.2 and these regulations.
- b. In Coastal High Hazard Areas (Zone V) and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, *Residential* Section R322.3 and these regulations.

3. Anchoring

All new Manufactured Homes and replacement Manufactured Homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

4. Elevation

Manufactured Homes that are placed, replaced, or substantially improved shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the Flood Hazard Area, in the Florida Building Code, *Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zones).

5. Enclosures

Enclosed areas below elevated Manufactured Homes shall comply with the requirements of the Florida Building Code, *Residential* Section R322 for such enclosed areas, as applicable to the Flood Hazard Area.

6. Utility Equipment

Utility equipment that serves Manufactured Homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, *Residential* Section R322, as applicable to the Flood Hazard Area.

E. Recreational Vehicles and Park Trailers

1. Temporary Placement

Recreational Vehicles and Park Trailers placed temporarily in Flood Hazard Areas shall:

- a. Be on the site for fewer than 180 consecutive days; or
- b. Be fully licensed and ready for highway use, which means the Recreational Vehicle or Park Trailer is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks or porches.

2. Permanent Placement

Recreational Vehicles and Park Trailers that do not meet the limitations for temporary placement in Section 3.03.10.E.1, above, shall meet the requirements of Section 3.03.10.D, above, for Manufactured Homes.

F. Tanks

1. Underground Tanks

Underground tanks in Flood Hazard Areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

2. Above-ground Tanks, Not Elevated

Above-ground tanks that do not meet the elevation requirements of Section 3.03.10.F.3, below, shall:

- a. Be permitted in Flood Hazard Areas (Zone A) other than coastal high hazard areas and Coastal A Zones, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- b. Not be permitted in coastal high hazard areas (Zone V) and Coastal A Zones.

3. Above-ground Tanks, Elevated

Above-ground tanks in Flood Hazard Areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable Flood Hazard Area.

4. Tank Inlets and Vents

Tank inlets, fill openings, outlets and vents shall be:

- a. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

## G. Other Development

### 1. General Requirements for Other Development

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Florida Building Code, shall:

- a. Be located and constructed to minimize flood damage;
- b. Meet the limitations of Section 3.03.10.C.4, above, if located in a Regulated Floodway;
- c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- d. Be constructed of flood damage-resistant materials; and
- e. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

### 2. Fences in Regulated Floodways

Fences in Regulated Floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 3.03.10.C.4, above.

### 3. Retaining Walls, Sidewalks and Driveways in Regulated Floodways

Retaining walls and sidewalks and driveways that involve the placement of fill in Regulated Floodways shall meet the limitations of Section 3.03.10.C.4, above.

### 4. Roads and Watercourse Crossings in Regulated Floodways

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into Regulated Floodways shall meet



the limitations of Section 3.03.10.C.4, above. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 3.03.05.C.3, above.

5. Concrete Slabs Used as Parking Pads, Enclosure Floors, Landings, Decks, Walkways, Patios and Similar Nonstructural Uses

In Coastal High Hazard Areas and Coastal A Zones, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- a. Structurally independent of the foundation system of the building or structure;
- b. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- c. Have a maximum slab thickness of not more than four (4) inches.

6. Decks and Patios

In addition to the requirements of the Florida Building Code, in Coastal High Hazard Areas and Coastal A Zones, decks and patios shall be located, designed, and constructed in compliance with the following:

- a. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- b. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- c. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a Registered Professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- d. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

## 7. Other Development

In Coastal High Hazard Areas and Coastal A Zones, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by Registered Professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- b. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- c. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

## 8. Nonstructural Fill

In Coastal High Hazard Areas and Coastal A Zones:

- a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- b. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a Registered Professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- c. Where authorized by FDEP or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering or analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

## **PART 3.04.00 AIRPORT OVERLAY DISTRICT**

### **Sec. 3.04.01 Intent**

It is the intent of this overlay district to promote the health, safety and general welfare of the inhabitants of the County by preventing the creation, establishment or maintenance of hazards to aircraft, preventing the destruction or impairment of the utility of an airport and the public investment therein and protecting the lives and properties of owners or occupants of lands in the vicinity of any public use airport as well as the users of the airport; and to aid and implement the overriding Federal and State interest in safe operation of airports and the security of land surrounding them.

### **Sec. 3.04.02 District Boundary**

There are four (4) criteria to be used in establishing the limits of the Airport Overlay District for airports. They are the property map, the most recent version of the airport layout plan (ALP) showing the twenty (20) year future growth projections, airport noise contour map, and the airport airspace surfaces map. The Airport Overlay District shall encompass all property owned by the airport, all property not owned by the airport in the shadow of the future airport property line shown on the ALP, and all property within the shadow of the imaginary line defined as two hundred (200) feet outside the sixty-five (65) db noise level contour identified on the airport noise contour map. These maps are further defined in paragraph 3.04.03 of this Section.

### **Sec. 3.04.03 Airport Overlay District Maps**

Each airport in the County shall create and maintain maps related to the airport in accordance with Federal Aviation Administration (FAA) and Florida Department of Transportation (FDOT) requirements. These maps shall be coordinated with and incorporated into the planning and zoning maps maintained by the County Planning and Zoning Departments. These maps shall include the following specific maps and any other maps as required and directed by the County.

#### **A. Airport Property Map**

This map shall show all properties owned by the airport and their relation to the major runways. In addition, the map shall show areas affected by the airport as included in any state charter or other authorizing agency documentation.

#### **B. Airport Layout Plan**

The FAA and FDOT require this plan as part of the airport Master Planning process. It identifies twenty (20) year future growth projections and property that the airport plans to acquire to accommodate future expansion of airside facilities. This plan also identifies clear zones, Building restriction lines, and other like requirements to facilitate the safe operation of aircraft.

#### **C. Airport Noise Contour Map**

Similar to the airport layout plan, the noise contour map is required by the FAA and FDOT as part of the airport Master Planning process. It identifies twenty (20) year future growth projections and the impacts this growth will have on the surrounding area relative to noise

increases. This map shows, as a minimum, the sixty-five (65) db noise contour for both the existing and future airside facilities.

D. Airport Airspace Surfaces Map

The FAA and FDOT also require this map as part of the Airport Master Plan. It provides clear definition of all imaginary surfaces required for the safe operation of aircraft on and around the airport. The imaginary surfaces are defined by the FAA in Federal Aviation Regulation Part 77, and are surfaces through which fixed Structures can not penetrate. These airspace limitations extend well beyond the limits of airport property and the Airport Overlay District, and form a height limitation on property that falls under them. These height limitations are generically defined in paragraph 3.04.05, and are more precisely defined in FAA FAR Part 77.

**Sec 3.04.04 Existing Uses In Airport Overlay District**

Properties within the Airport Overlay District in addition to their zoning requirements, are further limited as follows:

- A. All existing Uses as of the effective date of this Land Development Code shall be allowed to remain.
- B. All existing zoning districts shall remain with additional limitations as outlined below:
  - 1. In addition to a recommendation by the Planning and Zoning Agency, changes to any zoning district shall be reviewed by the Airport Authority and a recommendation forwarded prior to being presented to the Board of County Commissioners.
  - 2. In addition to approval by the Planning and Zoning Agency, request for Variances and Special Uses to existing zoning districts shall be reviewed by the Airport Authority and a recommendation forwarded to the Planning and Zoning Agency.
- C. Existing nonconforming Uses and Structures will be allowed to remain and the owner will be allowed to make minor repairs and perform normal maintenance. However, replacement of or major renovation to existing nonconforming Uses will be required to comply with the new requirements established for this district.

**Sec 3.04.05 Airport Overlay Height Limitations**

Activities within the Airport Overlay District shall be limited in their use of the airspace as defined by the FAA in Federal Aviation Regulation Part 77. These limitations define the height of Structures or other obstructions allowable within each zone, and are generally defined below and are shown on the Airport Airspace Surface Map. For properties within two thousand (2,000) feet of any runway or under any airport flight pattern, maximum height determination requires coordinated review with the affected airport and the FAA.

A. Primary Zone

The area longitudinally centered on a runway, extending two hundred (200) feet beyond each end of that runway, with a width so specified for the most precise approach type

existing or planned for either end of the runway. No Structure will be permitted within the primary zone, except those required to assist the take off and landing of aircraft, that is higher than the nearest point on the runway centerline. The width of the primary zone for each runway at County airports is as follows:

St. Augustine - St. Johns County Airport:

Runway	Zone Width (feet)	Remarks
Runway 13/31	1000	Existing Precision Approach
Runway 13R/31L	1000	Future Precision Approach
Runway 6/24	250	Existing Non-Precision Approach
Runway 2/20	250	Existing Non-Precision Approach

B. Horizontal Zone

The area encompassing the runways, primary zones, approach zones, and transitional zones of the airport defined by swinging ten thousand (10,000) foot radii arcs from the intersection of the primary zone and the runway centerline at each runway end and connecting these arcs by tangent lines to form an enclosed shape. No Structure higher than one hundred fifty (150) feet above the airport elevation will be allowed within the horizontal zone without prior approval of the FAA and the Airport Authority. The airport elevations are as follows:

<u>Airport</u>	<u>Elevation (feet above mean sea level)</u>
St. Augustine - St. Johns County Airport	11.00 feet

C. Conical Zone

The area extending from the horizontal zone four thousand (4,000) feet. Height limitations vary within this zone from one hundred fifty (150) feet at the horizontal zone to three hundred fifty (350) feet at the outer edge of the conical zone. Height increase within the zone is one (1) foot vertically for every twenty (20) feet horizontally measured from the horizontal zone. Heights are measured from the official airport elevation.

D. Approach Zone

The area longitudinally centered on the extended runway centerline and proceeding outward from each end of the primary surface for a specified distance and slope. The width of the approach zone shall match the width of the primary zone at each runway end and shall expand uniformly to the stated width at the outer boundary. Maximum Structure or object height shall be calculated using the approach zone slopes listed below. The maximum height calculation shall be based on the closest horizontal distance between the primary surface and the Structure or object. The distance, slopes, and widths for each runway are as follows:

St. Augustine B St. Johns County Airport:

<u>Runway</u>	<u>Distance (feet)</u>	<u>Slope</u>	<u>Width (feet)</u>
Runway 13/31	10,000	50:1	
	10,000 to 50,000	40:1	16,000
Runway 13R/31L	10,000	50:1	
	10,000 to 50,000	40:1	16,000
Runway 6/24	5,000	20:1	1,200
Runway 2/20	5,000	20:1	1,200

E. Transitional Zone

The area extending outward from the sides of the primary zones and approach zones and connecting to the horizontal zones and conical zones. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins, and increase at a rate of one (1) foot vertically for every seven (7) feet of horizontal distance measured at right angles from the runway centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of five thousand (5,000) feet from the side of the approach zone that extends beyond the conical zone.

F. Other Zones

Height limitations on properties beyond the zones indicated above are defined based on nautical miles from the airport reference point as defined on the ALP. No Structure shall be erected, to a height of two hundred (200) feet above the airport elevation within three (3) nautical miles; to a height of three hundred (300) feet between three (3) and four (4) nautical miles; to a height of four hundred (400) feet between four (4) and five (5) nautical miles; and to a height of five hundred (500) feet beyond five (5) nautical miles, unless it can be shown to meet all of the following tests:

1. That notice of proposed Construction or alteration has been given to the affected airport and the FAA as required by Part 77 of the Federal Aviation Regulations,
2. That the proposed Structure will not raise the Federal Aviation Administration's established minimum descent altitude or decision height for approach to any runway, or cause minimum obstruction clearance altitude or minimum en route altitude to be increased, and
3. That the Structure does not otherwise constitute an obstruction to air navigation.

**Sec 3.04.06 Land Use Restrictions**

A. Use Restrictions

Notwithstanding any other provision of this Code, no use may be made of land or water within St. Johns County in such a manner as to interfere with the safe operation of an airborne aircraft. The following special requirements shall apply to each permitted or Special Use:

1. All lights or illuminations used in conjunction with street, parking, Signs, or use of land and Structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public use airport or in vicinity thereof.
2. No operation or Use shall produce smoke, glare, or other visual hazards within three nautical miles of any usable runway of a public use airport.
3. No operation or Use shall produce electrical interference with navigation signals or radio communication between the airport and aircraft.
4. Use of land within the accident potential hazard area, defined in FAR Part 77, shall prohibit residential Use, schools, hospitals, explosive material storage, assembly of large groups of people, or any other Use that could produce a major catastrophe as a result of an aircraft crash.

#### B. Lighting

Notwithstanding the proceeding provision of this Section, the owner of any Structure over two hundred (200) feet above ground level within the County must install on that Structure lighting in accordance with Federal Aviation Administration (FAA) Advisory Circular (AC) 70-7460-ID, as amended from time to time. Additionally, any Structure within the County exceeding seven hundred forty-nine (749) feet above mean sea level must install on the Structure high intensity white obstruction lights in accordance with FAA AC 70-7460-ID.

#### C. Variances

Any person desiring to erect or increase the height of any Structure (exceeding the height restrictions herein), or use his property not in accordance with the regulations prescribed in this Section, may apply for a Variance from such regulations in accordance with Part 9.03.00. No application for Variance to the requirements of this Code may be considered unless a copy of the application has also been furnished to the affected airport personnel.

#### D. Hazard Marking and Lighting

Any Permit or Variance granted shall require the owner to mark and light the Structure in accordance with FAA AC 70-7460-ID, as amended from time to time, and may be conditioned to require the installation, operation, and maintenance of any additional markers and lights as may be necessary to indicate to pilots the presence of the airspace hazard.

#### E. Trees

No person shall allow the natural growth of Trees to interfere with any of the FAA FAR Part 77 surfaces established for existing or proposed runways at any public use airport. In order to promote the safe operation of aircraft in accordance with Florida Statute, Chapter 333, the County shall request the property owner remove any Tree or vegetation deemed to interfere with FAA FAR Part 77. If the property owner does not remedy the violation within thirty (30) days, the County has the right to remove any Tree or vegetation required to meet FAA FAR 77 requirements without compensation to the property owner. The cost of removing Trees or vegetation by the County shall be billed to the property owner.

F. Disclosure Statement

No person shall sell, lease or offer to sell or lease a Structure or land within the airport horizontal or conical zone boundaries as defined above, unless the prospective buyer or lessee has been given adequate notice in writing, at the time of contract of sale or lease, which notice shall be recorded in the public records of St. Johns County, Florida, as a part of the legal instrument that conveys the real property interest in the lands lying within the aforementioned Airport Overlay District, horizontal or conical zones.



## **PART 3.05.00 PONTE VEDRA ZONING DISTRICT**

### **Sec. 3.05.01 Purpose**

The Ponte Vedra Zoning District has zoning regulations in addition to the St. Johns County Land Development Code. St. Johns County Ordinance 2003-05 provides the zoning regulations for the Ponte Vedra Zoning District. The provisions of this Code which are not in conflict with the provisions of the Ponte Vedra Zoning Ordinance shall apply to the Ponte Vedra Zoning District.

## **PART 3.06.00 PALM VALLEY OVERLAY DISTRICT**

### **Sec. 3.06.01 Purpose and Intent**

The purpose and intent of establishing this overlay district is to enhance property Development within the Palm Valley Overlay District and achieve specific goals and objectives of the St. Johns County Comprehensive Plan. Objectives to be attained through the establishment of this Palm Valley Overlay District include protection of adjacent residential Uses; reduction of visual distraction through uniform Sign criteria; enhancement of physical appearance through increased landscaping of public and private property; clustering of complementary Uses throughout the various locations throughout the Palm Valley Overlay District; provision of architectural design guidelines within specific locations throughout the Palm Valley Overlay District; encouraging pedestrian facilities; and enhancing the appearance of Development through landscaping. These goals shall be accomplished through the establishment of special Development standards for the Palm Valley Overlay District and the review of the impact upon the safe use of the roads of this Palm Valley Overlay District; the location, character, compatibility and appearance of all proposed commercial and multi-family land Uses; and the compliance with the standards, criteria, and application requirements of this Part. The review shall be performed with the goal of determining whether a proposed plan of Development meets the goals, objectives and policies set forth in the Comprehensive Plan and the standards and criteria of this Part.

### **Sec 3.06.02 Delineation Of The Palm Valley Overlay District**

- A. The Palm Valley Overlay District, delineated herein, is a special district in the form of an overlay superimposed upon the various zoning districts. This Palm Valley Overlay District encompasses all that land situated within St. Johns County within six hundred (600) feet of the outer edges of the right-of-way of the following roads as listed below:
1. Palm Valley Road (CR 210) from the Intracoastal Waterway to SR A1A.
  2. Roscoe Boulevard (CR 210A) from Palm Valley Road (CR 210) to Solana Road.
  3. Canal Boulevard from Palm Valley Road (CR 210) to Roscoe Boulevard (CR 210A).
  4. Mickler Road from Palm Valley Road (CR 210) to SR A1A.
  5. State Road A1A North from Mickler Road to Mosquito Control Road.
  6. Solana Road from Roscoe Boulevard (CR 210A) to the west edge of the Ponte Vedra Zoning District.

7. Landrum Lane from Roscoe Boulevard (CR210A) to Palm Valley Road (CR210).
  8. Palm Valley Road (CR210) from the Intracoastal Waterway to the intersection of Nocatee Parkway (CR210) and Davis Park Road, including the intersection.
  9. Palm Valley Road from the intersection of Nocatee Parkway (CR210) and Davis Park Road to the intersection of Crosswater Parkway and Valley Ridge Boulevard.
- B. In such cases where a proposed Development Parcel extends beyond six hundred (600) feet from the outer edges of the right-of-way, the entire Parcel shall be subject to the Palm Valley Overlay District, except any portion outside the boundaries of St. Johns County. Measurements from the right-of-way will be made generally in a perpendicular direction from the right-of-way line and, where there is curvature, perpendicular to the chord of such curvature.

### **Sec. 3.06.03 Application Of District Regulations**

- A. All standards prescribed in this Part shall apply to all Uses contained within all zoning categories (including PUD's, PSD's and PRD's) excluding single-family dwellings; Two Family Dwellings; mobile homes; roadside stands; plant nurseries, barns, corrals, greenhouses and other substantially similar Structures; temporary uses; and boarding stables and riding academies. These requirements shall apply to property proposed for Development as a permitted Use, as well as to additions, exterior remodeling and renovations hereafter undertaken within the Palm Valley Overlay District.
1. Exterior remodeling and renovation shall be defined as any activity changing the exterior of a Structure that requires a County Building Permit, as well as to Construction or alteration of fences or decks.
  2. These regulations shall apply to only that portion being added, remodeled, renovated or changed.
  3. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired, Buildings re-painted using the same colors, and roofs repaired and replaced with the same materials and colors, without a review by the Architectural Review Committee (ARC).
  4. Any non-conforming Uses or Structures impacted by this Part shall follow Part 10.03.00 of this Code concerning non-conforming regulations.
- B. Permitted Uses
- The Uses for the property contained within the Palm Valley Overlay District shall be as prescribed in the various zoning districts underlying the Palm Valley Overlay District, except where such Use or site design is not permitted by the St. Johns County Comprehensive Plan, as may be amended from time to time.

C. Exemptions

The following activities shall be exempt from ARC review.

1. Repainting of Structures in existing colors.
2. Additions to the rear of a Structure not exceeding two-hundred and fifty (250) square feet which are of similar architectural style as the existing structure, and consist of like exterior finishes and colors including window and doors.
3. Replacement of roofing with like roofing materials.
4. Replacement of existing windows, doors, porches, patio overhangs, porte cocheres or carports which are replaced in a similar style as the existing Structure or main portion of the existing Structure and consist of like exterior finishes and colors.
5. Replacement of landscaping consistent with a previously approved Landscape Plan, or replacement of existing landscaping with like landscaping material.
6. Non substantive changes, which do not change the character, design, or commonly observed appearance of a site or structure.

**Sec. 3.06.04 Development Standards and Criteria**

A. The following general criteria shall apply within the Palm Valley Overlay District:

1. Flat roof lines, or the appearance of flat roof lines, are not allowed. Pitched roofs, or the appearance of pitched roofs, with a minimum slope of 5/12 are required.
2. Work areas or storage doors and open bays shall not open toward, face or otherwise be visible from any Palm Valley Overlay District Delineated Roadway as described in Section 3.06.02. The ARC may consider alternative screening and design concepts to shield work areas, storage doors and open bays from delineated roadway or any adjacent residential properties.
3. Heating, ventilation and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be either screened from view with fencing or vegetation, or located so that such items are not visible from any Palm Valley Overlay District Delineated Roadway, adjacent residential properties or intersecting Streets. Trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes (except as provided by Florida law), Antenna, and other such Structures shall be similarly screened or made not visible.
4. Chain link, barbed wire and similar fencing materials shall not be allowed in any required Front Yard, and where such Fencing can be viewed from any roadway, landscaping and/or berming shall be provided to prohibit visibility from any Ponte Vedra/Palm Valley Overlay District Delineated Roadway.
5. Exterior lighting for safety and security shall be kept to a minimum consistent with reasonable safety requirements of the particular business or Structure. Safety and

security lights, other than low-wattage lights or ground-area lights, shall not be directly visible from adjacent residential properties. See additional lighting criteria in 3.06.13. Lighting criteria for the protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly. The use of solar power should be explored to supply electricity to fixtures.

6. The maximum amount of impervious surface coverage of any site proposed for Development, excluding any jurisdictional wetlands and pervious parking areas, shall not exceed sixty-five percent (65%).
7. Commercial Uses shall have a maximum Gross Floor Area (GFA) of ten thousand (10,000) square feet per acre (pro rata), excluding any jurisdictional wetlands.
8. The maximum length of Buildings parallel, or within 45 degrees parallel, to any Palm Valley Overlay District Delineated Roadway shall be one hundred twenty (120) feet.
9. The maximum vertical clearance of Canopies provided over the pump islands at gas stations, service stations and convenience stores shall not exceed seventeen (17) feet in height from established grade to the underside of the canopy. The maximum height of a canopy shall not exceed twenty-four (24) feet from established grade.

#### **Sec. 3.06.05 Minimum Yard Requirements**

A. Minimum yard requirements shall be as follows:

1. Front along State Road A1A North right-of-way: Forty (40) feet for a Building up to and including twenty (20) feet in height; sixty (60) feet for a Building above twenty (20) feet in height.
2. Front along any other collector or local roadway: Thirty (30) feet for a Building up to and including twenty (20) feet in height; fifty (50) feet for a Building above twenty (20) feet in height.
3. Side: Twenty (20) feet.
4. Rear: Ten (10) feet if adjoining rear of existing commercial Uses, twenty (20) feet if adjoining the side of commercial uses.
5. For Buildings proposed on sites which adjoin an existing residential land Use or residentially-zoned Lands, the minimum adjoining Side or Rear Yard, or both is: thirty (30) feet for a Building up to and including twenty (20) feet in height; fifty (50) feet for a Building above twenty (20) feet in height.
6. Required separation: Minimum twenty (20) feet between Buildings.
7. Accessory Uses and Structures:
  - a. Accessory Uses and Structures including parking lots, shall be adequately screened from any Palm Valley Overlay District delineated roadway.

- b. Accessory Uses and Structures (excluding parking lots), shall not be allowed closer to the Palm Valley Overlay District Delineated Roadway than any Building on the site.

### Sec. 3.06.06 Buffers

#### A. Buffering Requirements

The minimum buffering requirements are as follows:

1. A minimum twenty (20) foot buffer from the right-of-way of the Palm Valley Overlay District Delineated Roadway except Scenic Highway A1A as described in Sec. 6.06.02.F.2.b.
2. A minimum ten (10) foot buffer from side property boundaries. Side Yard buffers shall begin not more than fifty (50) feet from the right-of-way of the Palm Valley Overlay District Delineated Roadway and shall continue to the front or rear property line most distant from said right-of-way.
3. A minimum ten (10) foot buffer from rear property boundaries.
4. Where a Building up to and including twenty (20) feet in height is to be constructed within sixty (60) feet of residentially-zoned property, or where a Building above twenty (20) feet in height is to be constructed within one hundred (100) feet of residentially-zoned property, an eight (8) foot high masonry wall shall be provided and maintained between the Building and the residentially-zoned property, or alternatively, landscaping and fencing which provides one-hundred percent (100%) opacity to an eight (8) foot height shall be provided and maintained.

#### B. Buffers may be placed within required Yards and shall, where reasonably possible, contain native vegetation existing on the site proposed for Development. Where native vegetation does not exist or cannot reasonably be retained, buffers shall be landscaped as follows:

1. The minimum twenty (20) foot landscaped buffer from the right-of-way of any Palm Valley Overlay District Delineated Roadway shall contain existing or installed evergreen species Trees which are not less than four (4) inches DBH and twelve (12) feet in height, with a six (6) feet spread, placed not more than twenty (20) feet apart. Shrubbery is also required in this area and shall be not less than three (3) feet above the Established Grade at time of planting. The Established Grade includes the height of any berm on which shrubbery is planted. **(Note: The established grade is defined herein to mean the planned elevation of the surface of the ground, driveway or walkway after Construction and landscaping are completed. It does not, however, include any earthen berm placed on top of the ground surface to act as a visual barrier.)**
2. Where commercial or multi-family Development adjoins single-family residential property, a ten (10) foot buffer from the residential property lines shall contain a visual screen consisting of existing or installed evergreen species Trees which are not less than six (6) inches DBH and twenty (20) feet in height with an eight (8) feet spread, and not more than fifteen (15) feet apart.

C. Buffer areas

Buffer areas are landscaped strips along parcel boundaries which separate incompatible Uses or serve as boundaries of Parcels or Uses and may serve as protective or safety barrier.

D. Buffer areas required shall be included in plans submitted for review. Buffer areas may be located between the Building restriction lines and the property lines and shall not be located in an existing or dedicated public or private street right-of-way. However, the continuation of buffer landscaping into the right-of-way, where feasible and permitted, is encouraged. **(Note: Building restriction line is defined herein as a line offset by a prescribed distance within a property line beyond which Construction is not permitted unless authorized herein.)**

E. The design of buffer areas may utilize three features: (1) distance, (2) plant material and (3) structural elements, such as walls or berms. One or more of these features shall be required depending on adjacent existing or zoned Uses. They shall be continuous except for driveway and walk entrances and of prescribed height except within sight triangles at street or roadway intersections, see Section 3.06.06.G. below.

F. Plant material used for buffers shall be natural or landscaped. In either case, this shall create a minimum sixty (60) percent visual screen at least five (5) feet in height above the Established Grade adjacent to the buffer, to be installed at the time of inspection and to be achieved within one (1) year of installation. The use of landscaped berms is encouraged. Walls shall be of appropriate design and no higher than six (6) feet above established grade, except as prescribed for Section 3.06.07.A. below. Adequate distance shall be maintained between the Structure and the exterior property line for plant material and access for its maintenance. The plant material may be natural or landscaped to create a softening effect on the Structure. All elements of buffer areas shall be maintained in good condition.

**Sec. 3.06.07 Fences And Walls**

A. Within the Palm Valley Overlay District the maximum allowable height for fences or walls, including posts/columns, gates, lights, etc. outside Building restriction lines shall have a maximum height of four (4) feet except:

1. On rear Lot lines which coincide with the right-of-way line of any Palm Valley Overlay District Delineated Roadway, the maximum height may be eight (8) feet.
2. For property adjacent to a borrow pit or drainage pond, the maximum height may be six (6) feet.
3. Properties in a commercial zoning district are allowed fences only in the Rear and Side Yard with a maximum height of six (6) feet and a maximum height of any posts/columns, gates, lights, etc. of eight (8) feet, except as provided in Section 3.06.06.A.4.
4. The height shall be measured from the established grade on the exterior side of the fence or wall. They are allowed anywhere on the Lot except as prohibited on corner lots and because of sight triangles (see Section 3.06.06.G.).

5. Retaining Walls

Maximum height of a retaining wall on a Lot or Parcel is four (4) feet. A minimum of forty (40) feet shall separate retaining walls designed to add cumulative height.

6. When a greater height is needed to meet the minimum criteria as mandated by federal, state, or local rule, requirement, or regulation. However, such fence or wall must be reviewed pursuant to this Part for consistency and compliance, including architectural treatment, materials, and landscaping.

**Sec. 3.06.08 Parking**

- A. All parking in the Palm Valley Overlay District shall be governed by this Land Development Code, with the addition of the following:

1. Space Required Between Parking Area and Building

A minimum distance of eight (8) feet will be maintained between any Building and its parking area. This space is to be reserved and utilized for walkways and/or vegetation. Within this eight (8) feet wide distance, a minimum three (3) feet wide strip for vegetation is required. No such space is required at the rear of the Building, unless there is an adjoining residential Use.

2. Lighting

Adequate lighting shall be provided if off-Street parking or loading facilities are to be used at night. The lighting shall be designed and installed to minimize glare on adjacent property. The parking area illumination shall be confined to the parking area, not extending beyond the property line. Bulbs shall be concealed from adjacent properties. See additional criteria in Sec. 3.06.13

**Sec. 3.06.09 Signage**

All multi-family and commercial Signs shall be permitted in the Palm Valley Overlay District only in accordance with the provisions of this Section.

- A. General provisions applying to all subject signage in the Palm Valley Overlay District

1. All ground signs shall be a wide-based monument style. Pylon signs are only permitted when monument styles cannot be adequately located due to site constraints as determined by the ARC. The tops of ground Signs shall not be more than twelve (12) feet above the adjacent highway grade or eight (8) feet above the site grade, whichever is less.
2. Where a single Building, or group of related Buildings contains more than one (1) store or business front, all wall Signs shall be of similar style and shall be compatible and uniform in terms of size, color and any lighting.
3. The color and materials of Signs shall be compatible with the architectural style, color and materials of the related commercial or multi-family Building. Any icons that are not similar to and compatible with the architectural style, color, and materials of

the related commercial and multi-family building shall be restricted to a maximum fifteen percent (15%) of the advertising display area of the sign, unless additional area is approved by the ARC.

4. The location and dimensions of Wall Signs shall maintain compatibility with architectural materials, finishes and features of the Building.
5. New Ground Signs and alterations to existing Ground Signs requiring an ARC review shall be externally illuminated with downward facing fixtures and hours of illumination must cease no later than 30 minutes after business closing, unless additional time is approved by the ARC.
6. In construing the provisions of this Section, messages not exceeding six (6) inches in height erected within or upon doors and windows shall not be counted in computing the number of Signs.
7. Exterior exposed neon tubing in any fashion shall be prohibited. All other interior Window Signs shall be subject to the provisions set forth in Section 3.06.09.C.12 of this Code.
8. Wall Signs shall be mounted directly upon wall surfaces, and shall not be mounted upon raceways or other protrusions from the wall surface.
9. Where feasible, as determined by the approval authority, all ground signs shall use shrubs that are twenty-four (24) inches in height at the time of planting around the base of the sign. These shall be planted within thirty (30) days of sign installation approval by the County.
10. Any lighting shall be white in color for all signs, unless different lighting is required by the County for purposes of protecting turtles. Signs using external lighting must conceal and shield the lighting.
11. Unified Sign Plan (USP)

The USP is an elective master plan for all Project (wall, ground, awning, and window) identification signs located for multi-family and commercial properties. The purpose of the USP is to develop a cohesive sign strategy/design that meets code, expresses the desire of the ARC, and allows an expedited approach to review signage. The USP shall follow the below requirements:

- a. All signage must adhere to the overlay district code.
- b. The USP shall provide information relating, but not limited, to the size of the advertising display area (minimum and maximum), type of sign (i.e. box or individual letter), mounting procedures, lighting, colors, font, materials, icons, and any other relevant information required by the County.
- c. The ARC must consider the USP prior to approval of the USP and may require any conditions it desires to meet the purpose and intent of the overlay code.



12. Administrative Approval of Specific Signage

- a. Any ground sign reface thirty-two (32) square feet in size or portion thereof, provided the colors closely match any colors associated with the building and text type/sizes are similar to other ARC approved signage located on the ground sign face.
- b. Any Wall, Awning or Window Sign reface up to twenty-four (24) square feet or any Hanging sign up to eight (8) square feet or portion thereof in size provided the colors closely match any colors associated with the Building and text type and sizes are similar to other ARC approved signage located on existing Wall Signs on the same Building.
- c. Any Directional ground sign two (2) square feet or less in size.
- d. Any wall, awning, ground, hanging, and/or window identification sign within a Unified Sign Plan that is approved by the ARC.

B. Number and size of Signs permitted for Multi-family properties

1. Shall be limited to one (1) permanent wall Sign in painted or molded letters. The face area of such a Sign shall not exceed twenty-four (24) square feet.
2. One (1) permanent ground Sign, in addition to a wall Sign, may be installed in painted or molded letters and shall be on-site. The total ground Sign face area shall not exceed thirty-two (32) square feet. Such Sign may be double faced.
3. In construing the provisions of this Section, messages not exceeding six (6) inches in height erected within or upon doors and windows shall not be counted in computing the number of signs.
4. During a special event, such as sale or construction of a project, only one (1) additional Temporary Sign shall be permitted on any one Lot or Parcel of land in addition to any exempt Signs covered in this regulation.
  - a. The face surface of such Sign shall not be larger than six (6) square feet.
  - b. The Sign shall be constructed only of metal, plastic, wood or pressed wood and shall be fastened to a supporting member constructed of angle iron not exceeding one (1) inch by one (1) inch or a four (4) by four (4) inch post.
  - c. The supporting member shall be driven into the ground to provide that the top of the face of such Sign shall not be more than four (4) feet above the established grade of the ground.
  - d. All such Signs shall be lettered professionally.
  - e. Such Sign shall be erected or placed so that its center line is parallel or perpendicular to the front property line.
  - f. Nothing contained herein shall be construed as prohibiting the same wording

from being on both the front and back of the Sign.

- g. Where such Sign is suspended from an arm of the support, such arm shall not exceed a length of twenty (20) inches.
  - h. Such Sign shall be kept in good repair and shall not be illuminated, animated, or constructed of a reflective material and shall not contain any flags, streamers, movable items or like devices.
  - i. Any such Sign shall be removed within five (5) days from the date the event or project has ended.
5. For a multi-family subdivision of homes, one permanent (1) on-site project identification Sign not to exceed sixty (60) square feet of face area.
  6. Banner signs shall be allowed as special event signage between the timeframe of overlay application submittal and up to a period of sixty (60) days after permanent sign approval by the ARC. This shall consist of no more than three (3) signs at a maximum advertising display area of twenty-four (24) square feet each. This requirement shall only apply to parcels that have frontage along A1A. All other parcels are limited to one (1) banner sign at a maximum advertising display area of twenty-four (24) square feet.

C. Number and size of Signs permitted for Commercial properties

1. For all Uses permitted in the Multi-family Zoning Districts the same regulations as in the Multi-family Zoning Districts shall apply in the Commercial Zoning Districts of the Palm Valley Overlay District.
2. In addition to the above Signs, a commercial use is allowed one permanent wall Sign not to exceed twenty-four (24) square feet and may be allowed on each street side of the Building.
3. Where a Building is divided into units for several businesses, one permanent (1) wall Sign as specified above is authorized for each such business, not to exceed twenty-four (24) square feet in advertising display area. In addition, each business located therein may have one double-faced hanging Sign under covered walkways with maximum dimensions two (2) feet vertical by four (4) feet horizontal.
4. One (1) awning Sign may be substituted, on the front elevation of the Building, for a wall Sign. A window identification Sign may be substituted for a wall Sign. Either sign shall not exceed twenty-four (24) square feet in advertising display area.
5. One (1) on-site ground Sign of the following maximum sizes, in addition to wall Signs, may be installed when used in connection with a business conducted on the premises, and shall be on-site. Said Sign may be double-faced and shall not create a traffic hazard or endanger the public safety.
  - a. For Uses occupying five (5) acres or less, one (1) On-Site Sign, not to exceed thirty-two (32) square feet per Sign face, may be located on each street frontage.

- b. For shopping/office centers occupying more than five (5) acres, one (1) On-Site Sign not to exceed sixty (60) square feet per Sign Face, may be located on each street frontage.
- 6. For office and professional Buildings with multiple tenants, one (1) additional sign which may be used for directory purposes not exceeding fifteen (15) square feet per face area.
- 7. Signs installed with molded letters shall be measured at the most extreme limits of length and width and the area shall be computed from these measurements for conformance to the face area limitations.
- 8. On-premise Temporary Signs may be installed in addition to the above limits provided the face surface of the Sign shall not be greater than sixteen (16) square feet and limited to one (1) Sign per Parcel of land, store or office Building. Temporary Signs must be removed within 5 days from the date the event or project has ended.
- 9. Signs may be supported by foundations, the height of which may not exceed four (4) feet. Use of dirt, sand or other material to elevate the height of the Sign on a mound is prohibited. The maximum height to the top of the Sign or mounting surface for molded letters shall be eight (8) feet.
- 10. For traffic safety purposes on-site Directional ground Signs within property lines shall be limited to two (2) square feet per Sign.
- 11. Temporary Window Signs
 

Signs for the purpose of advertising a particular type of services, products, or events shall be regulated as follows:

  - a. The Sign or Signs shall be temporary and may be attached or applied to the inside surface of the window. Any Sign within two (2) feet of the glass is considered a window Sign.
  - b. The total window Sign coverage is limited to fifteen percent (15%) of the total window space.
  - c. A temporary window Sign must be removed within thirty (30) days of installation.
- 12. When Construction or modification of a Building commences, one (1) Sign may be erected on the street side of the property, but shall be a temporary Sign and shall be removed when the Building has been completed. Such Sign shall not exceed one (1) square foot of face area.

Warning Signs for safety are to be temporary and removed once the danger period has passed. Such Signs shall not exceed one (1) square foot of face area.

### **Sec. 3.06.10 Landscape Criteria**

A. Applications for rezonings shall provide schematic and textual information which describes existing vegetation including any Specimen, Historic or Protected Trees. Specimen, Historic and Protected Trees shall be as defined in Article XII of this Code. The rezoning application shall also address proposed Tree protection, proposed landscaping, and required buffering.

B. Landscape Plan

At the time of Construction Plan review, in accordance with the County's Development Review Committee (DRC) process, and prior to issuance of any Land Clearing or Construction Permits, the following detailed information shall be provided (this requirement shall apply to all Development, that which is pursuant to a rezoning or otherwise, to which the established DRC process is applicable). A detailed landscape plan, which depicts and describes the following items, shall address or reference each item numerically in the following order on the plan drawings or by attached text.

1. A survey of all Specimen, Historic and Protected Trees shall be submitted in conjunction with the Development site layout. The Tree survey shall also depict any Protected Trees as defined in Article XII of this Code. All Trees proposed for removal shall be clearly noted. The Tree survey shall note sizes, locations, species identification, and spacing, and shall be certified by either a registered land surveyor, registered engineer, registered landscape architect or certified arborist.
2. All proposed Trees and plant materials, with sizes, locations, species identification, existing and proposed contours and spacing.
3. All existing and proposed Structures and vehicular use areas, with sizes, square footage, materials, and circulation noted.
4. Proposed irrigation system layout (if required).
5. Parking Lot islands which include one shade Tree, existing or planted, not less than fourteen (14) feet in height and four (4) inch caliper, for each island. Shrubbery in each island shall include a minimum of three (3) three-gallon container stock for each forty (40) square feet of planting area.
6. Retention and protection of Specimen and valuable native Protected Trees and use of native and drought-resistant plant materials (see following Section 3.06.10.C.).
7. Buffering and screening requirements as described in Section 3.06.06 and landscaped as follows:
  - a. The minimum twenty (20) feet landscaped buffer from any Palm Valley Overlay District Delineated Roadway right-of-way shall contain existing or installed evergreen species Trees which are not less than four (4) inches DBH and twelve (12) feet in height, with a six (6) feet spread, placed not more than twenty (20) feet apart. Shrubbery is also required in this area and shall be not less than three (3) feet above the established grade at time of planting. The established grade includes the height of any berm on which shrubbery is planted.

- b. Where commercial or multi-family Development adjoins single-family residential property, a ten (10) feet buffer from the residential property lines shall contain a visual screen consisting of existing or installed evergreen species Trees which are not less than six (6) inches DBH and twenty (20) feet in height with an eight (8) feet spread, and not more than fifteen (15) feet apart
- c. Maintenance plan for Trees and plant materials during Construction and after Development is completed.

### C. Tree Protection

Development of land for different Uses and intensity often necessitates the removal of Trees to accommodate roads, parking, Buildings, and facilities. It is the intent of this Palm Valley Overlay District that every effort be made through the design, layout, and Construction of Development projects to incorporate and save as many Trees as possible. All Development pursuant to this Part shall comply with the St. Johns County Land Clearing and Tree Protection in Section 4.01.05, and the following standards shall also apply within the Palm Valley Overlay District. Where applicable, the following information shall also be addressed or referenced numerically in the following order on the landscape plan drawings or by attached text.

1. No person shall cut, destroy, move, or remove any living, disease-free Tree of any species having a trunk of eight (8) inches DBH or larger, in conjunction with any Development of land governed by this Code unless and until such removal or destruction has been approved under the provisions of this Code, as well as the St. Johns County Land Clearing and Tree Protection pursuant to Section 4.01.05.
2. No person shall cut or clear land of Trees for the sole purpose of offering land for sale.
3. The clear-cutting of Trees shall be avoided where reasonably possible. The term "clear-cutting" as used herein shall mean the cutting of more than seventy-five percent (75%) of the Trees four (4) inches DBH or greater. Clear-cutting pursuant to an approved Development Plan shall require the planting of replacement Trees as indicated in the detailed landscape plan accompanying the Construction Permit application.
4. The requirement for a Tree survey, as required by Section 3.06.10.A., shall be waived when the Applicant demonstrates the ability to accomplish the proposed project without removal of any Trees eight (8) inches DBH or greater. The Applicant shall submit to the County Administrator, a written statement prior to obtaining any Land Clearing or Construction Permits which provides that no such Trees shall be removed, and subsequent Permit will indicate "No Tree Removal" as a condition thereof.
5. Removal of Protected Trees shall be strongly discouraged. Where removal of such Trees is required, replacement of such species shall be required on an inch for inch basis. Relocation (spading) of such Trees, where reasonably possible, shall be required.

6. Considerable damage to or the death of Trees may result if more than six (6) inches of soil is added around the base of a Tree, more than thirty percent (30%) of circumferential bark is removed, or more than thirty percent (30%) of the root system is removed. In addition, asphalt paving, Building Construction, and soil compaction too close to Trees may cause their destruction. Accordingly, it shall be the responsibility of the Applicant to institute alternative site designs to assure the best chance of Tree survival whenever these criteria cannot be adhered to. The use of alternative pervious surfaces such as "Turf-Block" may be required in Tree drip line areas within parking areas only.
7. Where there are Specimen or Historic Trees, as defined in Article XII of this Code, preservation of such Trees shall be required, where reasonably possible. When such Trees exist where greater than six (6) inches of fill is required, tree wells shall be utilized and constructed within the drip line area.
8. Those Trees designated for preservation in accordance with the provisions of this Code, and as shown on the approved landscape plan, shall be marked with bright blue ribbons encircling the Tree trunk at a four (4) feet DBH, and a four (4) feet high structural barricade shall be constructed around the Tree at the drip line prior to the start of Construction. It shall be the responsibility of the Applicant to insure that markings and barricades remain in place until completion of all Construction or improvements.

#### **Sec. 3.06.11 Architectural Design Standards**

The pleasing and compatible relationship of architecture along Palm Valley Overlay District Delineated Roadways is of important public concern. The architectural design of Structures and their materials and colors must be visually harmonious with the overall appearance, history and cultural heritage of St. Johns County, and also with natural Land forms and existing vegetation. Compatibility with existing adjacent Structures and other approved Development Plans must also be considered. The intent of these standards is not to restrain diversity or innovative architecture, but to reduce incompatible and adverse impacts, and to insure an aesthetically pleasing environment. To accomplish this, the following standards shall apply to the review of proposed Buildings, renovations, and related site improvements.

- A. Proposed Development shall be located and configured in a visually complementary manner with the existing terrain and vegetation of the Parcel and surrounding parcels. Structures shall obstruct as little as reasonably practical scenic views from the main road or from existing Structures and the natural environment. Structures shall not dominate, in an incompatible manner, any general Development or adjacent Building which is substantially in compliance with this Code. This may be accomplished by the use of architectural features and/or siting of proposed Structures to reduce the appearance of excessive and inappropriate height or mass of proposed Structures.
- B. The proposed Building or Structure shall be of such design that it contributes to the image of the Palm Valley Overlay District as a place of beauty, spaciousness, and high quality.
- C. The proposed Building or Structure shall not, in its exterior design and appearance, be of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance or value.

### **Sec. 3.06.12 Design Elements and Materials**

The following specific design criteria shall apply to Development regulated under the conditions of the Palm Valley Overlay District:

- A. Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or design elements, or by unbroken extension of line shall be avoided.
- B. Architectural grade shingles, metal standing seam, tile or other non-reflective roof materials with similar nature-blending texture and appearance shall be considered appropriate.
- C. Stucco, tabby, wood siding or wood shingle siding, brick or other materials with similar texture and appearance shall be considered appropriate.
- D. Exterior colors of paints and stains shall be nature-blending with no more than three (3) colors per Building, excluding roof color. The ARC may allow up to two (2) additional colors for building accents (e.g. trim, awnings, columns, and shutters). Semi-transparent stains are recommended for application on natural wood finishes. All exterior color hues shall be subdued, consistent and compatible with those on existing adjacent properties as well as those throughout the Palm Valley Overlay District. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural may not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless additional area is approved by the ARC.
- E. Roof and exterior wall surfaces, with the exception of glass doors and windows shall be non-reflective. Any glass coating shall not reflect outward and shall be limited in color to gray or green. No more than forty (40%) percent of the facade facing any of the Palm Valley Overlay District Delineated Roadways shall be glass or reflective material.
- F. Administrative Approval of Design Elements, Materials, and Exterior Finishes
  - 1. The Architectural Review Committee, shall, with assistance of the County, develop architectural design guidelines in accordance with Section 3.06.01 of this Part. Such guidelines shall be adopted by the Board of County Commissioners and shall, at a minimum, include color palettes for exterior materials and finishes.
  - 2. Upon the adoption of color palettes for exterior materials and finishes, exterior painting of existing Structures and Buildings with a selection from the preferred color palette may be approved by the County Administrator. However, if in the determination of the County Administrator, any proposed exterior painting appears to be in conflict with the Purpose and Intent of the Palm Valley Overlay District or with the preferred color palette, a review by the Architectural Review Committee may be required.

### **Sec. 3.06.13 Lighting Criteria**

Architectural lighting shall be recessed under roof overhangs or generated from a concealed light source, or low level light fixtures. Site lighting shall be of low-intensity, shall be of white light which does not distort colors and shall not spill over into adjoining properties, roadways or in any way interfere with the vision of oncoming motorists. Specifically, lighting shall be downward facing full

cut-off, no higher than twenty (20) feet and shall have a maximum illumination level of 0.30 footcandles at ground level at the lot line.

### **Sec. 3.06.14 Administrative Requirements**

The following requirements shall apply to all projects and provisions defined in Section 3.06.03 of this Palm Valley Overlay District. For those projects subject to ARC review that do not require a County Building Permit, a Minor ARC Review shall be allowed. For those projects subject to ARC review, that do require a County Building Permit, a Regular ARC Review shall be required.

#### **A. Functions**

The St. Johns County Board of County Commissioners shall direct the following functions to determine compliance with the Palm Valley Overlay District:

1. The St. Johns County Board of County Commissioners shall establish by appointment an Architectural Review Committee (ARC) which shall be the same ARC established in the Ponte Vedra Overlay District. The ARC shall establish and adopt operating procedures which shall be in compliance with all applicable St. Johns County Land Development Codes and State and Federal laws.
2. The ARC shall meet as needed, at the request of the County Administrator or his designee, in order to fulfill its functions in a timely manner. Reasonable public notice shall be provided for all meetings of the ARC, and all meetings shall be open to the public. The ARC shall keep minutes of its proceedings and other official actions. A majority vote shall be required in order to provide an affirmative determination of compliance with this Part.

#### **B. Application and Permitting Requirements**

1. The ARC shall, with the assistance of the County, develop submittal requirements and review procedures in accordance with Sections 3.06.04 through 3.06.14 of this Part to determine compliance with this Code. Such procedures shall be adopted by Resolution of the St. Johns County Board of County Commissioners, and may be amended by the Board of County Commissioners from time to time, as appropriate. Pursuant to this adopted process, the ARC shall, in a timely manner, provide a written determination to the Applicant that the Development complies, complies with conditions, or does not comply with Sections 3.06.04 through 3.06.13 of this Code.
2. The Applicant must provide proof of the above written determination of compliance in order to obtain Land Clearing Permits, any Permit authorizing Construction, or any other Development Order as defined in Part II of Chapter 163, F.S.

#### **C. Vested Rights Determinations**

1. As an alternative to a determination that a proposed Development complies with the standards contained herein, the Applicant may demonstrate to the St. Johns County Board of County Commissioners, that vested rights to proceed with the proposed Construction or Development have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.06.00 of this Code to the subject Construction or Development. Upon a determination of vested rights or



estoppel by the St. Johns County Board of County Commissioners, the provisions of Part 3.06.00 of this Code in conflict with such rights shall not be applied to the Applicant. The legal requisites for such determinations and burdens of proof, therefore, shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.

2. A Planned Unit Development (PUD) may be expanded, without a vested rights or estoppel determination, if the proposed addition(s) adjoins the existing PUD. The more restrictive standards and criteria of the existing PUD or the Palm Valley Overlay District shall apply to the expansion.

D. Variances and Appeals

An Applicant may apply to the St. Johns County Architectural Review Committee of Ponte Vedra and Palm Valley for, and be granted or denied, a Variance from one or more standards of the Palm Valley Overlay District.

Variances, or modifications to these requirements within PUD's, in the Palm Valley Overlay District shall be governed as follows:

1. Any Variance, or modification within PUD's, to Palm Valley Overlay District requirements may be granted by the Architectural Review Committee of Ponte Vedra and Palm Valley. Such requests shall be considered by the Architectural Review Committee of Ponte Vedra and Palm Valley pursuant to requirements of Section 10.04.03.
2. Any affected or aggrieved person may Appeal a determination of the Architectural Review Committee to the Board of County Commissioners, made under the authority of this Section, by filing such Appeal in writing to the County Administrator within thirty (30) days of any such determination.

E. Management of Applications among Multiple Boards

1. When a board or agency has made a decision or finding on an application, and the application or a companion application will later appear before the Planning and Zoning Agency or Board of County Commissioners, its approval or approval with conditions shall constitute a recommendation to that body. The Planning and Zoning Agency or Board of County Commissioners may choose to accept the decision or finding of the board or agency, make a binding decision or finding of its own, or send the application back to the lower board or agency for a decision consistent with its findings or suggestions.
2. This section does not impose any additional review standards on applications or board or agency decisions as set forth in this Code.

## **PART 3.07.00 SOUTH ANASTASIA OVERLAY DISTRICT**

### **Sec. 3.07.01 Purpose and Intent**

The purpose and intent of establishing this Overlay District is to protect and preserve the “Old Florida” style, rural beach community in the South Anastasia Overlay District and achieve specific goals and objectives of the St. Johns County Comprehensive Plan. Objectives to be attained through the establishment of this South Anastasia Overlay District include protection of adjacent residential Uses; reduction of visual distraction through uniform Sign criteria; enhancement of physical appearance through increased landscaping of public and private property; clustering of complementary Uses throughout the various locations in the South Anastasia Overlay District; provision of architectural design guidelines within specific locations throughout the South Anastasia Overlay District; encouraging pedestrian oriented and non-urban scale to future Development; and enhancing the appearance of Development through landscaping. These goals shall be accomplished through the establishment of special Development standards for the South Anastasia Overlay District and the review of the impact upon the safe use of the roads of this South Anastasia Overlay District; the location, character, compatibility and appearance of all proposed commercial and multi-family land Uses; and the compliance with the standards, criteria, and application requirements of this Part. The review shall be performed with the goal of determining whether a proposed plan of Development meets the goals, objectives and policies set forth in the Comprehensive Plan and the standards and criteria of this Part.

### **Sec. 3.07.02 Delineation Of The South Anastasia Overlay District**

- A. The South Anastasia Overlay District delineated herein, is a special district in the form of an overlay superimposed upon the various zoning districts. This South Anastasia Overlay District encompasses all that land situated within unincorporated St. Johns County within the boundaries indicated as follows:
1. On the North by Owens Avenue;
  2. On the East by the Atlantic Ocean;
  3. On the South by the Flagler County line; and
  4. On the West by the Matanzas River (Intracoastal Waterway).
- B. In such cases where a proposed Development Parcel extends beyond the boundaries delineated above, the entire Parcel shall be subject to the South Anastasia Overlay District, except any portion outside the boundaries of St. Johns County. Measurements from the South Anastasia Overlay District boundaries will be made generally in a perpendicular direction from the right-of-way line and, where there is curvature, perpendicular to the chord of such curvature.

### **Sec. 3.07.03 Application Of District Regulations**

- A. All standards prescribed in this Part shall apply to all Uses contained within all zoning categories (including PUD’s, PSD’s, and PRD’s) excluding Single-Family Dwellings; Two-Family Dwellings; mobile homes; roadside stands; plant nurseries, barns, corrals, greenhouses and other substantially similar structures; temporary uses; boarding stables;

and riding academies. These requirements shall apply to property proposed for Development as a permitted Use, as well as to additions, exterior remodeling and renovations hereafter undertaken within the South Anastasia Overlay District.

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

#### B. Permitted Uses

The Uses for the property contained within the South Anastasia Overlay District shall be as prescribed in the various zoning districts underlying the South Anastasia Overlay District, except where such Use or site design is not permitted by the St. Johns County Comprehensive Plan, or this Part as may be amended from time to time.

#### C. Exemptions

The following activities shall be exempt from DRB review:

1. Repainting of structures in existing colors.
2. Additions to the rear of the structure not exceeding two hundred and fifty (250) square feet which are of similar architectural style as the existing structure, and consist of like exterior finishes and colors including windows and doors.
3. Replacement of roofing with like roofing materials.
4. Replacement of windows, doors, existing porches, patio overhangs, porte cocheres, or carports which are replaced in a similar style as the existing structure or main portion of the existing structure and consist of like exterior finishes and colors.
5. Replacement of landscaping consistent with a previously approved landscaping plan or replacement of existing landscaping with like landscaping material.
6. Non-substantive changes, which do not change the character, design, or commonly observed appearance of a site or structure.

### **Sec. 3.07.04 Development Standards and Criteria**

- A. The following general criteria shall apply within the South Anastasia Overlay District:

1. Roof design should generally be of hipped, shed or gable types unless the specific recognized architectural character of the Building suggests a flat roof. Mansard roofs shall be allowed provided they are on all visually exposed sides and the slope does not exceed one to one (1:1).
2. Work areas or storage doors and open bays shall not open toward, face or otherwise be visible from State Road A1A South or any adjacent residential properties. The DRB may consider alternative screening and design concepts to shield work areas, storage doors and open bays from delineated roadways or any adjacent residential properties. No drive-through facilities shall be allowed as part of any commercial Structure, unless screened from view along public streets and adjacent properties by landscaping, walls, fences, canopies and other similar design elements.
3. Heating, ventilation and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be either screened from view with fencing architecturally consistent with the Building or vegetation, or located so that such items are not visible from State Road A1A South, adjacent residential properties or intersecting Streets. Trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes (except as provided by Florida law), Antenna, and other such Structures shall be similarly screened or made not visible.
4. Chain link, barbed wire and similar fencing materials shall not be allowed in any required Front Yard, and where such fencing can be viewed from any roadway, landscaping and/or berming shall be provided to prohibit visibility from State Road A1A South or any adjacent residential properties.
5. Exterior lighting for safety and security shall be kept to a minimum consistent with reasonable safety requirements of the particular business or Structure. Safety and security lights, other than low-wattage lights or ground-area lights, shall not be directly visible from adjacent residential properties. See additional lighting criteria in Sec. 3.06.13. Lighting criteria for the protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly. The use of solar power should be explored to supply electricity to fixtures.
6. The maximum amount of impervious surface coverage of any site proposed for Development, excluding any jurisdictional Wetlands, shall not exceed sixty-five percent (65%).
7. Commercial Uses shall have a maximum Gross Floor Area (GFA) of ten thousand (10,000) square feet per acre (pro rata), excluding any jurisdictional wetlands.
8. For properties adjacent to State Road A1A South, the maximum length of Buildings parallel, or within 45 degrees of parallel, to State Road A1A South shall be one hundred twenty (120) feet.
9. The maximum vertical clearance of Canopies provided over the pump islands at gas stations, service stations, and convenience stores shall not exceed seventeen (17) feet in height from established grade to the underside of the canopy. The maximum height of a canopy shall not exceed twenty-four (24) feet from established grade.

### **Sec. 3.07.05 Minimum Yard Requirements**

#### **A. Minimum yard requirements shall be as follows:**

1. Front along State Road A1A South right-of-way: Twenty (20) feet for a Building up to and including twenty (20) feet in height; thirty (30) feet for a Building above twenty (20) feet in height.
2. Front along any other Collector: Fifteen (15) feet for Building up to and including twenty (20) feet in height; twenty-five (25) feet for a Building above twenty (20) feet in height.
3. Side: Ten (10) feet
4. Rear: Ten (10) feet if adjoining rear of existing commercial Uses, twenty (20) feet if adjoining the side of commercial uses.
5. For Buildings proposed on sites which adjoin an existing residential land Use or residentially-zoned Lands, the minimum adjoining Side or Rear Yard, or both is thirty (30) feet for a Building up to and including twenty (20) feet in height; fifty (50) feet for a Building above twenty (20) feet in height.
6. Required separation: Minimum twenty (20) feet between Buildings.
7. Accessory Uses and Structures
  - a. Accessory uses and structure and parking lots, shall be adequately screened from any Palm Valley Overlay District Delineated Roadway.
  - b. Accessory Uses and Structures (excluding parking lots), shall not be allowed closer to the Palm Valley Overlay District Delineated Roadway than any Building on the site.

### **Sec. 3.07.06 Buffers**

#### **A. Buffering Requirements**

The minimum buffering requirements are as follows:

1. A minimum ten (10) foot buffer from the right-of-way of State Road A1A South except Scenic Highway A1A as described in 6.06.02.F.2.b.
2. A minimum ten (10) foot buffer from side property boundaries. Side Yard buffers shall begin not more than fifty (50) feet from the right-of-way of State Road A1A South and shall continue to the front or rear property line most distant from said right-of-way.
3. A minimum ten (10) foot buffer from rear property boundaries.
4. Where a Building up to and including twenty (20) feet in height is to be constructed within sixty (60) feet of residentially-zoned property, or where a Building above

twenty (20) feet is to be constructed within one hundred (100) feet of residentially-zoned property, a landscaped visual screen shall be provided and maintained between the Building and the residentially-zoned property, which provides seventy-five percent (75%) or greater opacity to a six (6) foot height.

B. Buffers within required Yards and landscaped visual screens shall, where reasonably possible, contain native vegetation existing on the site proposed for Development.

C. Buffer areas

Buffer areas are landscaped strips or existing native vegetation along parcel boundaries which separate incompatible Uses or serve as boundaries of parcels or Uses and may serve as a protective or safety barrier.

D. Buffer areas required shall be included in plans submitted for review. Buffer areas may be located between the Building restriction lines and the property lines and shall not be located in an existing or dedicated public or private street right-of-way. However, the continuation of buffer landscaping into the right-of-way, where feasible and permitted, is encouraged. **(Note: Building restriction line is defined herein as a line offset by a prescribed distance within a property line beyond which Construction is not permitted unless authorized herein.)**

#### **Sec. 3.07.07 Fences And Walls**

A. Within the South Anastasia Overlay District the maximum allowable height for fences or walls, including posts/columns, gates, lights, etc. outside Building restriction lines shall have a maximum height of four (4) feet except:

1. On rear Lot lines which coincide with the Right-of-Way line of State Road A1A South, the maximum height may be eight (8) feet.
2. For property adjacent to a borrow pit or drainage pond, the maximum height may be six (6) feet.
3. Properties in a commercial zoning district are allowed fences only in the Rear and Side Yard with a maximum height of six (6) feet and a maximum height of any posts/columns, gates, lights, etc. of eight (8) feet, except as provided in Section 3.07.06.A.4.
4. The height shall be measured from the established grade on the exterior side of the fence or wall. They are allowed anywhere on the Lot except as prohibited on corner lots and because of sight triangles.

5. Retaining Walls

Maximum height of a retaining wall on a Lot or parcel is four (4) feet. A minimum of forty (40) feet shall separate retaining walls designed to add cumulative height.

6. A greater height is needed to meet the minimum criteria as mandated by federal, state, or local rule, requirement, or regulation. However, such fence or wall must be

reviewed pursuant to this Part for consistency and compliance, including architectural treatment, materials, and landscaping.

### **Sec. 3.07.08 Parking**

- A. All parking in the South Anastasia Overlay District shall be governed by the appropriate Land Development Code requirements. Where the nature of a particular business would indicate the need for fewer than the minimum required number of parking spaces, businesses are encouraged to utilize Section 6.05.02.G Determination for Alternative Parking, to demonstrate that the required spaces are not needed. Alternative parking concepts should include, enhanced buffers, landscaping and other pervious surfaces to offset the proposed reduction, where appropriate.
- B. Adequate lighting shall be provided if off-Street parking or loading facilities are to be used at night. The lighting shall be designed and installed to minimize glare on adjacent property. The parking area illumination shall be confined to the parking area, not extending beyond the property line. Bulbs shall be concealed from adjacent properties. See additional criteria in 3.07.13.

### **Sec. 3.07.09 Signage**

All multi-family and commercial Signs, including new, replacement or modified existing Signs, shall be governed as set forth in this Code, except as provided below:

- A. All Ground Signs shall be of a wide-based monument style. Pylon Signs are only permitted when monument style signs cannot be adequately located due to site constraints as determined by the DRB. Signs may be double-faced and shall not create a traffic hazard or endanger the public safety. Where feasible, as determined by the approval authority, all ground signs shall use shrubs that are twenty-four (24) inches at the time of planting around the base of the sign. This must be planted within thirty (30) days of sign permit approval.
- B. Sign composition shall be consistent with the architectural materials, finishes and features of the Building. Any icon that is not similar to and compatible with the architectural styles, colors, and materials of the related building shall be restricted to a maximum fifteen percent (15%) of the advertising display area, unless additional area is approved by the DRB.
- C. For Uses occupying five (5) acres or less, the total ground Sign face area shall not exceed thirty-two (32) square feet per Sign face. One (1) sign shall be allowed for each arterial and collector street frontage. The Sign should include the numerical address.
- D. For Uses occupying more than five (5) acres, the total area per Sign face shall not exceed sixty (60) square feet per sign face. One (1) such sign shall be allowed for each arterial and collector street frontage. The Sign should include the numerical address.
- E. Signs may be supported by foundations the height of which shall not exceed four (4) feet. Use of dirt, sand, or other materials to elevate the height of the Sign on a mound is prohibited. The maximum height to the top of the Sign or the mounting surface for molded letters shall be eight (8) feet where the ground Sign face is permitted to be up to thirty-two (32) square feet, and twelve (12) feet where the ground Sign face is permitted to be up to sixty (60) square feet.

- F. New ground signs and alterations to existing ground signs requiring a DRB review shall be externally illuminated with downward facing fixtures and hours of illumination to cease no later than 30 minutes after business closing, unless additional time is approved by the DRB.
- G. In addition to the above Signs, a commercial use is allowed one wall Sign not to exceed twenty-four (24) square feet and may be allowed on each street side of the Building.
- H. Where a Building is divided into units for several businesses, one (1) wall Sign as specified above may be allowed for each such business, not to exceed twenty-four (24) square feet in advertising display area. In addition, each business located therein may have one double-faced hanging Sign under covered walkways with maximum dimensions of two (2) feet by four (4) horizontal.
- I. One (1) awning or window identification Sign may be substituted, for a wall Sign. Either sign shall not exceed twenty-four (24) square feet in area.
- J. In construing the provisions of this Section, messages not exceeding six (6) inches in height erected within or upon doors and windows shall not be counted in computing the number of Signs.
- K. Temporary window Signs, for the purpose of advertising a particular type of service, products, or events may be attached or applied to the inside of a window. Any Sign within two (2) feet of the glass is considered a window Sign. The total window Sign coverage is limited to twenty-five percent (25%) of the window space. Temporary window Signs shall be removed within thirty (30) days.
- L. The following provisions apply to temporary signage:
  - 1. Banner signs shall be allowed as special event signage between the timeframe of overlay application submittal and up to a period of sixty (60) days after permanent sign approval by the DRB. This shall consist of no more than three (3) signs at a maximum advertising display area of twenty-four (24) square feet each. This requirement shall only apply to parcels that have frontage along A1A. All other parcels are limited to one (1) banner sign at a maximum advertising display area of twenty-four (24) square feet.
  - 2. Banner signs shall also be allowed in accordance with Section 7.05.00 and 7.07.01.A for a period of sixty (60) days per calendar year, not to exceed one (1) time in one (1) month and not to exceed ten (10) days per each event. This shall consist of no more than three (3) signs at a maximum advertising display area of sixty (60) square feet each.
- M. Directional ground signs are limited to two (2) square feet per sign. The maximum allowable height is three (3) feet.
- N. Any lighting shall be white in color, unless different lighting is required by the County for purposes of protecting turtles. External lighting must conceal and shield the lighting.
- O. The location and dimensions of wall signs shall maintain compatibility with architectural materials, finishes, and features of the Building.



P. Wall Signs shall be mounted directly upon wall surfaces, and shall not be mounted upon raceways or other protrusions from the wall surface.

Q. The following signage is prohibited:

1. Roof, spectacular, portable and animated Signs and billboards;
2. Signs painted on the roof of a Building;
3. Statues, flags, banners, pennants or inflatable Signs, except as may be allowed by Article VII and Section 3.07.09.M of this Code;
4. Exterior electric Signs;
5. Exterior neon Signs;
6. Interior neon Signs which exceed more than thirty percent (30%) of a window area or is larger than twelve (12) square feet and visible from the outside;
7. Fluorescent lighting for any purposes other than overhead lighting;
8. Any Sign prohibited by Article VII of this Code.

R. Administrative Approval of Specific Signage

1. Any ground sign reface thirty-two (32) square feet in size or portion thereof, provided the colors closely match any color associated with the building and type text/sizes are similar to other DRB approved signage located on the ground sign face.
2. Any Wall, Awning, or Window Sign reface twenty-four (24) square feet or any Hanging sign up to eight (8) square feet or portion thereof in size provided the colors closely match any colors associated with the Building and text type and sizes are similar to other DRB approved signage located on existing Wall Signs on the same building.
3. Any Directional Sign two (2) square feet or less in size.
4. Any wall, awning, ground, hanging, and/or window identification sign within a Unified Sign Plan (USP) that is approved by the DRB.

S. Unified Sign Plan

The USP is an elective master plan for all Project (wall, ground, awning, and window) identification signs located for multi-family and commercial properties. The purpose of the USP is to develop a cohesive sign strategy/design that meets code, expresses the desire of the ARC, and allows an expedited approach to review signage. The USP shall follow the below requirements:

1. All signage must adhere to the overlay district code.

2. The USP shall provide information relating, but not limited, to the size of the advertising display area (minimum and maximum), type of sign (i.e. box or individual letter), mounting procedures, lighting, colors, font, materials, icons, and any other information required by the County.
3. The ARC must consider the USP prior to approval of the USP and may require any conditions it desires to meet the purpose and intent of the overlay code.

### **Sec. 3.07.10 Landscape Criteria**

A. Applications for rezonings shall provide schematic and textual information which describes existing vegetation including any Specimen, Historic or Protected Trees. Specimen, Historic and Protected Trees shall be those as defined within Article XII of this Code. The rezoning application shall also address proposed Tree protection, proposed landscaping, and required buffering.

B. Landscape Plan

At the time of Construction Plan review, in accordance with the County's Development Review Committee (DRC) process, and prior to issuance of any Land Clearing or Construction Permits, the following detailed information shall be provided (this requirement shall apply to all Development, that which is pursuant to a rezoning or otherwise to which the established DRC process is applicable). A detailed landscape plan, which depicts and describes the following items, shall address or reference each item numerically in the following order on the plan drawings or by attached text.

1. A survey of all Specimen, Historic and Protected Trees shall be submitted in conjunction with the Development site layout. The Tree survey shall also depict any Protected Trees as defined in Article XII of this Code. All Trees proposed for removal shall be clearly noted. The Tree survey shall note sizes, locations, species identification, and spacing, and shall be certified by either a registered land surveyor, registered engineer, registered landscape architect or certified arborist.
2. All proposed Trees and plant materials, with sizes, locations, species identification, existing and proposed contours and spacing.
3. All existing and proposed Structures and vehicular use areas, with sizes, square footage, materials, and circulation noted.
4. Proposed irrigation system layout (if required).
5. Parking lot islands which include one shade Tree, existing or planted, not less than fourteen (14) feet in height and four (4) inch caliper, for each island. Shrubbery in each island shall include a minimum of three (3) three-gallon container stock for each forty (40) square feet of planting area.
6. Retention and protection of Specimen and valuable native Protected Trees and use of native and drought-resistant plant materials (see following Section 3.07.10.C.).
7. Buffering and screening requirements as described in Section 3.07.06 and landscaped as follows:

- a. The minimum ten (10) feet landscaped buffer from State Road A1A South right-of-way shall contain existing or installed evergreen or native palm species Trees which, where reasonably possible, are native and are not less than four (4) inches DBH, with a six (6) feet spread, placed not more than twenty (20) feet apart. Shrubbery is also required in this area and shall be not less than three (3) feet above the established grade at time of planting and where reasonably possible, shall be native. The established grade includes the height of any berm on which shrubbery is planted.
- b. Where commercial or multi-family Development adjoins single-family residential property, a ten (10) feet buffer from the residential property lines shall contain a visual screen consisting of existing or installed evergreen species Trees which, where reasonably possible, are native and are not less than four (4) inches DBH placed not more than fifteen (15) feet apart.
- c. Maintenance plan for Trees and plant materials during Construction and after Development is completed.

### C. Tree Protection

Development of land for different Uses and intensity often necessitates the removal of Trees to accommodate roads, parking, Buildings, and facilities. It is the intent of this South Anastasia Overlay District that every effort be made through the design, layout, and Construction of Development projects to incorporate and save as many Trees as possible. All Development pursuant to this Part shall comply with the St. Johns County Land Clearing and Tree Protection in Section 4.01.05, and the following standards shall also apply within the South Anastasia Overlay District. Where applicable, the following information shall also be addressed or referenced numerically in the following order on the landscape plan drawings or by attached text.

1. No person shall cut, destroy, move, or remove any living, disease-free Tree of any species having a trunk of eight (8) inches DBH or larger, in conjunction with any Development of land governed by this Code unless and until such removal or destruction has been approved under the provisions of this Code, as well as the St. Johns County Land Clearing and Tree Protection pursuant to Section 4.01.05.
2. No person shall cut or clear land of Trees for the sole purpose of offering land for sale.
3. The clear-cutting of Trees shall be avoided where reasonably possible. The term "clear-cutting" as used herein shall mean the cutting of more than seventy-five percent (75%) of the Trees four (4) inches DBH or greater. Clear-cutting pursuant to an approved Development Plan shall require the planting of replacement Trees as indicated in the detailed landscape plan accompanying the Construction Permit application.
4. The requirement for a Tree survey, as required by Section 3.07.10.A., shall be waived when the Applicant demonstrates the ability to accomplish the proposed project without removal of any Trees eight (8) inches DBH or greater. The Applicant shall submit to the County Administrator, a written statement prior to obtaining any

Land Clearing or Construction Permits which provides that no such Trees shall be removed, and subsequent Permit will indicate “No Tree Removal” as a condition thereof.

5. Removal of Protected Trees shall be strongly discouraged. Where removal of such Trees is required, replacement of such species shall be required on an inch for inch basis. Relocation (spading) of such Trees, where reasonably possible, shall be required.
6. Considerable damage to or the death of Trees may result if more than six (6) inches of soil is added around the base of a Tree, more than thirty percent (30%) of circumferential bark is removed, or more than thirty percent (30%) of the root system is removed. In addition, asphalt paving, Building Construction, and soil compaction too close to Trees may cause their destruction. Accordingly, it shall be the responsibility of the Applicant to institute alternative site designs to assure the best chance of Tree survival whenever these criteria cannot be adhered to. The use of alternative pervious surfaces such as “Turf-Block” may be required in tree drip line areas within parking areas only.
7. Where there are Specimen or Historic Trees, as defined in this Code, preservation of such Trees shall be required, where reasonably possible. When such Trees exist where greater than six (6) inches of fill is required, tree wells shall be utilized and constructed within the drip line area.
8. Those Trees designated for preservation in accordance with the provisions of this Code, and as shown on the approved landscape plan, shall be marked with bright blue ribbons encircling the Tree trunk at a four (4) feet DBH, and a four (4) feet high structural barricade shall be constructed around the Tree at the drip line prior to the start of Construction. It shall be the responsibility of the Applicant to insure that markings and barricades remain in place until completion of all Construction or improvements.

### **Sec. 3.07.11 Architectural Design Standards**

The pleasing and compatible relationship of architecture along the South Anastasia Overlay District is of important public concern. The architectural design of Structures and their materials and colors must be visually harmonious with the overall appearance, history and cultural heritage of the communities within the South Anastasia Overlay District, and also with natural land forms and existing vegetation. Compatibility with existing adjacent Structures and other approved development plans must also be considered. The intent of these standards is not to restrain diversity or innovative architecture, but to reduce incompatible and adverse impacts, and to insure an aesthetically pleasing environment. To accomplish this, the following standards shall apply to the review of proposed Buildings, renovations, and related site improvements.

- A. Proposed Development shall be located and configured in a visually complementary manner with the existing terrain and vegetation of the Parcel and surrounding Parcels. Structures shall obstruct as little as reasonably practical scenic views from the main road or from existing Structures and the natural environment. Structures shall not dominate, in an incompatible manner, any general Development or adjacent Building which is substantially in compliance with this Code. This may be accomplished by the use of architectural features

and/or siting of proposed Structures to reduce the appearance of excessive and inappropriate height or mass of proposed Structures.

- B. The proposed Building or Structure shall be of such design that it contributes to the image of the South Anastasia Overlay District as an “Old Florida” style, rural beach community with a pedestrian oriented, non-urban scale to the built environment preserving where possible the native beach and estuarine environments of the area.

### **Sec. 3.07.12 Design Elements and Materials**

The following specific design criteria shall apply to Development regulated under the conditions of the South Anastasia Overlay District:

- A. Roofs, see Section 3.07.04.A.1.
- B. Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or design elements, or by unbroken extension of line shall be avoided.
- C. Roof shall consist of wood or asphalt composition shingles, barrel tile, clay tile or similar non-reflective finished material having a natural texture and appearance. Metal roofs shall only be allowed where they are characteristic of a recognized architectural style.
- D. Exterior walls on all sides shall be stucco, tabby, wood siding or wood shingle siding, brick, exterior insulation-and-finish systems (EIFS) or other materials with similar texture and appearance; unless approved by the DRB.
- E. Exterior colors of paints and stains for new Construction or Development which are subdued and nature-blending are preferred with no more than three (3) colors per Building, excluding roof color, unless approved by the DRB. The DRB may also allow up to two (2) additional colors for building accents (i.e. trim, awnings, columns, and shutters). Semi-transparent stains are recommended for application on natural wood finishes. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural will not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless otherwise approved by the DRB.
- F. Roof and exterior wall surfaces, with the exception of glass doors and windows shall be non-reflective. Any glass coating shall not reflect outward and shall be limited in color to gray or green. No more than forty percent (40%) of the facade facing State Road A1A South shall be glass or reflective material.
- G. Administrative Approval of Design Elements, Materials, and Exterior Finishes
  1. The Design Review Board, shall, with assistance of the County, develop architectural design guidelines in accordance with Section 3.07.01 of this Part. Such guidelines shall be adopted by the Board of County Commissioners and shall, at a minimum, include color palettes for exterior materials and finishes.
  2. Upon the adoption of color palettes for exterior materials and finishes, exterior painting of existing Structures and Buildings with a selection from the preferred color palette may be approved by the County Administrator. However, if in the

determination of the County Administrator, any proposed exterior painting appears to be in conflict with the Purpose and Intent of the South Anastasia Overlay District or with the preferred color palette, a review by the Design Review Board may be required.

### **Sec. 3.07.13 Lighting Criteria**

Architectural lighting shall be recessed under roof overhangs or generated from a concealed light source, or low level light fixtures. Site lighting shall be of low-intensity, shall be of white light which does not distort colors and shall not spill over into adjoining properties, roadways or in any way interfere with the vision of oncoming motorists. Specifically, lighting shall be downward facing full cut-off, no higher than twenty (20) feet and shall have a maximum illumination level of 0.30 foot-candles at ground level at the lot line.

### **Sec. 3.07.14 Administrative Requirements**

The following requirements shall apply to all projects and provisions defined in Section 3.07.03 of this South Anastasia Overlay District. For those projects subject to Design Review Board (DRB) review that do not require a County Building Permit, a minor DRB review shall be allowed. For those projects subject to DRB review that require a County Building Permit, a regular DRB review shall be required.

#### **A. Functions and Establishment of the Design Review Board**

The St. Johns County Board of County Commissioners shall direct the following functions to determine compliance with the South Anastasia Overlay District:

1. The St. Johns County Board of County Commissioners shall establish by appointment a Design Review Board (DRB). Except as otherwise provided in this Code, it shall be the role of the DRB to determine compliance with this part.
2. The DRB shall consist of five (5) members and two (2) alternates. Membership qualifications and the initial membership terms shall be set by resolution of the Board of County Commissioners. The initial terms shall be staggered in 1, 2, 3, and 4 year terms. Except for the initial term, members shall be appointed to a four (4) year term, with an additional term of four (4) years as may be approved by the Board of County Commissioners. All members shall serve at the pleasure of the Board of County Commissioners.
3. The Board of County Commissioners shall establish and adopt by resolution bylaws, operating procedures, and membership criteria of the DRB which shall be in compliance with all applicable St. Johns County regulations and State and Federal Laws. The DRB may recommend changes to its bylaws, operating procedures, and membership criteria, to be approved by the Board of County Commissioners.
4. The DRB shall meet as needed, at the request of the County Administrator or his designee, in order to fulfill its functions in a timely manner. Reasonable public notice shall be provided for all meetings of the DRB, and all meetings shall be open to the public. The DRB shall keep minutes of its proceedings and other official actions. A majority vote of a present quorum shall be required in order to provide an affirmative determination of compliance with this Part.

5. Any previous citizen appointed to the DRB shall have the opportunity to reapply and have the same term limits as prescribed in subsection A.2, provided they have not been excluded by the Board of County Commissioners because of longevity on the DRB. If longevity is an issue, the citizen must wait a period of two (2) years from the date of their original expiration before reapplying to the DRB.

**B. Application and Permitting Requirements**

1. The County Administrator shall develop application forms and review procedures to assist the Design Review Board in determining compliance with the South Anastasia Overlay District Requirements.
2. Pursuant to this adopted process, the DRB or its authorized staff shall, in a timely manner, provide a written determination to the Applicant that the Development complies, complies with conditions, or does not comply, with Sections 3.07.04 through 3.07.13 of this Code. Any determination by the Design Review Board shall be supported by appropriate findings of fact.
3. The Applicant must provide proof of the above written determination of compliance in order to obtain Land Clearing Permits, any Permit authorizing Construction, or any other Development Order as defined in Part II of Chapter 163, F.S.
4. In general, all applications that are subject to the County's established development review process shall proceed through a first submittal development review prior to being scheduled for the Design Review Board. Any development review comments that have not been addressed at the time of Design Review Board meeting shall be noted by the Applicant. If appropriate, the Design Review Board may attach conditions to its determinations related to outstanding development review comments. The Design Review Board shall not request modifications that are not in compliance with other land development regulations.

**C. Vested Rights Determinations**

1. As an alternative to a determination that a proposed Development complies with this Part, the Applicant may demonstrate, that vested rights to proceed with the proposed Construction or Development have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.07.00 of this Code to the subject Construction or Development. Vested rights determinations shall be made in accordance with Part 10.02.00 of this Code. Upon a determination of vested rights or estoppel, the provisions of Part 3.07.00 of this Code in conflict with such rights shall not be applied to the Applicant. The legal requisites for such determinations and burdens of proof, therefore, shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.
2. A Planned Unit Development (PUD) may be expanded, without a vested rights or estoppel determination, if the proposed addition(s) adjoins the existing PUD. The more restrictive standards and criteria of the existing PUD or the South Anastasia Overlay District shall apply to the expansion.

#### D. Variances and Appeals

An Applicant may apply to the St. Johns County South Anastasia Design Review Board for, and be granted or denied, a Variance from one or more standards of the South Anastasia Overlay District. Variances, or modifications to these requirements within PUD's or PSD's, in the South Anastasia Overlay District shall be governed as follows:

1. Any Variance, or modification within PUD's or PSD's to South Anastasia Overlay District requirements may be granted by the South Anastasia Design Review Board. Such requests shall be considered pursuant to the requirements of Section 10.04.03.
2. Any affected or aggrieved person may Appeal a written determination of the Design Review Board to the Board of County Commissioners, made under the authority of this Section, by filing such Appeal in writing to the County Administrator within thirty (30) days of any such written determination.

#### E. Management of Applications among Multiple Boards

1. When a board or agency has made a decision or finding on an application, and the application or companion application will later appear before the Planning and Zoning Agency of Board of County Commissioners, its approval or approval with conditions shall constitute a recommendation to that body. The Planning and Zoning Agency or Board of County Commissioners may choose to accept the decision or finding of the board or agency, make a binding decision or finding of its own, or send the application back to the lower board or agency for a decision consistent with its findings or suggestions.
2. This section does not impose any additional review standards on applications or board or agency decisions as set forth in this Code.

#### F. Administrative Approval

1. **Delegation of Signing Authority.** In the event that the Design Review Board has determined compliance with this Part, the DRB may authorize its support staff to sign and render an Order or written determination approved by the DRB in lieu of the Chair or Vice-Chair.
2. **Failure to Hold a Quorum.** In the event that the Design Review Board is unable to gather a Quorum to render a decision on an application scheduled for a hearing before the DRB and is unable to gather another quorum within ten (10) days of the scheduled hearing, the County Administrator shall determine compliance with the provisions of the South Anastasia Overlay District.
3. **Failure to Establish a Design Review Board.** In the event that the St. Johns County Board of County Commissioners is unable to establish a Design Review Board, as defined by this Part, it shall be the responsibility of the County Administrator to determine compliance with the provisions of this Part. Failure to establish shall mean that at any time there are less than three (3) regular members appointed to the DRB.



## **Part 3.08.00 Mid-Anastasia Overlay District**

### **Sec. 3.08.01 Purpose and Intent**

The purpose and intent of this Special District is to achieve specific goals and objectives of the St. Johns County Comprehensive Plan and establish additional requirements which regulate development in a manner that protects natural resources and further supports the provisions of Article IV of this Code, and maintains and enhances the diverse and unique character of the Mid-Anastasia Overlay District.

The objective of these requirements is to protect surrounding residential Uses; cluster complementary Uses; protect scenic views; enhance physical appearance through design and signage controls; protect community character and encourage pedestrian activity. These objectives shall be accomplished through the establishment and implementation of special guidelines, standards and criteria which shall apply to the location, character, compatibility and appearance of proposed cultural, institutional, commercial and multi-family land Uses, and to certain changes or renovations to such existing land Uses. The implementation of this Part shall be assisted by a Design Review Board, which shall be established in accordance with the administrative procedures of this Part. The review of activities which are subject to these additional requirements shall be performed with the goal of determining whether a proposed activity meets the goals, objectives and policies set forth in the Comprehensive Plan and the guidelines, standards and criteria of this Part.

### **Sec. 3.08.02 Delineation of the Mid-Anastasia Overlay District**

- A. The Mid-Anastasia Overlay District, as delineated herein, is a special district in the form of an overlay superimposed upon the various zoning districts. This special district encompasses all that land situated within unincorporated St. Johns County extending from the entrance of Anastasia State Park on the North, extending to Owens Avenue on the South, and the Matanzas River on the West and the Atlantic Ocean on the East.
- B. Delineated roadways within the Mid-Anastasia Overlay District shall include State Road A1A South, State Road 312, Mizell Road, West Pope Road and West 16<sup>th</sup> Street.

### **Sec. 3.08.03 Uses and Activities Subject to Mid-Anastasia Overlay District Standards**

- A. All standards prescribed in this Part shall apply to all Uses contained within all zoning categories (including PUD's, PSD's, and PRD's) excluding single-family dwellings; Two-Family Dwellings; mobile homes; roadside stands; temporary uses; plant nurseries, barns, corrals, greenhouses and other substantially similar Structures; and boarding stables and riding academies. These requirements shall apply to property proposed for Development as a permitted Use, as well as to additions, exterior remodeling and renovations hereafter undertaken within the Mid-Anastasia Overlay District.
  - 1. Exterior remodeling and renovation shall be defined as any activity changing the exterior of a Structure that requires a County Building Permit, and also the repainting of any Structure to a color other than the existing color, as well as to Construction or alteration of fences or decks.
  - 2. These regulations shall apply to only that portion being added, remodeled, renovated or changed.

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

**B. Allowable Uses**

The Uses for the property contained within the Mid-Anastasia Overlay District shall be as prescribed in the various zoning districts underlying the Mid-Anastasia Overlay District, except where such Use is not permitted by the St. Johns County Comprehensive Plan.

**C. Exemptions**

The following activities shall be exempt from review as otherwise required by this Part. In the event of any conflict related to an exempt activity, it shall be the responsibility of the County Administrator to determine that a proposed exempt activity is in compliance with this Part.

1. Repainting of Structures in existing colors.
2. Additions to the rear of a Structure not exceeding two-hundred and fifty (250) square feet which are of similar architectural style as the existing Structure, and consist of like exterior finishes and colors including windows and doors.
3. Replacement of roofing with like roofing materials.
4. Replacement of windows and doors, and existing porches, patio overhangs, porte cocheres or carports which are replaced in a similar style as the existing Structure or main portion of the existing Structure and consist of like exterior finishes and colors.
5. Replacement of landscaping consistent with a previously approved landscape plan or replacement of existing landscaping with like landscaping material.
6. Non-substantive changes, which do not change the character, design or commonly observed appearance of a site or Structure.

**Sec. 3.08.04 Development Standards**

The following general development standards shall apply within the Mid-Anastasia Overlay District:

- A. Roof design shall be hipped, shed or gable unless otherwise approved by the Design Review Board. Horizontal roofs, which give the appearance of flat roofs, shall not be allowed.

Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or design elements, or by unbroken extension of line shall be avoided. The maximum length of any Building parallel to a roadway shall be 120 feet.

- B. Work areas, storage doors and open bays shall not open toward, face or otherwise be visible from any delineated roadway or any adjacent residential properties. The DRB may consider alternative screening and design concepts to shield work areas, storage doors and open bays from delineated roadway or any adjacent residential properties.
- C. Heating, ventilation and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be either screened from view with fencing architecturally compatible with the Building; or vegetation; or located so that such items are not visible from any roadway or adjacent residential properties. Trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes (except as provided by Florida law), Antenna, and other such Structures shall be similarly screened or made not visible.
- D. Chain link, barbed wire and similar fencing materials shall not be allowed in any required Front Yard, and where such fencing can be viewed from any delineated roadway, landscaping or berming shall be provided to prohibit visibility from such roadway or any adjacent residential properties. The fencing and screening provisions of Articles 2.02.04.C and 6.06.04 shall also apply.
- E. Architectural lighting shall be recessed under roof overhangs or generated from a concealed light source, or low level light fixtures. Site lighting shall be of low-intensity, shall be of white light which does not distort colors and shall not spill over into adjoining properties, roadways or in any way interfere with the vision of oncoming motorists. Specifically, lighting shall be downward facing full cut-off, no higher than 20 feet and shall have a maximum illumination level of 0.30 foot-candles at ground level at the lot line.
- F. The maximum vertical clearance of Canopies provided over the pump islands at gas stations, service stations and convenience stores shall not exceed seventeen (17) feet in height from established grade to the underside of the canopy. The maximum height of a canopy shall not exceed twenty-four (24) feet from established grade.

**Sec. 3.08.05 Minimum Yard Requirements**

- A. Front along State Road AIA South: Twenty (20) feet for a Building up to and including twenty (20) feet in height; thirty (30) feet for a Building Above twenty (20) feet in height.
- B. Front along any other delineated roadway: Fifteen (15) feet for a Building up to and including twenty (20) feet in height; twenty (20) feet for a Building above twenty (20) feet in height.
- C. Side: Ten (10) feet.
- D. For Buildings proposed on sites which adjoin an existing residential Use or residentially-zoned Lands, the minimum adjoining a Side or Rear Yard, or both is thirty (30) feet for a Building up to and including twenty (20) feet in height; fifty (50) feet for a Building above twenty (20) feet in height.
- E. Accessory Uses and Structures
  - 1. Accessory Uses and Structures, and parking lots, shall be adequately screened from any Palm Valley Overlay District Delineated Roadway.

2. Accessory Uses and Structures (excluding parking lots), shall not be allowed closer to the Palm Valley Overlay District Delineated Roadway than any Building on the site.
- F. A distance of eight (8) feet shall separate parking areas and Buildings. This area shall be measured from the exterior wall and shall be used for landscaping and walkways, of which a minimum of three (3) feet shall be used for landscaping.

#### **Sec. 3.08.06 Additional Buffering Requirements**

- A. Buffers may be placed within required Yards, and where reasonably possible, shall contain native vegetation existing on the site proposed for Development. In addition to the Buffering and Screening Requirements of Section 6.06.04, the following requirements shall apply in the Mid-Anastasia Overlay District.
1. A minimum twenty (20) foot buffer from the right-of-way of State Road A1A South except Scenic Highway A1A as described in 6.06.02.F.2.b.
  2. A minimum fifteen (15) foot buffer from the right-of-way of any other delineated roadway.
- B. The above buffers shall be landscaped in accordance with Section 6.06.04, paragraphs a. and c. of Screening Standards "C", which state:
1. A row of evergreen Canopy Trees which are not less than ten (10) feet high at the time of planting, a minimum of two (2) inch caliper, and are spaced not more than twenty (20) feet apart. The Trees are to be planted within ten (10) feet of the property line; and
  2. Lawn, low growing evergreen plants, evergreen ground cover, or mulch covering the balance of the buffer.
- C. The width of a required Buffer shall be measured beginning at the property line. Continuation of landscaping into the right-of-way, where feasible and not otherwise prohibited by these regulations is encouraged. Required buffers shall be included in all plans submitted for review.
- D. Sidewalks and pedestrian seating may be placed in required buffers.
- E. The Design Review Board may request the use of certain vegetation and plant species where an established or preferred species exists on a site or within adjacent development.

#### **Sec. 3.08.07 Additional Signage Requirements**

All multi-family and commercial Signs, including new Signs and replacement of existing Signs, shall be governed as set forth in Article VII of this Code, and the following additional requirements shall apply.

- A. General provisions applying to multi-family and commercial Signs in the Mid-Anastasia Overlay District:

1. All Ground Signs shall be wide-based monument style. Pylon Signs are only permitted when monument style signs cannot be adequately located due to site constraints as determined by the DRB.
  2. The overall height of a Sign Structure shall be twelve (12) feet including any foundation supporting the Sign. A foundation used to support a Sign shall not exceed four (4) feet in height. The use of dirt, sand or other material to elevate the height of a Sign on a mound is prohibited.
  3. The colors and materials of Signs shall be similar to and compatible with the architectural style and colors and materials of the related commercial or multi-family Building. Any icons that is not similar to and compatible with the architectural styles, colors, and materials of the related building shall be restricted to a maximum fifteen percent (15%) of the advertising display area, unless additional area is approved by the DRB.
  4. Signs should be oriented to pedestrians and scaled appropriately.
  5. Signs must be professionally designed, lettered and constructed.
  6. Signs may be double faced.
  7. Wall Signs shall be mounted directly upon wall surfaces, and shall not be mounted upon raceways or other protrusions from the wall surface.
  8. All ground or pylon Signs shall include the street number in a size and manner that is clear and visible. Street numbers should also be visible on the front of buildings.
  9. In construing the provisions of this Section, messages not exceeding six (6) inches in height erected within or upon doors and windows shall not be counted in computing the number of Signs.
  10. Any lighting shall be white in color for all signs, unless different lighting is required by the County for purposes of protecting turtles. External lighting must conceal and shield the light.
  11. Molded vinyl or plastic internally illuminated wall Signs shall not be allowed.
  12. For Signs that contain federally registered trademarks or service marks, documentation of such registration shall be provided with the application for review.
  13. Where feasible, as determined by the approval authority, all Ground Signs shall use shrubs that are twenty-four (24) inches at the time of planting around the base of the sign. These must be planted within 30 days of the sign installation.
- B. Ground or Pylon Signs: Number and size of Signs permitted for the street frontage
1. For Sites five (5) acres or less: One (1) on-site Sign, not to exceed thirty-two (32) square feet for each Sign Face, may be located on each arterial or collector street frontage.

2. For Sites more than five (5) acres: One (1) on-site Sign, not to exceed sixty (60) square feet for each Sign Face, may be located on each arterial or collector street frontage.
3. New Ground Signs and alterations to existing Ground Signs requiring a DRB review shall be externally illuminated with downward facing fixtures and hours of illumination to cease no later than 30 minutes after business closing, unless additional time is approved by the DRB.

C. Additional Directional Signs Allowed

In addition to the above Signs, two directional Ground Signs limited to two (2) square feet per Sign are allowed. The maximum allowable height shall be three (3) feet.

D. Commercial Wall, Hanging and Awning Signs: **Single-Story Buildings**

1. In addition to the above Signs, a commercial use is allowed one wall Sign not to exceed twenty-four (24) square feet and may be allowed on each street side of the Building.
2. Where a single-story Building is divided into units for several businesses, with separate entrances, one wall Sign as specified above is authorized for each business entrance, not to exceed twenty-four (24) square feet in advertising display area. In addition, each business entrance may have one double-faced hanging Sign under covered walkways with maximum dimensions of two (2) feet vertical by four (4) feet horizontal.
3. One awning Sign or one window identification Sign may be substituted for a wall Sign, with sign display area not to exceed twenty-four (24) square feet in area.

E. Commercial Wall, Hanging and Awning Signs: **Multi-Story Buildings**

1. Where a multi-Story Building is divided into units or floors for several businesses, one wall Sign, not exceeding twenty-four (24) square feet of area, may be allowed on each street side of the Building.
2. In addition to the above Wall Sign, where a multi-Story Building is divided into units or floors for several businesses, one awning Sign, not exceeding twenty-four (24) square feet of display area, may be allowed over each first story entrance, provided that any such awning sign is an integral and unified part of the architectural design of the entire building.
3. One double-faced hanging Sign under covered walkways with maximum dimensions of two (2) feet vertical by four (4) feet horizontal is allowed for each business entrance.

F. Multiple Tenant Directory Signs

For office and professional Buildings with multiple tenants, one directory Sign containing only the suite number, the names of individuals, organizations or businesses occupying the Building not exceeding fifteen (15) square feet of face area is allowed. Such signs may be

wall signs or ground signs. Such signs are permitted in addition to any other allowed signs.

G. Prohibited Signs

In addition to those Signs prohibited within Section 7.08.01, the following Signs are prohibited in the Mid-Anastasia Overlay District.

1. Flashing or animated Signs with any moving parts.
2. Signs painted on, or displayed from the roof of any Building or Structure.
3. Statues, flags, banners, pennants, and inflatables used for advertising purposes, except as may be allowed by Article VII and Section 3.08.07.I of this Part.
4. Exterior Signs containing exposed neon, except those specifically approved by the Design Review Board and found consistent with the Purpose and Intent of this Part.
5. Interior neon window Signs, which exceed more than thirty percent (30%) of window area. In no case shall an interior neon sign exceed twelve (12) square feet.

H. The following provisions apply to temporary signage:

1. Banner signs shall be allowed between the timeframe of overlay application submittal and up to a period of sixty (60) days after permanent sign approval by the DRB. This shall consist of no more than three (3) signs at a maximum advertising display area of twenty-four (24) square feet each.
2. Banner signs shall be allowed in accordance with Section 7.05.00 and 7.07.01.A for a period of sixty (60) days per calendar year, not to exceed one (1) time in one (1) month and not to exceed ten (10) days per each event. This shall consist of no more than three (3) signs at a maximum advertising display area of sixty (60) square feet each.

I. Administrative Approval of Specific Signage

1. Any ground sign reface thirty-two (32) square feet or portion thereof in size provided the colors closely match any colors associated with the building and text type/sizes are similar to other DRB approved signage located on the ground sign face.
2. Any Wall, Awning or Window Sign reface twenty-four (24) square feet or any Hanging Sign up to eight (8) square feet portion thereof in size provided the colors closely match any colors associated with the Building and text type and sizes are similar to other DRB approved signage located on existing Wall Signs on the same Building.
3. Any Directional Sign that is two (2) square feet or less in size.
4. Any wall, awning, ground, hanging and/or window identification signage within a Unified Sign Plan that is approved by the DRB.

J. Unified Signage Plan (USP)

The USP is an elective master plan for all Project (wall, ground, awning, and window) identification signs located for multi-family and commercial properties. The purpose of the USP is to develop a cohesive sign strategy/design that meets code, expresses the desire of the DRB, and allows an expedited approach to review signage. The USP shall follow the below requirements:

1. All signage must adhere to the overlay district code.
2. The USP shall provide information relating, but not limited, to the size of the advertising display area (minimum and maximum), type of sign (i.e. box or individual letter), mounting procedures, lighting, colors, font, materials, icons, and any other relevant information required by the County.
3. The DRB must consider the USP prior to approval of the USP and may require any conditions it finds necessary to meet the purpose and intent of the overlay code.

K. Signs Exempt from this Part

Real Estate for Sale or Lease, Contractor Identification Signs, trespass and alarm warning Signs, which are in compliance with the requirements of this Section are Exempt from this Part. However, if in the determination of the County Administrator, any Signs may be in conflict with the Purpose and Intent of the Mid-Anastasia Overlay District, a review by the Design Review Board may be required and appropriate modifications ordered.

**Sec. 3.08.08 Design Review Guidelines**

The pleasing and compatible relationship of architecture and design elements within the Mid-Anastasia Overlay District is of important public concern. The design of Structures and their materials and colors must be visually harmonious with the overall appearance, history and cultural heritage of the Mid-Anastasia Overlay District. Development must also be compatible with the natural landforms, existing coastal vegetation, dune systems and native beach and estuarine environments. Compatibility with existing adjacent Structures and approved development plans must also be considered. The intent of these standards is not to restrain diversity or innovative architecture, but to reduce incompatible and adverse impacts, and to insure an aesthetically pleasing environment. To accomplish this, the following guidelines shall apply to new Buildings, certain exterior renovations, and related site improvements.

- A. Proposed Development shall be located and configured in a visually complementary manner with the existing terrain and vegetation of the Parcel and surrounding Parcels. Structures shall obstruct as little as reasonably practical scenic views from the main road or from existing Structures and the natural environment. Structures shall not dominate any general Development or adjacent Building that is substantially in compliance with this Code. This may be accomplished by the use of architectural features and/or siting of proposed Structures to reduce the appearance of excessive and inappropriate height or mass of proposed Structures.
- B. New Buildings shall be designed to contribute to the image of the Mid-Anastasia Overlay District as a beach community with a pedestrian-oriented, non-urban scale and character.
- C. Buildings that are reflective of Florida's wood-frame vernacular architectural styles such as



“Florida Cracker”, shingle and low-country, Spanish Eclectic, Craftsman and Bungalow styles shall be considered appropriate.

- D. To encourage pedestrian activity, buildings should where possible incorporate the following design patterns and details:
  - 1. A Building’s main entrance should face the main roadway. Buildings located at street corners should have entrances at the corner.
  - 2. Blank walls facing the main roadway should be avoided. The use of entrance ways and display windows should be used to create business and store fronts that are inviting to the pedestrian.
- E. Outdoor pedestrian seating areas are encouraged, and similarly, outdoor cafe-type seating is encouraged.

### **Sec. 3.08.09 Design Elements and Materials**

The following specific design criteria shall apply to Development regulated by the Mid-Anastasia Overlay District:

- A. Roofs shall consist of wood or asphalt composition shingles, barrel tile, clay tile or similar non-reflective material having a natural texture and appearance. Metal roofs shall be allowed where they are characteristic of a recognized architectural style.
- B. Exterior walls on all sides shall be stucco, tabby, shingle, wood siding, exterior insulation-and-finish systems (EIFS), brick or other materials with similar texture and appearance. The DRB may consider other materials which are similar to the finishes listed above and provide for a cohesive building concept.
- C. Exterior colors of paints and stains of new Construction or Development shall be subdued and nature-blending with no more than three (3) colors per Building, excluding roof color. The DRB may allow up to two (2) additional colors for building accents (e.g. trim, awnings, columns, and shutters). Such hues of green, brown, blue, grey, tan and beige shall be considered appropriate. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural will not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless additional area is approved by the DRB.
- D. Roof and exterior wall surfaces, with the exception of glass doors and windows shall be non-reflective. Any glass coating shall not reflect outward and shall be limited in color to gray or green.
- E. Administrative Approval of Design Elements, Materials, and Exterior Finishes
  - 1. The Design Review Board, shall, with assistance of the County, develop architectural design guidelines in accordance with Section 3.08.01 of this Part. Such guidelines shall be adopted by the Board of County Commissioners and shall, at a minimum, include color palettes for exterior materials and finishes.
  - 2. Upon the adoption of color palettes for exterior materials and finishes, exterior

painting of existing Structures and Buildings with a selection from the preferred color palette may be approved by the County Administrator. However, if in the determination of the County Administrator, any proposed exterior painting appears to be in conflict with the Purpose and Intent of the Mid Anastasia Overlay District or with the preferred color palette, a review by the Design Review Board may be required.

### **Sec. 3.08.10 Administrative Requirements**

The following requirements shall apply to all projects and activities that are subject to the Mid-Anastasia Overlay District. For those projects involving Signs less than fifteen (15) square feet in size, Ground and Wall Sign re-faces, re-painting, or other activities not requiring a County building permit, a minor review application shall be allowed. Additionally, a minor review shall be allowed for those other projects, which are determined by the County Administrator to be minor in nature. For all other projects, a regular review application shall be required.

#### **A. Functions and Establishment of the Design Review Board**

The St. Johns County Board of County Commissioners shall direct the following functions to determine compliance with the Mid-Anastasia Overlay District:

1. The St. Johns County Board of County Commissioners shall establish by appointment a Design Review Board. Except as otherwise provided in this Code, it shall be the role of the Design Review Board to determine compliance with this Part.
2. The Design Review Board shall consist of five (5) members and two (2) alternates. Membership qualifications and the initial membership term shall be set by resolution of the Board of County Commissioners. The initial terms shall be staggered in 1, 2, 3, and 4 year terms. Except for the initial term, members shall be appointed to a four (4) year term, with an additional four (4) year term as approved by the Board of County Commissioners. Members shall serve at the pleasure of the Board of County Commissioners.
3. The Board of County Commissioners shall adopt by Resolution bylaws, operating procedures, and membership requirements of the DRB which shall be in accordance with all applicable St. Johns regulations Codes and State and Federal laws. The DRB may recommend changes to its bylaws, operating procedures, and membership criteria, to be approved by the Board of County Commissioners.
4. The Design Review Board shall meet as needed in order to fulfill its functions in a timely manner. Reasonable public notice shall be provided for all meetings of the Design Review Board, and all meetings shall be open to the public. The Design Review Board shall appoint a member or support staff to keep minutes of its proceedings and other official actions. A majority vote of a present quorum shall be required in order to take final action on an application.
5. Any previous citizen appointed to the DRB shall have the opportunity to reapply and have the same term limits as prescribe in subsection A.2, provided they have not been excluded by the Board of County Commissioners because of longevity on the DRB. If longevity is an issue, the citizen must wait a period of two (2) years from the date of their original expiration before reapplying to the DRB.

## B. Application and Permitting Requirements

1. The County Administrator shall develop application forms and review procedures to assist the Design Review Board in determining compliance with the Mid-Anastasia Overlay District requirements. The Design Review Board shall meet as required to review applications and take action in a timely manner on all applications submitted for review.
2. Following any final action, the Design Review Board or its authorized support staff shall provide a written order to the Applicant stating that the request complies, complies with conditions, or does not comply, with the Mid-Anastasia Overlay District requirements. Any determination by the Design Review Board shall be supported by appropriate findings of fact.
3. The Applicant shall provide a copy of the final order of approval prior to obtaining construction permits as required for the proposed project or activity.
4. In general, all applications that are subject to the County's established development review process shall proceed through a first submittal development review prior to being scheduled for the Design Review Board. Any DRC comments that have not been addressed at the time of Design Review Board meeting shall be noted by the Applicant. If appropriate, the Design Review Board may attach conditions to its determinations related to outstanding development review comments. The Design Review Board shall not request modifications that are not in compliance with other land development regulations.

## C. Vested Rights Determinations

1. As an alternative to a determination that a Project or activity complies with this Part, the Applicant may demonstrate that vested rights to proceed with the proposed Project or activity have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.08.00 of this Code. Vested rights determinations shall be made in accordance with Part 10.02.00 of this Code. The legal requisites for such determinations and burdens of proof shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.
2. A Planned Unit Development (PUD) may be expanded, without a vested rights or estoppel determination, if the proposed addition(s) adjoins the existing PUD. The more restrictive standards and criteria of the existing PUD or the Mid-Anastasia Overlay District shall apply to the expansion.

## D. Variances and Appeals

An Applicant may apply and be granted or denied a Variance from one or more standards of this Part. Variances or modifications to these requirements shall be governed as follows:

1. Any Variance or modification within existing PSD/PUDs to these requirements may be granted only by the Board of County Commissioners. Such requests shall be considered by the Board of County Commissioners pursuant to the requirements of Section 10.04 of this Code.

2. Any affected or aggrieved person may Appeal a written determination of the Design Review Board to the Board of County Commissioners, in accordance with Section 9.07.04.

E. Management of Applications among Multiple Boards

1. When a board or agency has made a decision or finding on an application, and the application or companion application will later appear before the Board of County Commissioners, its approval or approval with conditions shall constitute a recommendation to the Board of County Commissioners. The Board of County Commissioners may choose to accept the decision or finding of the board or agency, make a binding decision or finding of its own, or send the application back to the board or agency for a decision consistent with the Board of County Commissioners findings or suggestions.
2. This section does not impose any additional review standards on applications or board or agency decisions as set forth in this Code.

F. Administrative Approval

1. Delegation of Signing Authority. In the event that the Design Review Board has determined compliance with this Part, the DRB may authorize its support staff to sign and render and Order approved by the DRB in lieu of the Chair or Vice-Chair.
2. Failure to Hold a Quorum. In the event that the Design Review Board is unable to gather a quorum to render a decision on an application scheduled for a hearing before the DRB and is unable to gather another quorum within ten (10) days of the scheduled hearing, the County Administrator shall determine compliance with the provisions of the Mid-Anastasia Overlay District.
3. Failure to Establish a Design Review Board. Failure in the event that the St. Johns County Board of County Commissioners are unable to establish a Design Review Board as defined by this Part, it shall be the responsibility of the County Administrator to determine compliance with the provisions of this Part. Failure to establish shall mean that at any time there are less than three (3) regular members appointed to the DRB.

## **Part 3.09.00 North Coastal Overlay District**

### **Section 3.09.01 Purpose and Intent**

The purpose and intent of this Special District is to achieve specific goals and objectives of the St. Johns County Comprehensive Plan and establish additional requirements which regulate development in a manner that maintains, protects and enhances the diverse and unique character of the North Coastal Corridor, an area of northeast St. Johns County that includes Vilano Beach, Usina's Beach (North Beach), Surfside and South Ponte Vedra Beach. This area has been an established beach community for some time and typifies coastal development along Florida's beaches. The architectural history of the area is well documented by the St. Augustine Historical Society, indicating a blend of the vernacular cottages of the 1920's and the Art Deco style of the 1930's and 1940's. The purpose and intent of this Special District is to encourage a respect for the history of the area, by establishing standards and guidelines that reflect this history, while sustaining and supporting a "sense of place" in this unique beach community.

It is also the purpose and intent to protect surrounding residential uses, encourage the protections of scenic views, and enhance the physical appearance of the area through site and building design guidelines and signage controls.

These objectives shall be accomplished through the establishment and implementation of special guidelines, standards and criteria which shall apply to the location, character, compatibility and appearance of proposed commercial and multi-family land uses, and to certain changes or renovations to such existing land uses, relevant to the particular described area.

The implementation of this Part shall be assisted by a Design Review Board, which shall be established in accordance with the administrative procedures of this Part. The review of activities that are subject to these additional requirements shall be performed with the goal of determining whether a proposed activity meets the goals, objectives and policies set forth in the Comprehensive Plan and the guidelines, standards and criteria of this Part.

### **Sec. 3.09.02 Delineation of the North Coastal Overlay District**

The North Coastal Overlay District, as delineated herein, is a Special District in the form of an overlay superimposed upon the various zoning districts. This Special District encompasses all those lands within unincorporated St. Johns County bounded by the Atlantic Ocean on the east; the Intracoastal Waterway on the west; and the St. Augustine Inlet on the south; and the northern boundary shall be defined as the Township line that divides Township 4 South and Township 5 South, Range 29 East of said County. This does not include the area bounded within Section 3.10 (Vilano Beach Town Center), which exists within the boundaries of this overlay district.

### **Sec. 3.09.03 Uses and Activities Subject to the requirements of the North Coastal Overlay District**

- A. **Applicability:** The standards prescribed in this Part shall apply to all commercial and multifamily uses contained within all zoning categories, including such Uses contained within PUDs. Single-family dwellings, two-family dwellings, Manufactured/Modular Homes or Manufactured/Mobile Homes, roadside stands, plant nurseries, boarding stables, riding academies, barns, corrals, greenhouses and other substantially similar Structures or temporary uses as may be otherwise allowed by these regulations shall be excluded from the requirements of this Part. Unless otherwise exempted, the requirements of this Part shall

apply to property proposed for Development as an Allowable Use or as a Special Use, as well as to signage and certain exterior renovations hereafter undertaken within the North Coastal Overlay District.

1. Exterior renovation shall be defined as any activity changing the exterior of a structure that requires a County Building Permit, and also exterior repainting not otherwise exempted by this Part.
  2. The requirements of this Part shall apply to only that portion being added, remodeled, renovated or changed.
  3. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired (i.e. Buildings repainted using the same colors and roofs repaired and replaced with the same materials and colors), without a review by the Design Review Board, provided that such repair or maintenance does not substantially alter the appearance of that which is being repaired or maintained.
  4. Any Non-conforming uses or Structures impacted by this Part, shall follow Part 10.03.00 of this Code concerning non-conforming regulations.
- B. **Allowable Uses:** The uses for the property contained within the North Coastal Overlay District shall be as prescribed in the various Zoning Districts underlying the Overlay District, except where such use is not permitted by the St. Johns County Comprehensive Plan.
- C. **Exemptions:** The following activities shall be exempt from review as otherwise required by this Part. In the event of any conflict related to an exempt activity, it shall be the responsibility of the County Administrator to determine that a proposed exempt activity is in compliance with this Part.
1. Repainting of Structures in existing colors.
  2. Additions to the rear of a Structure not exceeding two-hundred and fifty (250) square feet which are of similar architectural style to the existing Structure, and consist of like exterior finishes and colors including windows and doors.
  3. Replacement of roofing with like roofing materials.
  4. Replacement of windows and doors, and existing porches, patio overhangs, porte cocheres or carports which are replaced in a similar style as the existing Structure or main portion of the existing Structure and consist of like exterior finishes and colors.
  5. Replacement of landscaping consistent with a previously approved Landscape Plan or replacement of existing landscaping with like landscaping material.
  6. Non-substantive changes, which do not change the character, design or commonly observed appearance of a site or Structure.

#### **Sec. 3.09.04 Design Guidelines and Development Standards**

The pleasing and compatible relationship of structures in the North Coastal Overlay District is of important public concern. The architectural design of structures and their materials and colors

should be visually harmonious with the overall appearance, history and cultural heritage of St. Johns County, the South Ponte Vedra and Vilano Beach area. The intent of these standards is to encourage architectural diversity and innovative architecture, which supports the intent of this Part and insures an aesthetically pleasing environment that preserves the integrity of this small town area. Site design and architectural features, such as differentiation of floors and providing for the appearance of separate but connected buildings, should be used to reduce the appearance of excessively large or massive buildings. New buildings shall be designed to contribute to the image of the North Coastal Overlay District community with a pedestrian-oriented, non-urban scale and character. To accomplish these objectives, the following guidelines and standards shall apply to the review of proposed buildings, renovations, and related site improvements, which are subject to the requirements of this Part.

- A. Architectural styles of new buildings should be reflective of one of the following historical styles: Art Deco, Florida Vernacular, Spanish or Mediterranean, and Northeast Vernacular. These styles are generally described in Section 3.09.07 of this Part. Elements from these styles should be incorporated into building mass and height, signage, exterior colors, exterior lighting, building materials, rooflines, and any porches, awnings or parapets. Structures should be designed to capture breezes, provide shaded porches and cafes, encourage pedestrian and bicycle use and relate to the character of the area.
- B. Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or design elements, or by unbroken extension of line shall be avoided. The maximum length of any building parallel to the roadway shall be 120 feet.
- C. Commercial Buildings should where possible incorporate the following design patterns and details, to encourage pedestrian activity:
  - 1. The main Commercial Building entrance should face the main roadway. Buildings located at street corners should have entrances at the corner. All outside walls of the building shall be finished with the same materials and chosen style as the front.
  - 2. Unless approved by the Design Review Board, blank walls facing the main roadway shall be avoided and walls facing State Road A1A shall not be used for service entrances. The use of entranceways and display windows should be used to create business and storefronts that are festive and inviting to the pedestrian.
  - 3. Building finishes, design and architectural detailing shall be consistent and of the same quality for all sides of the building. The Design Review Board may consider differences in exterior refinishes for existing Structures providing a cohesive design.
  - 4. Outdoor pedestrian seating areas are strongly encouraged, and similarly, outdoor cafe-type seating is encouraged.
- D. Work areas, storage doors and open bays shall not open toward any delineated roadway or any adjacent residential properties. The DRB may consider alternative screening and design concepts to shield work areas, storage doors and open bays from delineated roadways or any adjacent residential properties. This shall not be construed to prohibit outdoor seating and restaurant or bar areas or open display areas.
- E. Heating, ventilation and air conditioning equipment (excluding roof vents), duct work, air compressors, and other fixed operating machinery shall be either screened from view with

fencing architecturally compatible with the Building; or vegetation; or located so that such items are not visible from any roadway or adjacent residential properties. Trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes (except as provided by Florida law), antenna, and other such structures shall be similarly screened or concealed from sight. Chain link, barbed wire and similar fencing materials shall not be allowed in any required Front Yard, and where such fencing can be viewed from any delineated roadway, landscaping or berming shall be provided to prohibit visibility from such roadway or any adjacent residential properties.

- F. Exterior lighting for safety and security shall be kept to a minimum consistent with reasonable safety requirements of the particular business or Structure. Safety and security lights, other than low-wattage lights or ground-area lights, shall be downward facing and shall not be directly visible at ground level more than one hundred (100) yards from the light location. Parking area lights shall be no higher than the eave of the adjacent buildings. See additional lighting criteria in 3.06.13. Lighting criteria for the protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly. The use of solar power should be explored to supply electricity to fixtures.
- G. The maximum vertical clearance of Canopies provided over the pump islands at gas stations, service stations and convenience stores shall not exceed seventeen (17) feet in height from established grade to the underside of the canopy. The maximum height of a canopy shall not exceed twenty-four (24) feet from established grade.

### **Sec. 3.09.05 Lighting Criteria**

Architectural lighting shall be recessed under roof overhangs or generated from a concealed light source, or low level light fixtures. Site lighting shall be of low-intensity, shall be of white light which does not distort colors and shall not spill over into adjoining properties, roadways or in any way interfere with the vision of oncoming motorists. Specifically, lighting shall be downward facing full cut-off, no higher than 20 feet and shall have a maximum illumination level of 0.30 foot-candles at ground level at the lot line.

### **Sec. 3.09.06 Architectural Styles and Design Elements**

Proposed Structures and exterior renovations shall not be required to strictly adhere to any particular architectural form or style, but should contain features and elements which contribute to the overall styles described herein and found throughout the North Coastal Overlay District. To assist in defining styles for the District, the following general descriptions and guidelines should be considered in the design of proposed Structures and exterior renovations.

- A. **Art Deco** – Building forms of the Art Deco style are typically angular and clean, with stepped back facades, symmetrical or asymmetrical massing and vertical accentuation and may include modern design. Florida Art Deco decorations include nautical themes as well as tropical flora and fauna motifs. Ocean liner, palm trees, flamingos and numerous related elements on the exterior and interior of the building. Representative examples include South Beach (Miami). The following materials and features shall be considered appropriate.
  - 1. Finish materials typically used within Art Deco styles may include stucco, etched glass, block glass, and a variety of metals, cast concrete, patterned terrazzo and mosaic tile.



2. Exterior colors for new Building or Structure Construction or Development should include pastel tropical colors with contrasting colors to define different features of the building shall be considered appropriate. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural will not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless additional area is approved by the DRB.
3. Building materials and exterior finish surfaces that include exterior insulation-and-finish systems (EIFS), stucco, tile, articulated concrete and cement, wood siding, with glass and metallic embellishments shall be considered appropriate.
4. Exterior lighting should be designed and constructed to contribute to a festive and tropical character. Lighting elements may incorporate the use of neon, block glass and other similar Art Deco ornamentation.

**B. Florida Vernacular** – Florida Vernacular style may include styles commonly referred to as Florida Cracker, Old Florida Beach, and Gulf Coast. Vernacular architecture is not a clearly defined architectural style, but rather a method of construction that develops particular to a geographic area over time. Vernacular styles historically utilized raw materials that were commonly available in a region and contain functional forms and features appropriate to the physical characteristics of an area, such as climate and topography. Vernacular architecture also commonly contains elements that have derived and evolved from the ancestry of a region’s settlers. In Northern Florida, vernacular structures were generally simple, modest structures, rectangular in form with little elaboration. Horizontal wood siding, wood shingles and board and batten with gable or hipped roofs of metal or composition shingles were common. Wide wrap-around porches and large windows with shutters were common. Wide overhanging eaves and breezeways were typically incorporated to provide shade and maximum ventilation. Representative examples include Seaside (Florida Panhandle), Celebration (Orlando), Tides Edge (South Ponte Vedra) and Haile Plantation (Gainesville). The following materials and features shall be considered appropriate.

1. Horizontal wood siding, wood shingles and board and batten with gable or hipped roofs of metal or composition shingles.
2. Wide wrap-around porches and large windows with shutters.
3. Wide overhanging eaves and breezeways were typically incorporated to provide shade and maximum ventilation.
4. Exterior colors of paints and stains for new Building or Structure Construction or Development may be nature-blending or pastel colors, with no more than three colors per building, excluding roof color, unless approved by the Design Review Board. All exterior color hues should be subdued, consistent. In general, such hues of greens, yellows, corals, browns, blues, grays, tans and beiges shall be considered appropriate. Building materials and exterior finish surfaces include stucco, cement composite, wood siding or wood shingle, brick, exterior insulation-and-finish systems (EIFS), or other materials with similar texture and appearance shall be considered appropriate. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural will not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless additional area is approved by the DRB.

5. Architectural grade shingles, metal standing seam, 5 V Crimp metal roofing, tile or other non-reflective roof materials with similar nature-blending texture and appearance shall be considered appropriate. Roof angles should be a minimum of twenty (20) degrees and may incorporate dormer windows.

**C. Northeast Vernacular Style** – Northeast Vernacular Style includes shingle style, Cape Cod and Colonial. Representative examples include Villages of Vilano (North Beach area). The following materials and features shall be considered appropriate.

1. Exterior materials and construction methods such as wood shingles or lapboard for siding of either wood or cement composite style wood should be used.
2. Roof design should be either gable or hip with a minimum angle of twenty-five (25) degrees or greater and may incorporate dormer windows. Wood shingles or asphalt shingles (with the appearance of wood shingles) are appropriate for roofing material.
3. The style of window or door openings may be either square or round with divided panes of glass.
4. Small porches and small windows with shutters are common. Designs can include narrow overhanging eaves, with breezeways connecting separate buildings.
5. Exterior colors for new Building or Structure Construction or Development (excluding roofs) should be pastel variations of gray, blue/gray, white, green and yellow or natural wood. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural will not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless additional area is approved by the DRB.
6. Roof designs in gable or hip and may include dormer windows.

**D. Spanish / Mediterranean Style** – Although diverse in scope, Spanish influenced architecture is clearly part of the history of the area and may include Spanish, Italian, Italianate, Moorish, Palladian and Greek Revival. Structures may include Spanish influence, which are generally modest structures, simple in construction with clean lines, and rectangular with little elaboration. The Mediterranean influence is more complex, and involves masonry or stone construction with archways, turrets and courtyards. Representative examples include The Lodge (Ponte Vedra), Village of San Jose (Jacksonville), the Casa Monica Hotel, Lightner Museum and Flagler College (St. Augustine). The following materials and features shall be considered appropriate.

1. Exterior materials for new Building or Structure Construction or Development should include masonry and stone with heavy timber, stucco or plaster walls or similar type finishes applied in earth tone colors of brown, crème, beige, gold, yellow and/or white. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural will not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless additional area is approved by the DRB.
2. Window and door openings should be square or round and glass areas should have divided panes.

3. Roof materials should include wood shingles and barrel tile or slate.
4. The use of porticos, cantilevered decks or balconies, archways, courtyards, trellises, arbors, wrought iron and tile decoration are all typical of the styles and appropriate.
5. Wide wrap-around porches and large windows with shutters are also appropriate.
6. Wide overhanging eaves and breezeways may be typically incorporated to provide shade and maximum ventilation. Roof designs should generally be gable or hip with a minimum roof angle of 20 degrees or greater and may include dormer windows.

E. Administrative Approval of Design Elements, Materials, and Exterior Finishes

1. The Design Review Board, shall, with assistance of the County, develop architectural design guidelines in accordance with Section 3.09.01 of this Part. Such guidelines shall be adopted by the Board of County Commissioners and shall, at a minimum, include color palettes for exterior materials and finishes.
2. Upon the adoption of color palettes for exterior materials and finishes, exterior painting of existing Structures and Buildings with a selection from the preferred color palette may be approved by the County Administrator. However, if in the determination of the County Administrator, any proposed exterior painting appears to be in conflict with the Purpose and Intent of the North Coastal Overlay District or with the preferred color palette, a review by the Design Review Board may be required.

**Sec. 3.09.07 Signage Requirements**

The following requirements, in addition to those as set forth in Article VII of this Code, shall apply to all multi-family and commercial Signs, including new Signs and the replacement of existing Signs.

A. **General Signage Provisions:** The following design requirements shall apply to the entire North Coastal Overlay District.

1. The colors and materials of Signs shall be similar to and compatible with the architectural style and colors and materials of the related commercial or multi-family Building. Any icons that is not similar to and compatible with the architectural style and colors and materials of the related commercial or multi-family Building shall be restricted to a maximum 15% of the advertising display area, unless additional area is approved by the DRB.
2. Signs should be oriented to vehicular traffic as well as pedestrians and scaled appropriately. Street numbers should be visible on Signs or the front of buildings, as appropriate.
3. Signs must be professionally designed, lettered and constructed.
4. Signs may be double faced.
5. Wall Signs shall be mounted directly upon wall surfaces, and shall not be mounted upon raceways or other protrusions from the wall surface.

6. Messages upon doors or windows, which do not exceed six (6) inches in height, shall not be counted as a Sign and shall not be subject to review.
7. Any lighting shall be white in color for all signs. External lighting must conceal and shield the light.
8. Molded vinyl or plastic internally illuminated Signs shall not be allowed.
9. For Signs that contain federally registered trademarks or service marks, documentation of such registration shall be provided with the application for review.
10. New Ground Signs and alterations to existing Ground Signs requiring a DRB review shall be externally illuminated with downward facing fixtures and hours of illumination to cease no later than 30 minutes after business closing, unless additional time is approved by the DRB.
11. Signs shall be of wide-based monument style design. Pylon Signs are only permitted when monument style signs cannot be adequately located due to site constraints as determined by the DRB.
12. The maximum allowable height of a Sign structure shall be twelve (12) feet including any foundation supporting the Sign. A foundation used to support a Sign shall not exceed four (4) feet in height. The use of dirt, sand or other material to elevate the height of a Sign on a mound is prohibited.

B. Ground or Pylon Signs: Number and Size of Signs permitted for the street frontage

The maximum number and size of Ground Signs for each street frontage shall be as follows:

1. For sites five (5) acres or less: One (1) on-site Sign not to exceed thirty-two (32) square feet for each Sign Face, may be located on each collector and arterial roadway.
2. For sites more than five (5) acres: One (1) on-site Sign, not to exceed sixty (60) square feet for each Sign Face, may be located on each collector and arterial roadway.
3. All ground Signs shall include the street number in a size and manner that is clear and visible.
4. Where feasible, as determined by the approval authority, all ground signs shall use shrubs that are twenty-four (24) inches at the time of planting at the base of the sign. These must be planted within 30 days of the sign installation.

C. Additional Directional Ground Signs Allowed:

In addition to the above Signs, Directional Ground Signs shall be limited to two (2) square feet per Sign. The maximum allowable height shall be three (3) feet.

D. Commercial Wall, Hanging and Awning Signs Multi-Story Buildings

1. Where a multi-story building is divided into units or floors for several businesses, one wall Sign, not exceeding twenty-four (24) square feet of area, may be allowed on each street side of the building.
2. In addition to the above wall Sign, where a multi-story building is divided into units or floors for several businesses, one awning Sign, not exceeding twenty-four (24) square feet of display area, may be allowed over each first story entrance, provided that any such awning Sign is an integral and unified part of the architectural design of the entire building.
3. One (1) double-faced hanging Sign under covered walkways with maximum dimensions of two (2) feet vertical by four (4) feet horizontal is allowed for each business entrance.

E. Multiple Tenant Directory Signs:

For buildings with multiple tenants, one (1) directory Sign for businesses occupying the building not exceeding fifteen (15) square feet of face area is allowed. Such Signs are permitted in addition to any other allowed Signs.

F. On-premise Temporary Signs:

On-premise Temporary Signs may be installed in addition to the above Signs provided the Sign area shall not exceed twelve (12) square feet and shall be limited to one (1) Sign per parcel of land. Temporary signs must be removed within 5 days from the date the event or project has ended.

- G. Banner signs shall be allowed in accordance with Section 7.05.00 and 7.07.01.A. and shall be allowed as special event signage between the timeframe of overlay application submittal and up to a period of sixty (60) days after permanent sign approval by the DRB. This shall consist of no more than three (3) signs at a maximum advertising display area of twenty-four (24) square feet each for parcels that have frontage along A1A. All other parcels are limited to one (1) sign at a maximum advertising display area of twenty-four (24) square feet.

H. **Prohibited Signs:** In addition to those Signs prohibited within Section 7.08.01, the following Signs are prohibited in the North Coastal Corridor Overlay District.

1. Animated Signs with any moving parts.
2. Exterior Neon Signs, except those specifically related to the Art Deco building style or those approved by the Design Review Board and found to be consistent with the Purpose and Intent of this Part.
3. Interior Neon window Signs which exceed more than thirty percent (30%) of the window area. No interior neon Sign may exceed twelve (12) square feet.

- I. **Signs Exempt from Review:** Temporary Signs, which are in compliance with the requirements of this section, are exempt from review. However, if in the determination of the County Administrator, any Signs may be in conflict with the Purpose and Intent of the North Coastal Overlay District, a review by the Design Review Board may be required and appropriate modifications ordered.

J. Administrative Approval of Specific Signage

1. Any ground sign reface under thirty-two (32) square feet or a portion thereof in size and any hanging signs up to eight (8) square feet provided the colors closely match any colors associated with the building and text type/sizes are similar to other DRB approved signage located on the ground sign face.
2. Any Wall Sign reface twenty-four (24) square feet or portion thereof in size and any hanging signs up to eight (8) square feet, provided the colors closely match any colors associated with the Building and text type and sizes are similar to other DRB approved signage located on existing Wall Signs on the same Building.
3. Any Directional Sign two (2) square feet or less in size.
4. Any wall, awning, hanging, ground, and/or window identification signage within a Unified Sign Plan that is approved by the DRB.

K. Unified Signage Plan

The USP is an elective master plan for all Project (wall, ground, awning, and window) identification signs located for multi-family and commercial properties. The purpose of the USP is to develop a cohesive sign strategy/design that meets code, expresses the desire of the DRB, and allows an expedited approach to review signage. The USP shall follow the below requirements:

1. All signage must adhere to the overlay district code.
2. The USP shall provide information relating, but not limited, to the size of the advertising display area (minimum and maximum), type of sign (i.e. box or individual letter), mounting procedures, lighting, colors, font, materials, icons, and any other information required by the County.
3. The DRB must consider the USP prior to approval of the USP and may require any conditions it finds necessary to meet the purpose and intent of the overlay code.

**Sec. 3.09.08 Administrative Requirements**

The following requirements shall apply to all projects and activities that are subject to the North Coastal Overlay District. For those projects involving Signs less than fifteen (15) square feet in size, re-painting, or other activities not requiring a County building permit, a Minor Review shall be allowed. Additionally, a Minor Review shall be allowed for those other projects, which are determined by the County Administrator to be minor in nature. For all other projects, a Regular Review shall be required.

- A. **Functions and Establishment of the Design Review Board** – The North Coastal Design Review Board shall be established as prescribed in Section 3.10.08. Except as otherwise provided in this Code, the same board established in Section 3.10.08 shall determine compliance with this Part.
- B. **Optional Preliminary Review** – It is the intent of these regulations to encourage development that conforms with the requirements stated herein. In an effort to provide

guidance and information to applicants prior to the preparation of site plans and formal submittals, a preliminary informal review shall be available to any property owner subject to these regulations. Such review may be scheduled for the next regularly scheduled meeting of the Design Review Board. Applicants are requested to bring to the meeting, a general survey indicating the property boundaries, with relevant topographic and/or jurisdictional information, preliminary site plan or plans (this may include one or more site plan alternatives to be considered) and/or photographs or drawings of proposed building styles, for discussion. No formal determination of consistency shall be made or construed from this preliminary review. Such meetings shall be reasonably noticed and shall be open to the public.

### **C. Application and Permitting Requirements**

1. The County Administrator shall develop application forms and review procedures to assist the Design Review Board in determining compliance with the North Coastal Corridor Overlay District requirements. The Design Review Board shall meet as required to review applications and take action in a timely manner on all applications submitted for review.
2. Following any final action, the Design Review Board shall provide a written order to the Applicant stating that the request complies, complies with conditions, or does not comply, with North Coastal Corridor Overlay District requirements. Any determination by the Design Review Board shall be supported by appropriate findings of fact.
3. The Applicant shall provide a copy of the final order of approval prior to obtaining construction permits as required for the proposed project or activity.
4. In general, all applications that are subject to the County's established development review process shall proceed through a first submittal review prior to being scheduled for the Design Review Board. Any development review comments that have not been addressed at the time of the Design Review Board meeting shall be noted by the Applicant. If appropriate, the Design Review Board may attach conditions to its determinations related to outstanding development review comments. The Design Review Board shall not request modifications that are not in compliance with other land development regulations.

### **D. Vested Rights Determinations**

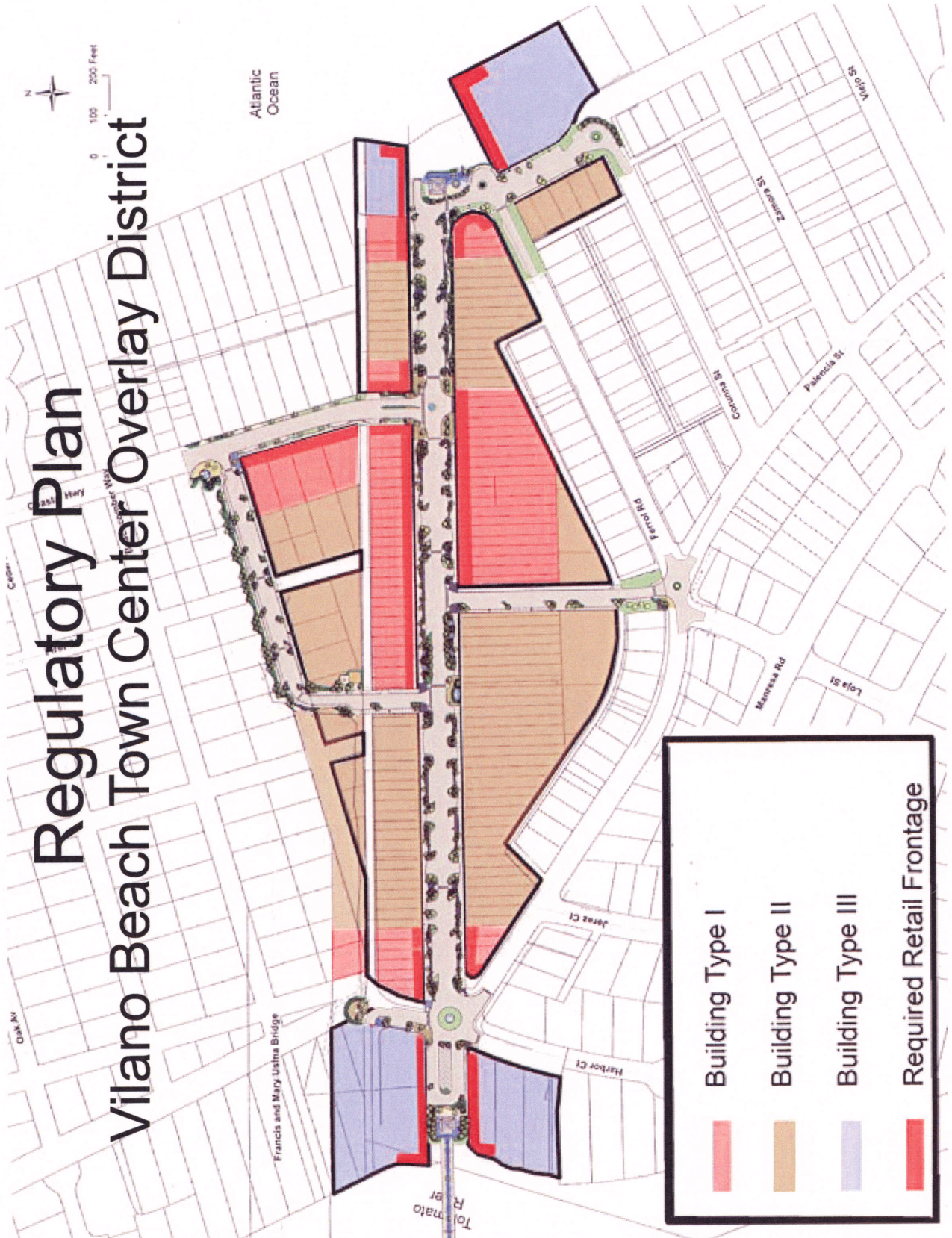
1. As an alternative to a determination that a Project or activity complies with this Part, the Applicant may demonstrate that vested rights to proceed with the proposed Project or activity have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.09.00 of this Code. Vested rights determinations shall be made in accordance with Part 10.02 of this Code. The legal requisites for such determinations and burdens of proof shall be those provided by applicable Federal and State Law. Applicants shall have the burden demonstrating vested rights or equitable estoppel.
2. A Planned Unit Development (PUD) may be expanded, without a vested rights or estoppel determination, if the proposed addition(s) adjoins the existing PUD. The more restrictive standards and criteria of the existing PUD or the North Coastal Overlay District shall apply to the expansion.

- E. **Variations and Appeals** – An Applicant may apply to the St. Johns County North Coastal Design Review Board and be granted or denied a Variance from one or more standards of the North Coastal Overlay District. Variations or modifications to these requirements shall be further governed as follows:
1. Any Variance, or modification within PUDs to these requirements may be granted by the North Coastal Design Review Board. Such requests shall be considered pursuant to requirements of Section 10.04.03.
  2. Any affected or aggrieved person may Appeal a determination of the Design Review Board to the Board of County Commissioners, made under the authority of this Section, by filing such Appeal in writing to the County Administrator within thirty (30) days of any such determination.
- F. **Failure to Establish a Design Review Board:** In the event that the St. Johns County Board of County Commissioners is unable to establish a Design Review Board as defined by this Part, it shall be the responsibility of the County Administrator to determine compliance with the provisions of the North Coastal Overlay District.
- G. **Management of Applications among Multiple Boards**
1. When a board or agency has made a decision or finding on an application, and the application or companion application will later appear before the Planning and Zoning Agency or Board of County Commissioners, its approval or approval with conditions shall constitute a recommendation to that body. The Planning and Zoning Agency or Board of County Commissioners may choose to accept the decision or finding of the board or agency, make a binding decision or finding of its own, or send the application back to the board or agency for a decision consistent with findings or suggestions.
  2. This section does not impose any additional review standards on applications or board or agency decisions as set forth in this Code.
- H. **Administrative Approval**
1. **Delegation of Signing Authority.** In the event that the Design Review Board has determined compliance with this Part, the DRB may authorize its support staff to sign and render an Order or written determination approved by the DRB in lieu of the Chair or Vice-Chair.
  2. **Failure to Hold a Quorum.** In the event that the Design Review Board is unable to gather a quorum to render a decision on an application scheduled for a hearing before the DRB and is unable to gather another quorum within ten (10) days of the scheduled hearing, the County Administrator shall determine compliance with the provisions of the North Coastal Overlay District.
  3. **Failure to Establish a Design Review Board.** In the event that the St. Johns County Board of County Commissioners is unable to establish a Design Review Board as defined by this Part, it shall be the responsibility of the County Administrator to determine compliance with the provisions of this Part. Failure to establish shall mean



that at any time there are less than three (3) regular members appointed to the DRB.

# Regulatory Plan Vilano Beach Town Center Overlay District



ORDINANCE BOOK 40 PAGE 923

## **PART 3.10.00 North Coastal Overlay District: Vilano Beach Town Center Overlay**

### **Sec. 3.10.01 Purpose and Intent**

The Vilano Beach Town Center (VBTC) is envisioned as a compact, pedestrian-oriented, mixed-use district that serves Vilano Beach and surrounding areas. Unlike suburban residential and shopping areas, this type of mixed-use district requires urban types of development regulations concerning setbacks, parking requirements, height limitations and permitted uses.

The Vilano Beach Town Center is a designated Community Redevelopment Area (CRA) with the goal to foster economic redevelopment of the area. The intent of the development standards for the Vilano Beach Town Center District is to encourage redevelopment and new development that results in a diverse mixture of compatible uses which create a lively community with daytime and evening activities. Anticipated uses within the Vilano Beach Town Center include community oriented commercial uses and services, residential, and recreational and leisure uses related to the waterfront and beach.

These regulations are intended to support the creation of a downtown area that has buildings designed to reflect the unique local flavor and character of this small beach town generally reflected in the existing historic and public buildings.

### **Sec. 3.10.02 District Boundaries**

The development standards contained within Part 3.10.00 shall be utilized for properties located within the Vilano Beach Town Center District as shown on the St. Johns County Future Land Use Map in the adopted St. Johns County Comprehensive Plan.

### **Sec. 3.10.03 Uses and Activities Subject to the requirements of Vilano Beach Town Center Overlay District**

- A. **Applicability:** The standards prescribed in this Part shall apply to all use categories contained within the TCMU zoning district, including such uses contained within PUDs. Unless otherwise exempted, the requirements of this Part shall apply to property proposed for Development as an Allowable Use or as a Special Use, as well as to signage and certain exterior renovations hereafter undertaken within the North Coastal Overlay District.
1. Exterior renovation shall be defined as any activity changing the exterior of a structure that requires a County Building Permit, and also exterior repainting not otherwise exempted by this Part.
  2. The requirements of this Part shall apply to only that portion being added, remodeled, renovated or changed.
  3. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired, without a review by the Design Review Board, provided that such repair or maintenance does not substantially alter the appearance of that which is being repaired or maintained.
  4. Any Non-conforming uses or Structures impacted by this Part, shall follow Part

10.03.00 of this Code concerning non-conforming regulations.

- B. Allowable Uses: The uses for the property contained within the Vilano Beach Town Center Overlay shall be as prescribed in the Town Center Mixed Use Zoning Districts underlying the Overlay District, except where such use is not permitted by the St. Johns County Comprehensive Plan.
- C. Exemptions: The following activities shall be exempt from review as required by this Part. In the event of any conflict related to an exempt activity, it shall be the responsibility of the County Administrator to determine that a proposed exempt activity is in compliance with this Part.
  - 1. Repainting of Structures in existing colors.
  - 2. Repainting of Structures with the suggested color palette of one of the three preferred Architectural Styles as designated in the Town Center Design Guidelines.
  - 3. Additions to the rear of a Structure not exceeding two-hundred and fifty (250) square feet which are of similar architectural style to the existing Structure, and consist of like exterior finishes and colors including windows and doors.
  - 4. Replacement of roofing with like roofing materials.
  - 5. Replacement of windows and doors, and existing porches, patio overhangs, porte cocheres or carports which are replaced in a similar style as the existing Structure or main portion of the existing Structure and consist of like exterior finishes and colors.
  - 6. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired, without a review by the Design Review Board, provided that such repair or maintenance does not substantially alter the appearance of that which is being repaired or maintained.
  - 7. Non-substantive changes, which do not change the character, design or commonly observed appearance of a site or Structure.

### **Sec. 3.10.04 General Development Standards and Design Guidelines**

The Development Standards and Design Guidelines included in this section shall apply to the entire Vilano Beach Town Center District.

- A. General Standards
  - 1. The Vilano Beach Town Center (VBTC) Overlay consists of the Regulatory Plan, the Town Center Design Guidelines and these mixed-use regulations.
  - 2. The provisions of the VBTC Overlay, when in conflict, shall take precedence over the existing zoning and land development code. Compliance with the VBTC Overlay regulations shall not require a Variance from other Land Development Regulations.
  - 3. The provisions of the Building Code, Fire Code, and other associated safety codes when in conflict, shall take precedence over the provisions of the VBTC Overlay.

4. The Regulating Plan designates the locations of Building types I, II, and III, as described in Sec. 3.10.05.
5. The Town Center Design Guidelines, made part of the Development Review Manual, incorporates the three preferred Architectural Styles: Florida Vernacular, Art Moderne, and Art Deco for the Vilano Town Center. Each style definition includes a Suggested Color Palette and scheme.
6. New structures and redeveloped structures exceeding 50% of the current just value shall be developed according to the Vilano Beach Mixed Use regulations set forth in this Section.
7. Vending machines must be located inside buildings.
8. Heating, ventilation and air conditioning equipment (excluding roof vents), duct work, air compressors, and other fixed operating machinery shall be screened from view with walls or fencing architecturally compatible with the building; and/or vegetation. Such equipment shall be located or screened so as not to be visible from any roads, any adjacent residential properties, intersecting streets or the Vilano Bridge. Trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes (except as provided by Florida or federal law), antennas, and other such Structures shall be similarly located. The location and screening of all such equipment noted here shall be subject to the review and approval of the Design Review Board.
9. Individual transmission, phone and cable boxes shall be placed to the rear of new development or screened or decorated in a manner compatible with the architectural style of the structure.
10. Chain link, barbed wire and similar fencing materials shall not be allowed within the District.
11. Exterior lighting shall be downward facing and designed to encourage outdoor activity during evening hours, although exterior lighting of parking areas shall be kept to a minimum consistent with reasonable safety requirements of the particular business or Structure. Lighting shall not be directly seen at ground level more than one hundred (100) yards from the light location. See additional lighting criteria in 3.06.13. Lighting criteria for the protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly. The use of solar power should be explored to supply electricity to fixtures.
12. Where possible, pedestrian access through Development sites shall be provided for the purpose of providing access to the rear of the buildings and connectivity between the beachfront, the fishing pier, businesses, alleys and parking areas and adjacent residential uses.
13. All new development is encouraged to include streetscape elements that provide for bicycle and pedestrian activity, such as outdoor seating, bicycle racks, fountains, and public art. These elements should facilitate an increased level of activity during daytime and evening hours.

14. Balconies and or porches are intended as outdoor extensions of living space or commercial space for seating and shall not be utilized for storage.
15. Drive-In Facilities are prohibited within the Vilano Beach Town Center, except those Drive-In Facilities that are accessory to a neighborhood serving financial institution located within the block of the Vilano Beach Town Center Mixed Use District bounded by Vilano Road, Coastal Highway and Poplar Road may be allowed subject to the following site design standards:
  - a. Drive-In Facility windows may not be visible from Vilano Road or Coastal Highway and shall be located to the rear or interior of a parking area with access from an alley or the interior of a parking space.
  - b. Drive-In Facility and windows shall be screened from view along public streets and adjacent properties by enhanced landscaping, roof-top coverage, walls, fences, canopies or similar design elements.
  - c. Drive-In Facility shall be developed with an urban pedestrian oriented design.
  - d. Any financial institution containing a Drive-In Facility shall locate the building's main entrance fronting Poplar Avenue with a direct pedestrian connection to the sidewalk.
  - e. Drive-In Facilities shall have no more than three (3) drive-in lanes, one of which may be a drive-up window. Stacking for each drive-in lane may not be closer than 100 feet from Vilano Road. Drive-In lanes and associated stacking areas shall be screened from view of public streets through landscaping, screening, walls, fences or other design elements. Driveway entrance and exit areas and associated line-of-sight areas may be visible as needed to ensure safe ingress and egress.
  - f. If the financial institution use is vacated for more than one (1) year the drive-in/up lanes must be removed or converted to a compatible use including but not limited to, patios, outdoor seating, gardens, art, fountains, or open space.
16. For any building with a rear entry from a parking lot one (1) external sign will be allowed over each unit or business doorway no greater than 6 square feet in size and meeting the standards this Article Section H.
17. The use of combined driveways to provide access to Vilano Road, Coastal Highway or Poplar Avenue is permitted and encouraged for adjacent properties. This shall encourage a limited number of access points to the roadways.
18. The maximum vertical clearance of Canopies provided over the pump islands at gas stations, service stations and convenience stores shall not exceed seventeen (17) feet in height from established grade to the underside of the canopy. The maximum height of a canopy shall not exceed twenty-four (24) feet from established grade.

### **Sec. 3.10.05 Site Development Criteria**

#### **A. Building Types**

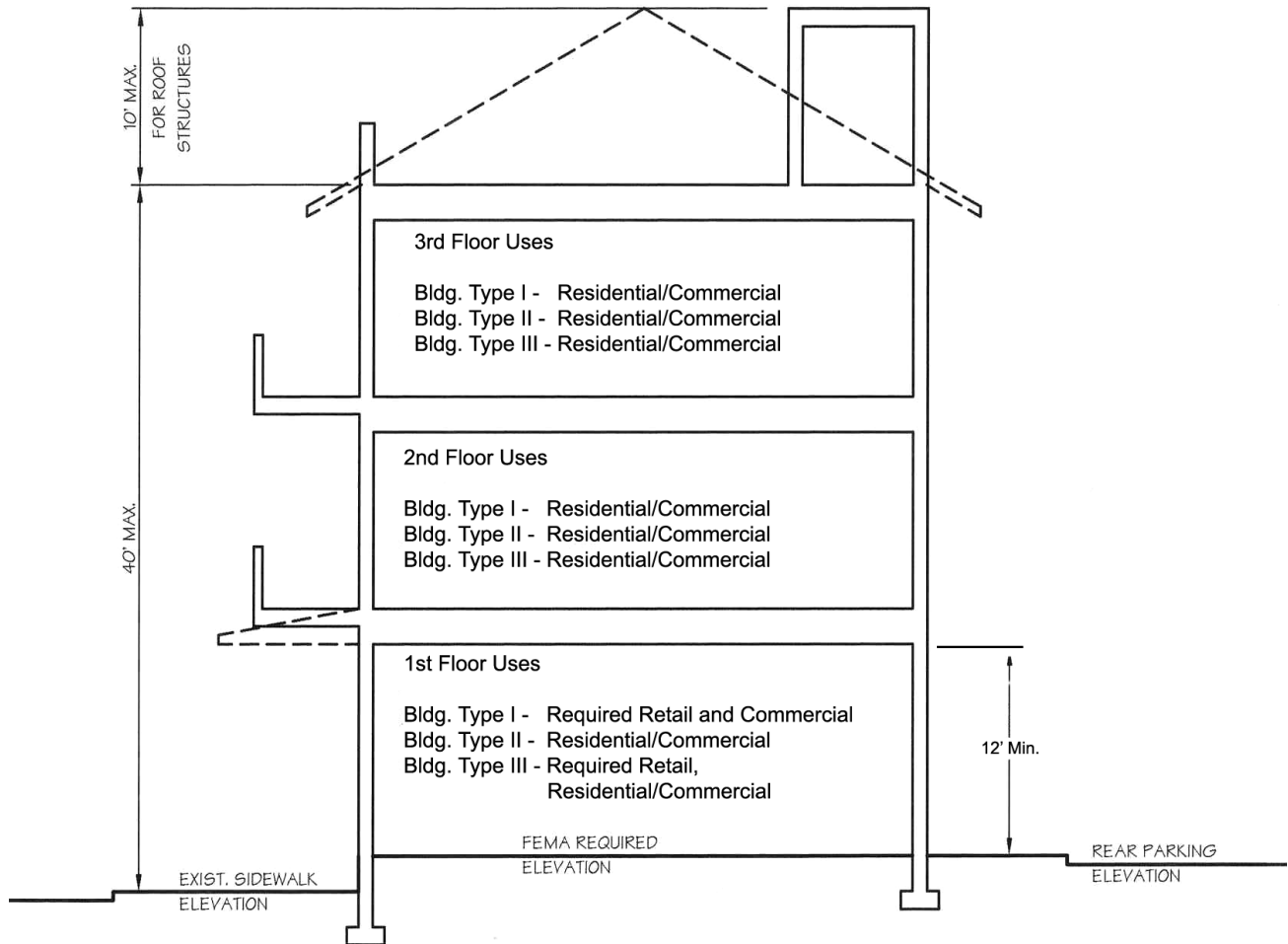
Three building types are provided for within the Vilano Beach Town Center Overlay District. These differ primarily in their required or permitted ground floor uses, their placement on lots and in the setbacks required, all of which are described in the subsections that follow.

Professional Uses may be permitted within the Vilano Beach Town Center Mixed Use District in the Building Type I Required Retail Areas on the Regulatory Map Vilano Beach Town Center Overlay District, as defined in Section 2.03.01, subject to the following conditions and limitations:

1. The percentage of overall professional office space does not exceed 30% of the overall retail square footage required area.
2. Provided no single property or assembled property shall exceed one third of the allowable office space for each specified required retail frontage.
3. The allowed professional offices include a range of professional office types and will not be limited to only one type.
4. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
5. The use and value of the area adjacent to the property subject to the special use request will not be affected in a substantially adverse manner.

#### **B. Building Height**

1. Buildings shall be a maximum of three (3) stories above grade, and have a maximum height of 40 feet.
2. Buildings shall be a minimum of two stories above grade at the frontage line.
3. Where first floor residential uses are allowed and proposed, the first floor shall be raised above grade a minimum of 18", with the building entrance accessed by a stoop, raised porch or raised or raised arcade.



BUILDING HEIGHTS AND USES - N.T.S. / for illustration purposes only / © 2005 John R. Barrow

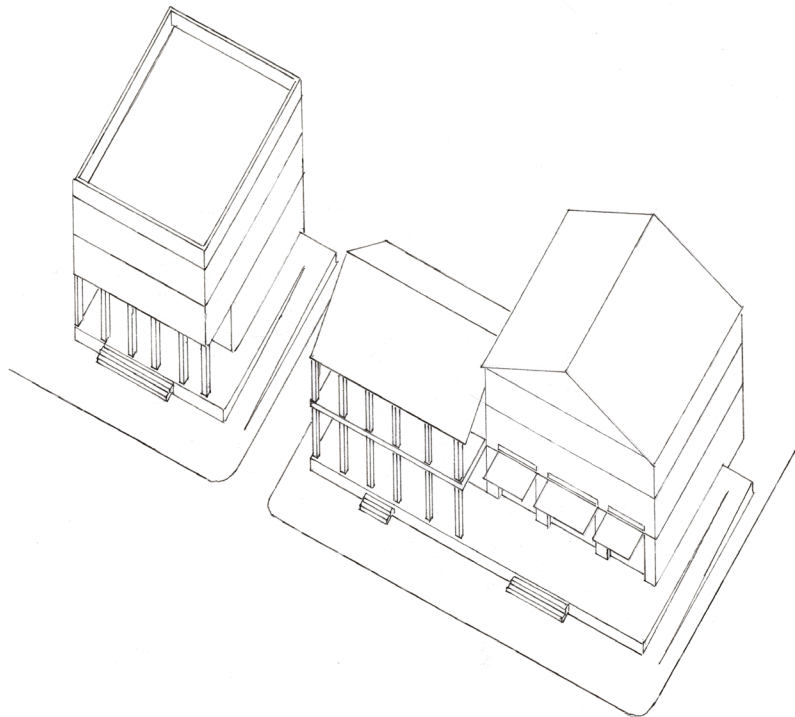
4. The maximum height of a building shall be measured as the vertical distance from the lowest point of the established grade surrounding the perimeter of the building up to the top plate for the Florida Vernacular design structure or the roofline for Art deco design structures.
5. The height limitations for Art Deco and Art Moderne design structures do not apply to parapet walls provided that such walls do not exceed 10 feet above the roof.
6. For Florida vernacular design structures, the peak of the highest point of the roof shall not exceed 10 feet above the eave of the roof without approval of the Design Review Board.
7. Height limitations shall not apply to any roof structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors or similar equipment required to operate and maintain the building (provided that such structures shall not cover more than twenty percent (20%) of roof area or extend over ten (10) feet in height. Height limitations shall not apply to decorative vertical projections such as



monuments, spires, cupolas, clock towers and observation towers as long as the tower is appropriately proportioned to the scale of the building, less than 225 sq. ft. in area, and the highest point of the tower does not exceed 60 feet above grade.

8. Structures for rooftop uses shall be exempt from the height limit provided however that such structures do not extend over ten (10) feet in height above the roof nor cover more than twenty-five (25%) of the roof area.
9. The ground floor story shall be no less than 12 feet in height from finished floor to finished ceiling.
10. Parking garages shall be measured in levels, with each level being counted as a story. Any parking garage levels that are fully concealed by a habitable story and use for a minimum depth of 20 feet from the frontage line are not restricted in the number of levels, provided that the overall height of the garage does not exceed the overall height of the habitable stories at the frontage line.

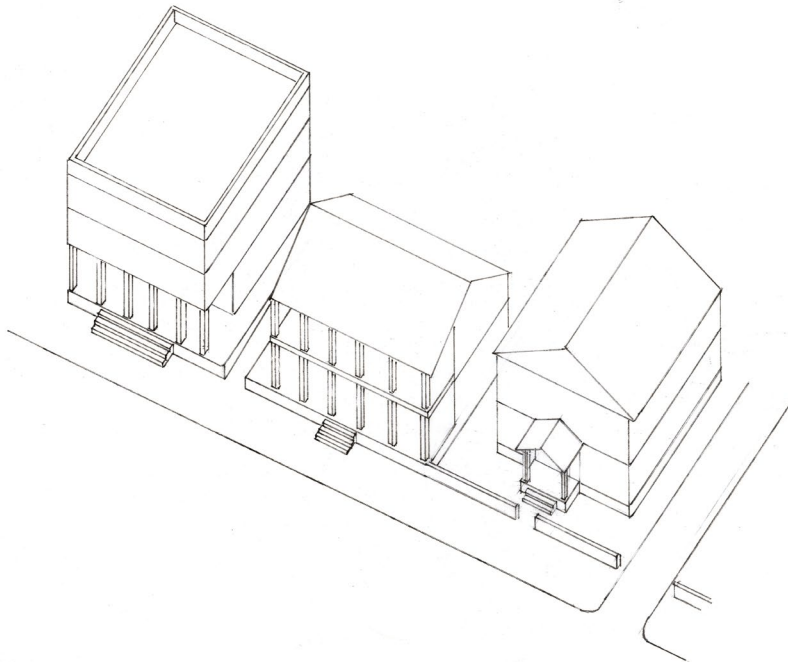
C. Building Placement



***Type I Buildings***

1. Building Type I - buildings with required retail frontages.
  - a. Buildings noted as having required retail frontages on the Regulatory Plan, shall have facades of no less than two stories, and shall be built on the frontage line along a minimum of 70 percent of the lot width, with a required setback of 0 or 12 feet. Buildings designed with a 0 foot setback shall include an elevated porch or raised arcade 12 feet deep.

- b. In order to assure a consistent and viable relationship between retail storefronts and the sidewalk, a raised plaza, porch or arcade shall be provided between the backside of the sidewalk (the frontage line) and the first floor retail face of the building. The plaza, porch or arcade shall have a floor elevation of no less than 3" below the required finished floor elevation of the building. To the maximum extent possible, consistent with good building design, the required raised plazas, porches, or arcades of neighboring parcels are encouraged to interconnect, so as to facilitate pedestrian movement between buildings.
- c. Stairs to accommodate the elevation change between the sidewalk and the raised plaza, porch or arcade may extend into the public right of way occupied by the sidewalk a maximum of 4 feet, providing such an intrusion leaves a minimum of 6 feet of undisrupted sidewalk space.
- d. Side setbacks are required only when abutting a property with a building that exists as of the effective date of this ordinance, which has side or rear windows. Then, any new abutting development, or newly added stories to an existing development shall provide at least 10 feet of separation between the existing and new building. New development, where no building exists on the adjacent property, as of the effective date of this ordinance, may build without side setbacks, but shall provide light and air shafts within their own property.
- e. Rear setbacks shall not be required where a public alley has been provided at the rear property line that connects to a public street and provides for vehicle access to the property. Where such a public alley has not been provided, a rear setback of 20 feet shall be required.

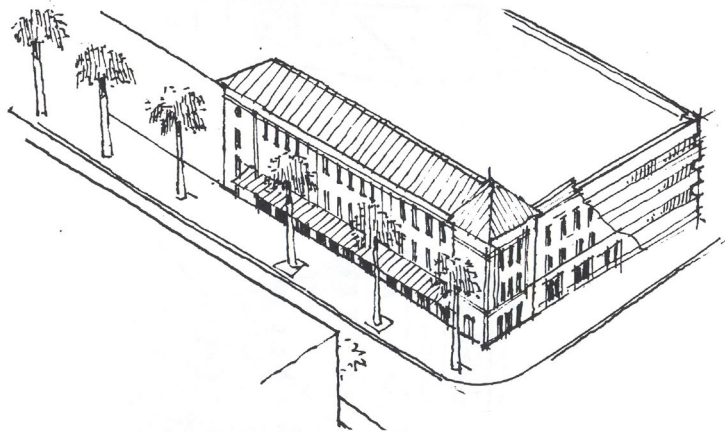


### ***Type II Buildings***

2. Building Type II - buildings not having required retail frontages.
  - a. Buildings noted as not having required retail frontages on the Regulatory Plan, shall have facades of no less than two stories, and shall be built on the frontage line along a minimum of 50 percent of the lot width, with a required setback of 0 or 12 feet.
  - b. Buildings noted as not having required retail frontages on the Regulating Plan, and designed with a 0 foot setback, shall include an elevated porch or raised arcade 12 feet deep. The elevated porch or arcade shall have an elevation no less than 3" below the required finished floor elevation of the building.
  - c. Stairs to accommodate the elevation change between the sidewalk and the raised plaza, porch or arcade may extend into the public right of way occupied by the sidewalk a maximum of 4 feet, providing such an intrusion leaves a minimum of 6 feet of undisrupted sidewalk space.
  - d. Buildings noted as not having required retail frontages on the Regulating Plan, and designed with a 12 foot setback, may have open porches, stairs and ramps that encroach within the 12 foot setback, but in all cases shall have a finished floor elevation of at least 18" above grade, and 3" above the porch elevation where it abuts the building façade. Portions of the setback not required for porches, stairs or ramps shall be landscaped. A street wall of sitting height shall be provided along the frontage line.
  - e. Buildings noted as not having required retail frontages on the Regulating Plan shall have side setbacks that total 20 feet of the lot width, with a minimum of 5 feet to each side.
  - f. Rear setbacks shall not be required where a public alley has been provided at the rear property line that connects to a public street and provides for vehicle access to the property. Where such a public alley has not been provided, a rear setback of 20 feet shall be required.
3. Building Type III - special building types, facing the water.
  - a. Building Type III, facing the water and noted as having required retail frontages on the Regulatory Plan, shall have facades of no less than two stories, and shall be built on the street frontage line along a minimum of 70 percent of the lot width, with a required setback of 0 or 12 feet. Buildings designed with a 0 foot setback shall include an elevated porch or raised arcade 12 feet deep. Buildings designed with a 12 foot setback shall include a raised plaza or porch 12 feet deep, running from sidewalk to the building face and having an elevation no less than 3" below the required first floor elevation. The required raised porch, arcade or plaza shall turn the corner

and face the water for a minimum of 50 feet along the water side of the building.

- b. Stairs to accommodate the elevation change between the sidewalk and the raised plaza, porch or arcade may extend into the public right of way occupied by the sidewalk a maximum of 4 feet, providing such an intrusion leaves a minimum of 6 feet of undisrupted sidewalk space.
- c. Side setbacks are required only when abutting a property with a building that exists as of the effective date of this ordinance, which has side or rear windows. Then, any new abutting development, or newly added stories to an existing development shall provide at least 10 feet of separation between the existing and new building. New development, where no building exists on the adjacent property, as of the effective date of this ordinance, may build without side setbacks, but shall provide light and air shafts within their own property.
- d. A rear setback of 10 feet shall be required.



***Parking Garage with Required Liner Building Fronting the Street***

- 4. Parking Garages
  - a. Parking garages shall be prohibited from fronting on Coastal Highway, Poplar Avenue, or Vilano Road, and must be separated from the frontage line and front setback by occupied space at least 20 feet deep, such that the garage is not visible from these streets.

**D. Building Uses**

- 1. Building Type I - buildings with required retail frontages.

- a. Building Type I is required to have retail uses on the ground floor, for a minimum depth of 50 feet, on the frontages indicated on the Regulating Plan. Remaining ground floor area may include any of the uses permitted for the second and third story, except residential uses.
  - b. Allowable uses will be in compliance with Section 2.02.01.F. Multifamily Residential Uses are permitted on the second and third floors.
2. Building Type II - buildings not having required retail frontages.
- a. The first, second and third stories shall be all allowable uses provided for in Section 2.02.01.F.
  - b. Where the first floor is used for Residential uses, the entire building shall be residential.
3. Building Type III - special building types, facing the water.
- a. The first floor of the building, for a minimum depth of 50 feet from the building façade facing Vilano Road, shall be required to be retail uses, including restaurants. The required retail uses shall front on Vilano Road and continue along the waterfront face of the building for a minimum of 50 feet.
  - b. Allowable uses will be in compliance with Section 2.02.01.F. General Business and Commercial Uses (CG), Neighborhood Business and Commercial Uses (CN) and Office and Professional Services (OP) as set forth in Section 2.02.01 D., E., and L., or Multifamily Residential Uses are permitted on the second and third floors and those portions of the first floor not required to have a retail use.
  - c. Where the first floor includes residential uses, the entire building shall be residential, except for those portions required to be retail.

E. Lot size

1. There are no minimum lot size requirements within the VBTC Overlay District.

F. Residential Density

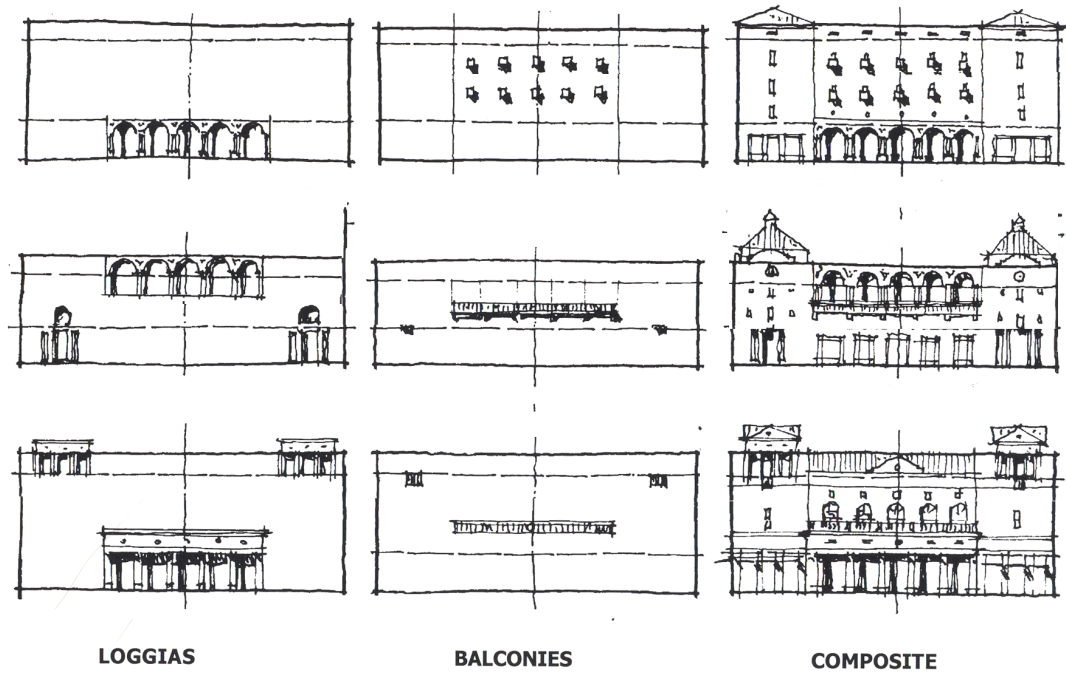
1. A residential density of eight units per acre is permitted within the VBTC Overlay District. When calculating the number of units that are permitted to be built on a particular parcel, the value of acreage X 8 units per acre shall be rounded, so that a unit is added for decimal remainders of units of .50 or greater.

Examples: A 1.3 acre parcel X 8 units per acre = 10.4 units,  
allowing only 10 units to be built.

A 1.19 acre parcel X 8 units per acre = 9.52 units,  
allowing 10 units to be built.

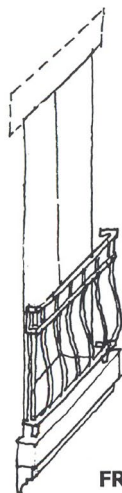
**G. Architectural Standards**

1. The architectural styles of new buildings within the VBTC shall be authentic representations of one of three styles: Art Deco, Art Moderne, or “Florida Vernacular”, also known as, “Old Florida Beach”. The proposed architectural style of all new buildings and renovations to existing buildings must be approved by the Design Review Board. The Design Review Board shall base its determination of conformance to accepted style standards on: 1.) expert testimony regarding the authenticity of the proposed architectural design, 2.) documented patterns for Art Deco, Art Moderne or Florida Vernacular, 3.) the aesthetics of the proposed building or renovation, and 4.) its contribution to the objectives of the VBTC Overlay District.
2. Additions or expansions to existing buildings which are of a Spanish/Mediterranean architectural style will not be required to be reflective of Art Deco, Art Moderne or Florida Vernacular, but must be architecturally compatible with the existing building style, be authentic representations of the documented Spanish/Mediterranean architectural style and be approved by the Design Review Board.
3. All buildings constructed within Town Center Mixed Use District shall have a minimum ground floor, floor to ceiling height of 12 feet.
4. A building’s main entrance shall face the main roadway. Buildings located at street corners shall have entrances at the corner or one entrance on each street frontage.
5. Exterior finish materials shall be appropriate for the style of the building, and shall be limited to light colored, stone, brick, stucco, pre-cast concrete, clear glass, clapboard siding, or wood shingles. Walls shall be of no more than two materials, and shall change material along a horizontal line, with the heavier material below the lighter material.
6. Building finishes, design and architectural detailing shall be consistent and of the same quality for all sides of the building, whereby all outside walls of the building shall be finished with the same materials and chosen style as the front.
7. The void to solid ratio of the frontage includes fenestration (windows, porches, arcades, loggias and balconies). The minimum requirement for fenestration on facades shall be 25 percent.
8. Porches, arcades and loggias may have high localized void to solid ratios, however a continuous series of these elements can undermine the solidity of a façade and should be avoided.

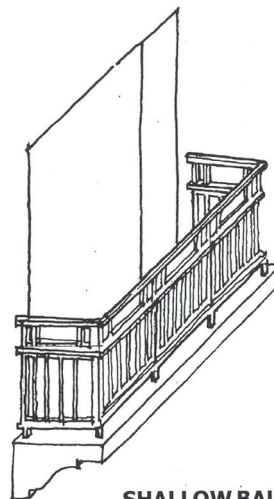


**Balconies and Loggias Should be Used in Moderation**

9. Balconies shall be used in moderation and shall be integrated into the overall composition of the façade. Balconies shall not be implemented in a monotonous or repetitive configuration. This pertains to both indented balconies (loggias) and to cantilevered ones.

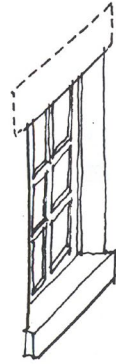


**FRENCH BALCONY**

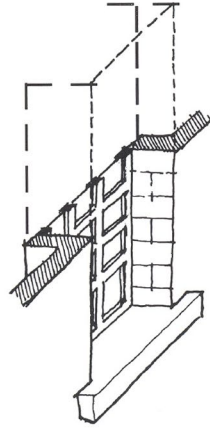


**SHALLOW BALCONY**

10. Balconies and porches may be of decorative metal, wood, carved stone, concrete or stucco, and shall extend no more than 3 feet from the facade of the building.
11. Pitched roofs are allowed and where used shall be of silver colored metal. Flat roofs shall be enclosed by parapets no less than forty two (42) inches high, or as required to enclose equipment.



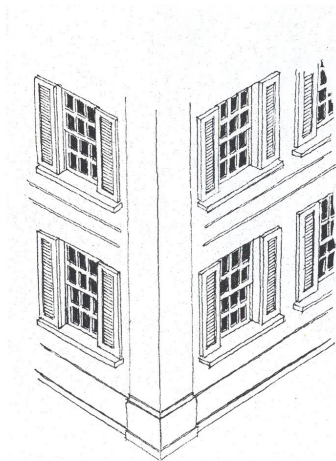
**MINIMUM WINDOW DEPTH**



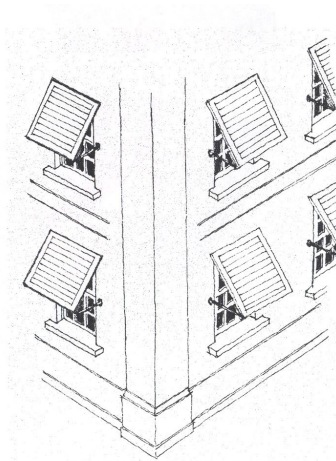
**STRONG WINDOW DEPTH**

12. Windows shall be recessed a minimum of two (2) inches and shall be vertical or square in proportions.
13. The glazed area and all other openings of a façade shall be at least 25 percent and shall not exceed 45 percent of the total area of each façade, with each façade calculated separately.
14. Openings in upper stories shall be centered directly above openings in the first story. Openings on the gable ends must be centered. Openings shall be a minimum of two (2) feet from building corners unless building has rounded corners as appropriate to style.



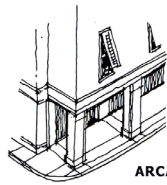


VERTICALLY HINGED SHUTTERS

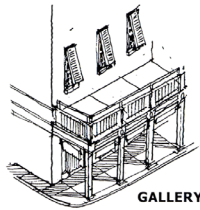


BAHAMAS SHUTTERS

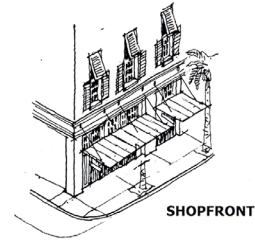
15. If shutters are used, they must be operable, sized to match the opening, and provided for all windows on a given wall.
16. All exterior doors, except garage doors, shall be hinged. All windows, except storefront windows shall be operable.



ARCADE

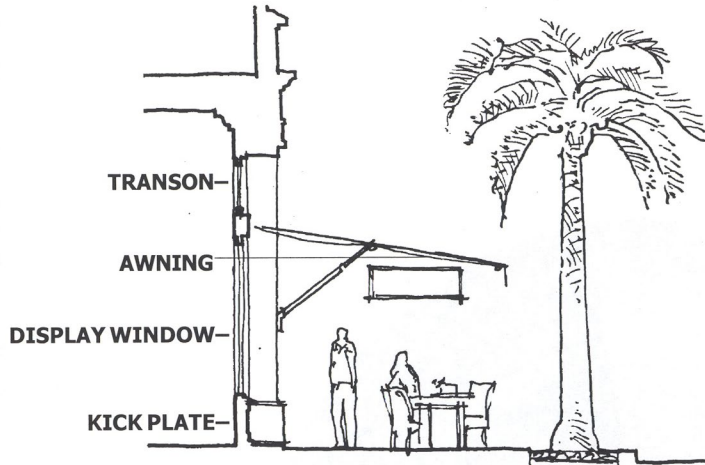


GALLERY

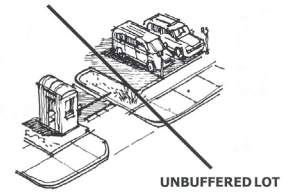
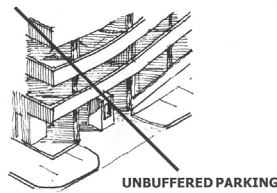
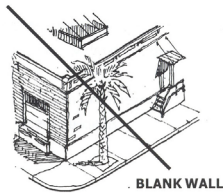


SHOPFRONT

17. Storefronts, retail and office uses are required to face the frontage line, and shall be directly accessible from the sidewalk, or raised porch, arcade or plaza. Each storefront, and all Building Type I structures, must have clear glazed areas, equal to a minimum of seventy (70) percent of its first floor street facing façade length, between two (2) and eight (8) feet from the ground.



18. All awnings shall be sympathetic to the buildings architecture and designed as an integral component of the overall signage package. All awnings on the street level shall project a minimum of four (4) feet from the building façade. All awnings on stories above the first floor shall project a minimum of three (3) feet from the building façade. Variances may be granted administratively in the event that existing site features, such as, but not limited to, narrow sidewalks, utility line poles, and street trees restrict the applicant from full compliance with these regulations. All awnings shall be sloped 30 degrees from horizontal and shed awnings shall have both ends open.
19. All awnings at street level shall have an eight (8) inch vertical valance along the front of the awning. The valance must be provided with concealed weight to prevent excessive movement in high winds. Internally illuminated or vinyl awnings are prohibited.



20. Blank walls facing Vilano Road, Coastal Way or Poplar Avenue shall not be permitted. No parking garages shall be allowed to face Vilano Road or Coastal Highway. No off-street parking lots shall front on Vilano Road or Coastal Highway. No Street facing walls within the VBTC boundaries shall be used as service entrances. The use of entranceways and display windows shall be used to create business and storefronts that are festive and inviting to the pedestrian and customers.
21. Long monotonous façade designs including, but not limited to, those characterized by unrelieved repetition of shape, form, design, or by unbroken extension of line, shall be avoided.

22. Outdoor pedestrian seating areas are strongly encouraged, and similarly outdoor cafes, rooftop uses, balconies and porches for seating are encouraged.
23. Roof top uses consistent with or compatible with interior uses shall be allowed. Any structures located on the rooftop to support roof top uses shall not exceed 25 percent of the roof top area of the building.

H. Special Exception

Variations to the Standards and Criteria of Section 3.10.05.G Architectural Standards may be allowed by the Design Review Board upon showing of good cause, and where the Owner/Applicant proposes an alternative which conforms to the general intent and spirit of these regulations, and where the objectives of this Article have been substantially met. Notwithstanding the above, DRB Special Exceptions to the following provisions of this Code shall not be allowed:

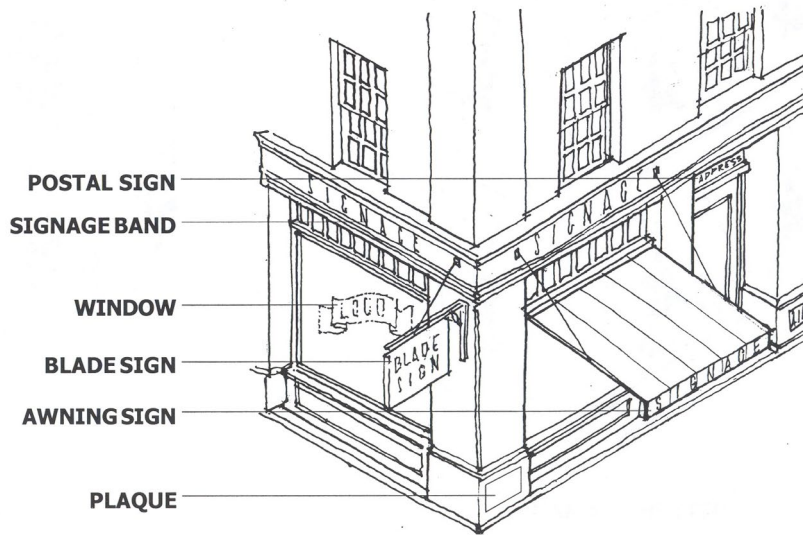
1. Density
2. Building or Structure Height

I. Signage Standards

1. General Standards

- a. The colors and materials of Signs shall be similar to and compatible with the architectural style and colors and materials of the related commercial or multi-family building.
- b. Signs must be professionally designed, lettered and constructed.
- c. Wall Signs shall be mounted directly upon wall surfaces, and shall not be mounted upon raceways or other protrusions from the wall surface.
- d. In construing the provisions of this Section, messages upon doors or windows, which do not exceed six (6) inches in height, and do not occupy more than 20 percent of the window area shall not be counted as a sign and shall not be subject to review.
- e. Signs may be illuminated as provided by Article VII of this Code, however when Signs use exterior lighting, such lighting must be concealed and shielded with hours of illumination to cease no later than 30 minutes after business closing, unless additional time is approved by the DRB.
- f. Molded vinyl or plastic internally illuminated signs, iridescent signs, audible, flashing action, paper signs, and internally illuminated box signs are prohibited. No signs with visible backs are permitted. Exposed raceways, transformers, ballasts and electrical wiring are not allowed.
- g. LED and neon signs shall be allowed if approved by the Design Review Board.

- h. All installation components or hanging devices such as, but not limited to, fasteners, clips, bolts, etc. shall be of a non-corrosive, stainless steel, aluminum, brass or bronze; carbon bearing steel shall be of non-ferrous metal of quality material and finish. All fasteners shall be concealed. All black iron materials shall be finished to withstand corrosion. All penetrations to the fascia shall be neatly sealed in a watertight manner using a single component silicon sealant. All signage shall have an individual circuit and be controlled by a time clock. Exposed conduit or electrical wiring is prohibited.
- i. For Signs that contain Federally registered trademarks or service marks, documentation of such registration shall be provided with the application for review.
- j. In addition to approved business signs indicated below, the sidewalk café may have the following advertising signs: menu boards on the tables and logos upon table umbrellas.
- k. Signage other than the types provided for in this section shall not be allowed within the Vilano Beach Town Center Overlay District. However, signage shall be allowed in accordance with Article VII Special Use Signs, and Special Event Signs.



2. Signage for Building Type I - buildings with required retail frontages.

- a. A single external sign band may be applied on the façade of each Building Type I, providing that it shall not exceed thirty-six (36) inches in height or 60 percent of the storefront width. The sign band shall be located within the first two stories of the building. If the storefront uses awnings, the copy or logo on the valance shall be considered as square footage against the allowable building signage.

- b. Additional pedestrian blade signs may be attached perpendicular to the façade extending up to four (4) feet from the frontage line and not exceeding three (3) feet in vertical dimension, including all mounting brackets and hardware, and shall be setback a minimum of two (2) feet from the corner of the building or storefront.
  - c. Up to two (2) building identity signs, with the same identity, shall be allowed on buildings of 3 stories, regardless of the number of tenants in the building or the number of facades. Only one building identity sign shall be allowed per facade. Such a sign shall not be internally illuminated and shall not exceed a total sign face area of forty (40) square feet. The building identity sign shall be located within the façade with respect to the architecture of the building or be centered over the primary entrance facing the street.
  - d. Signage in addition to the items specifically allowed here for Building Type I, shall require approval of the Design Review Board.
3. Signage for Building Type II - buildings not having required retail frontages.
- a. Except where the building includes entirely residential uses, a single external sign band may be applied on the façade of each Building Type II, providing that it shall not exceed thirty-six (36) inches in height or 60 percent of the storefront width. The sign band shall be located within the first two stories of the building. If the storefront uses awnings, the copy or logo on the valance shall be considered as square footage against the allowable building signage.
  - b. Except where the building includes entirely residential uses additional pedestrian blade signs may be attached perpendicular to the façade extending up to four (4) feet from the frontage line and not exceeding three (3) feet in vertical dimension, including all mounting brackets and hardware, and shall be setback a minimum of two (2) feet from the corner of the building or storefront.
  - c. Up to two (2) building identity signs, with the same identity, shall be allowed on buildings of 3 stories, regardless of the number of tenants in the building or the number of facades. Only one building identity sign shall be allowed per facade. Such a sign shall not be internally illuminated and shall not exceed a total sign face area of forty (40) square feet. The building identity sign shall be located within the façade with respect to the architecture of the building or be centered over the primary entrance facing the street.
  - d. Where the Building Type II is entirely residential in use, identity signs are permitted for buildings of three stories, and all buildings, regardless of height are permitted address numbers.
  - e. Signage in addition to the items specifically allowed here for Building Type II, shall require approval of the Design Review Board.

4. Signage for Building Type III - special building types, facing the water.
  - a. A single external sign band may be applied on the façade of each Building Type III, providing that it shall not exceed thirty-six (36) inches in height or 60 percent of the storefront width. The sign band shall be located within the first two stories of the building. If the storefront uses awnings, the copy or logo on the valance shall be considered as square footage against the allowable building signage.
  - b. Additional pedestrian blade signs may be attached perpendicular to the façade extending up to four (4) feet from the frontage line and not exceeding three (3) feet in vertical dimension, including all mounting brackets and hardware, and shall be setback a minimum of two (2) feet from the corner of the building or storefront.
  - c. Up to two (2) building identity signs, with the same identity, shall be allowed on buildings of 3 stories, regardless of the number of tenants in the building or the number of facades. Only one building identity sign shall be allowed per facade. Such a sign shall not be internally illuminated and shall not exceed a total sign face area of forty (40) square feet. The building identity sign shall be located within the façade with respect to the architecture of the building or be centered over the primary entrance facing the street.
  - d. Signage in addition to the items specifically allowed here for Building Type III, shall require approval of the Design Review Board.
5. Signage for Existing Structures – Transitional Signs

Recognizing existing Uses and historic Structures create the foundation for the Town Center sense of place, and to promote economic sustainability, transitional Ground Signs may be permitted by the Design Review Board, subject to the following provisions:

- a. Monument based Ground Signs may be permitted on private property that has not been redeveloped consistent with the Vilano Town Center Overlay. The total Ground Sign shall not exceed twenty-four (24) square feet per Sign Face and may be double faced. One Sign shall be allowed for each collector street frontage. Maximum Sign Structure height shall not exceed six (6) feet.
- b. Decorative pole based Ground Signs or Ground mounted hanging Blade Signs may be permitted on private property. The total Sign shall not exceed twenty-four (24) square feet per Sign Face and may be double faced. One Sign shall be allowed for each collector street frontage. Maximum Sign Structure height shall not exceed six (6) feet.
- c. Such Transitional Signs shall be removed or brought into compliance with this Code upon redevelopment of the Site to the Vilano Beach Mixed Use regulations.

## J. Parking Standards

1. There shall be a minimum of 2 off street parking spaces per each 1,000 square feet of non-residential space and 1 parking space per each residential unit, and each hotel room.
2. Available on street parking along the corresponding frontage lines may not be counted towards the off street-parking requirement.
3. Off-site parking spaces can be located anywhere within the Vilano Town Center Overlay boundaries for purposes of meeting the Off-street parking requirements of any structure subject to approval of a Special Use Permit and certification by County Administrator as required for shared parking.
4. New surface parking lots are not permitted on existing vacant lots. Surface parking is permitted behind buildings that are consistent with the Vilano Beach Town Center Overlay requirements.
5. Off-street surface parking lots shall be located behind buildings, and may not front on Vilano Road or Coastal Highway.
6. Off-street parking lots located on all other streets shall be located behind building or along a maximum of 25% of the development frontage, screened architectural features that, such as walls with public art or a screen, e.g. pergola, garden walls that architecturally blends with the associated building and the streetscape.
7. All off-street surface parking areas shall be concealed from view from the direction of the sidewalk along Vilano Road, Coastal Highway and Poplar Avenue by buildings, architectural features such as pergolas, or a continuous hedge.
8. Enclosed parking garages for a maximum of two cars shall be located a minimum of twenty (20) feet behind the principal building façade.
9. Structured or enclosed parking garages for more than two cars shall be lined by occupied space for a minimum depth of twenty (20) feet at frontage lines on Vilano Road or Coastal Highway. Parking garages shall be disguised with normal facades on all sides.
10. Joint use or shared parking is encouraged within the Vilano Beach Town Center. Shared parking shall be subject to Section 6.05.02.B.
11. Parking requirements may be adjusted by the County Administrator or designee based on existing supply in the VBTC overlay district, or upon the demonstration demand for the use, in accordance with Section 6.5.02.G.
12. Parking lots and parking structures shall be designed to ensure that pedestrians enter and exit directly from an adjacent frontage line. On-site parking structures may also be entered directly from a building.
13. Vehicular entries on a building façade or street wall shall not exceed twenty (20) feet in width and driveway/curb cut openings shall not exceed thirty (30) feet in width.

14. Loading docks and service areas shall not be permitted on the frontage line of Coastal Highway, Vilano Road or the north side of Poplar. For other roadways docks shall be limited to 15% of the development frontage road and be screened with complementary architectural features, such as walls with public art, garden walls, and pergolas with a continuous hedge.
15. Elevated Parking structures shall not be visible from the Usina Bridge and shall either be shielded by architectural features such as parapet walls, pergolas, and roofs designed to complement the associated structure or structures.

K. Use of the Public Right-of-Way

1. Sidewalk Café: A sidewalk café is a group of tables and chairs and permitted decorative and accessory devices situated and maintained upon the sidewalk and used for the consumption of food and beverages sold to the public from an adjoining business. A sidewalk café is allowed only when in compliance with this Section.
2. A sidewalk café shall only be established in conjunction with a legally established restaurant and/or takeout food store, where the food product is prepared processed, or assembled on the premises (for example: deli, ice cream store, sandwich shop, coffee shop).
3. A sidewalk café may be established in front of the business with which the sidewalk is associated (except provided for in Section 3.10.05J (4) below).
4. A sidewalk café may only be established in front of the business and such businesses immediately adjacent to the business with which the sidewalk café is associated. The sidewalk café operator must receive the permission, in a form acceptable to the County, from adjacent businesses before establishing the sidewalk café in front of such adjacent businesses.
5. Alcoholic beverages may be consumed at a sidewalk café, if properly permitted by the State and County.
6. A clear pathway, parallel with the street, with a minimum width of 5 feet shall be provided for the comfortable movement of pedestrians.
7. A clear distance with a minimum of five feet (5') shall be provided from any alley, crosswalk, fire hydrant, or similar use.
8. Use area and/or seating capacity realized through a sidewalk café use and contiguous outdoor dining areas shall not invoke provisions of the zoning code as they pertain to parking or other matters.
9. Hours of operation may be the same as the associated businesses.
10. Tables, chairs, umbrellas, and any other objects provided within a sidewalk café shall be maintained in a clean and attractive manner and shall be in good repair at all times, ensuring a tidy appearance.



11. The sidewalk area shall be maintained in a neat and orderly manner at all times and the area shall be cleaned of all debris and stains on a periodic basis during the day and again at the closing of each business day, ensuring a tidy appearance.
12. No tables, chairs or any other part of sidewalk cafes shall be attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk.
13. All outdoor furniture including but not limited to tables, chairs, table signs and similar loose objects associated with the sidewalk café use must be safely secured indoors during any time designated by the United States Weather Service as being a tropical storm warning or hurricane warning, or when sustained winds are anticipated to exceed 30 mph.

L. Landscaping Standards

1. Part 6.06.00 – Landscaping & Buffering Requirements - of the St. John's County Land Development Code shall apply unless otherwise provided in this chapter.
2. Where referenced, Article IV, Natural Resources, Part 4.01.00, Section 4.01.05 – Trees and Other Vegetation - of the St. Johns County Land Development Code shall apply unless otherwise provided in this chapter.
3. Applicability and Exemptions:
  - a. In St. Johns County, with the following exceptions, it shall be unlawful for any Person, firm, or corporation either individually or through Agents, employees or independent contractors, to construct any Building or off-street Parking Area on land within the unincorporated areas of St. Johns County without first having obtained a Development Permit from St. Johns County. The terms and provisions of this Part shall apply to all Development within the unincorporated areas of St. Johns County except for the following exceptions:
    - (1) Land which is used for and has the corresponding property assessment as Bona Fide agricultural operations.
    - (2) Land within the boundaries of an airport, heliport, helistop or ultralight flight park, determined by the Federal Aviation Administration or the Florida Department of Transportation to be required for the ground or aerial maneuvering of aircraft.
    - (3) Construction of an addition to an existing Building or Construction of a minor or ancillary Building or off-street Vehicular Use Area with less than five (5) Parking Spaces.
4. General Standards and Guidelines:
  - a. Plant Species:
    - (1) These standards and guidelines shall be in accordance with Section 4.01.05 Trees and Other Vegetation. Section 4.01.05 contains

regulations on the minimum number of Trees, Tree Inches, Historic and Specimen Trees, exemptions, Protected Trees, Land Clearing, Tree replacement requirements, Tree Permits, Permit application procedures, along with other regulations about Trees and vegetation in unincorporated St. Johns County. Plant species shall be appropriate for their designated use and environment.

- (2) The use of Xeriscape landscaping techniques and the use of native plants as part of the overall landscaping plan shall be required, as specified in these regulations.
  - (3) A minimum of fifty (50) percent of the required Trees shall be native species, or hybrids or cultivars of native species. No species excluded from the Protected Tree definition (except slash pines) may be used to meet this standard.
  - (4) Vegetation that exceeds twenty-five (25) feet in height at maturity should not be planted closer than ten (10) feet of the vertical plane of an existing power line, excluding service wires.
  - (5) Non-living ground cover, such as rocks, gravel, and mulch, may be used in combination with living plant material. The use of artificial plants shall not be permitted to meet any of the landscaping requirements.
- b. Minimum Number of Trees: There shall be a requirement of at least eighty (80) Tree Inches per acre, unless technically infeasible as determined by the County Administrator. Additional regulations are required in Section 4.01.05.
- c. Tree Inch requirements and scoring procedures are in Section 4.01.05.E.
- d. Landscaping Material: The following plant material standards shall be considered the minimum requirements for complying with the Landscaping Regulations, unless specified differently elsewhere in these regulations.
- (1) Plant material shall conform to the standards for Grade #1 or better as given in the latest "Grades and Standards for Nursery Plants, Parts I and II," Florida Department of Agriculture and Consumer Services or to the standards as given in the latest "American Standard for Nursery Stock," American National Standards Institute. They shall be appropriate for St. Johns County annual weather and temperature patterns.
- e. Installation: All landscaping shall be installed according to sound nursery practices. Plants grown in containers prior to installation shall be removed from their containers before they are planted in the ground. Balled and burlapped strapping wire, and any synthetic material shall be removed at time of final inspection.
- (1) Mulch shall be provided a minimum of three (3) inches in depth around all newly planted landscaping.

- (2) A mulch ring for all newly planted Trees shall be provided at least five (5) feet in diameter and spaced at least six (6) inches away from the tree trunk.

f. Trees:

- (1) At the time of planting, a Tree shall have a minimum height of eight (8) to ten (10) feet and three (3) inch of caliper. The use of exempted Tree species to meet the requirements of the landscaping regulations shall be prohibited with the exception of slash pines.
- (2) No more than 50% of the required Trees may be comprised of trees of the same genus and species.

g. Palms:

- (1) Where palms are used, only palms up to sixty percent (60%) of total required Trees will receive Tree Inches and credit towards these requirements, unless otherwise reasonably determined by the County Administrator based upon Site conditions.
- (2) Palms may be substituted for required Trees, including Canopy Trees, provided that each required Tree is replaced by a cluster of three (3) or more palms in an area not exceeding fifteen (15) lineal feet.
- (3) Palms of the genus *Phoenix* may replace required Trees on a one-for-one basis, provided the palm meets all other minimum requirements in this Section and in Section 4.01.05.

h. Street Trees:

- (1) Where required by this ordinance, a Street Tree shall be a Cabbage Palm (*Sabal palmetto*) with a clear trunk dimension of between twelve (12) feet and eighteen (18) feet when measured from the finished street elevation directly below the Street Tree.
- (2) Street Trees required in a sidewalk area shall be planted in a random pattern within the required planting area on average twenty (20) feet on center. Required Street Trees not in a sidewalk area may be planted closer together, provided all other requirements of this section are satisfied.
- (3) When planted in a sidewalk area, the Street Tree shall be planted in a metal tree grate matching the existing tree grates.
  - Tree grates shall equal or exceed Ironsmith Starburst Series 2 60" (model #6019-2) cast aluminum with 18" tree opening and two bolted lightwell covers, and shall be installed with an associated frame.

- Finish for tree grates shall match the existing in type and color(s).
- (4) When planted in a landscaped area within the required planting area, the Street Tree shall be planted in an area not less than one hundred (100) square feet, with a dimension of not less than five (5) in any direction.
  - (5) Each Street Tree shall be irrigated with not less than one (1) bubbler type irrigation head supplying a minimum of .25 gallons per minute (gpm), and connected to the main irrigation system.
- i. Shrubs: When used for screening purposes, shrubs shall be cold tolerant and non-deciduous and have a minimum height of twenty-four (24) inches at the time of planting and shall be spaced a maximum of three (3) feet on center.
  - j. Ground Cover Plants: Ground cover plants shall be spaced so as to present a finished appearance and have reasonably complete coverage within one (1) year after planting. The use of any non-living ground cover such as mulch, gravel, rocks, etc. shall be in conjunction with living plants so as to cover exposed soil.
5. Maintenance and Protection of Landscaping:
- a. The property Owner shall be responsible for the maintenance of all landscaped areas which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, free of refuse, debris and weeds.
  - b. Irrigation in Site Development Projects:
    - (1) To maintain the landscaping in a healthy condition, all landscaped areas shall be provided with an irrigation system that supplies one hundred percent (100%) coverage to all newly required landscaping plant material. The irrigation system may consist of an automatic or manual underground system, drip system, quick coupling valves, or hose bibs located within fifty (50) feet of all landscaping plant material.
    - (2) A low volume irrigation system should be used wherever possible to minimize evaporation.
    - (3) The irrigation system shall use the lowest quality water available.
    - (4) The irrigation system shall be designed to minimize adverse impacts to existing Trees and other vegetation to be preserved on the site. No irrigation shall be required within areas where existing vegetation is preserved. Where appropriate native plants are used to meet all the landscaping requirements, the County Administrator may waive the

requirement for a permanent irrigation system as long as establishment of the planted materials is provided.

- c. Where necessary to prevent encroachment by parked or moving Vehicles into landscaped areas, wheel stops or curbs shall be used and shall measure a minimum of six (6) inches in height and six (6) inches in width.
  - d. Paving, treating or covering a required landscaped area in a way that renders it impervious is prohibited.
6. Road Right-of-Way:
- a. Public and private road Right-of-Way may only contain Trees and other landscaping material after approved by the County Administrator in accordance with Part 6.04.00 Roadway, Drainage, & Utilities Standards. Provided their location does not present a traffic hazard, impede drainage, or adversely interfere with the use of the Right-of-Way by Utilities.
  - b. Written approval from the Florida Department of Transportation shall be required for all landscaping materials proposed for placement on State Highway System Rights-of-Way.
7. Off-Street Parking Areas:
- a. Canopy Trees: Fifty percent (50%) of the required Trees shall be Canopy Trees. This provision does not exclude the use of existing Tree species for which Tree Inches is received in accordance with Section 4.01.05.E.
  - b. Existing Trees: Existing Trees shall be credited toward the number of required Tree Inches in accordance with Section 4.01.05.E, if the reduction does not subvert the intent of Section K.9 to provide shaded areas throughout a parking lot.
  - c. Perimeter Buffer Adjacent to Road Right-of-Way: On any Parcel of land providing an off-street Vehicular Use Area, where such area is not entirely screened from an abutting Right-of-Way by an intervening Building or other Structure, a landscaped buffer a minimum of eight (8) feet in width and containing an opaque screen of living landscape at least three (3) feet in height, of which the three (3) foot height may be obtained in one (1) year, and shall be twenty-four (24) inches at the time of planting, shall be provided between the off-street Vehicular Use Area and the Right-of-Way, unless the buffer or screening requirements of Section K.13 are more stringent, in which case the more stringent requirements shall apply. The landscape buffer shall be planted within eight (8) feet of the Parking Area.
  - d. Other Perimeter Buffer: A landscaped buffer shall not be required between the off-street Vehicular Use Area and any property boundary not fronted by a road Right-of-Way, unless the buffer or screening requirements of Section K.13 are more stringent, in which case the more stringent requirements shall apply.

## 8. Perimeter Landscaping:

- a. At least one (1) Canopy Tree and two (2) Trees shall be planted for each forty (40) linear feet, or portion thereof, of property perimeter adjacent to Road Right-of-Way. Trees shall be located within the buffer so as to maximize shading of the Parking Area.
- b. Wherever Off-Street Parking Spaces for ten or more automobiles are located closer than forty (40) feet to a Lot zoned residential and when such Parking Spaces are not entirely screened visually from such a Lot by an intervening Building or Structure, there shall be provided along the Lot line, a continuous buffer in compliance with Section K.13. At least one (1) Canopy Tree and two (2) Trees shall be planted for each forty (40) linear feet, or portion thereof, of property perimeter within the required buffer. Landscaping in such required buffer shall be in compliance with Section K.13 - Screening Standard.
- c. The remainder of a perimeter buffer shall be landscaped; and the landscaping material may include grass, ground cover, mulch, shrubs, Trees or other landscaping treatment, excluding sand or pavement.

## 9. Interior Requirements:

- a. Terminal Islands: A row of Parking Spaces not abutting perimeter landscaped areas shall be terminated on each end by a terminal island no less than five (5) feet in width, measured from back of curbs, and extending the required length of the Parking Space shall be provided. At least one (1) Tree shall be planted in the island. Terminal islands shall be landscaped with vegetative ground cover, shrubs, or other living landscaping treatment, excluding grass, sand or pavement. The soil in the islands shall have at least twelve (12) inches of suitable soil for tree plantings, and be void of any construction debris or unsuitable materials.
- b. Interior Landscape Areas: All Parking Areas and other paved ground surface areas used shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.
  - (1) Within each Parking Area of five thousand (5,000) square feet or more, there shall be a minimum of ten percent (10%) of landscape area which shall be reasonably distributed within each five thousand (5,000) square feet area. Interior landscape areas shall be dispersed so as to define aisles and other circulation, and may be added to required buffers around the perimeter. Unless technically infeasible as reasonably determined by the County Administrator. At least one (1) Tree for each two hundred (200) square feet of required landscape area shall be planted. The soil in the islands shall have at least twelve (12) inches of suitable soil for tree plantings, and be void of construction debris.
  - (2) Divider Medians: As an alternative to providing the minimum required ten percent (10%) of landscape area throughout the Parking Area, a

landscaped divider median between abutting rows of Parking Spaces may be provided. The minimum width of a divider median shall be six (6) feet measured from inside of curb to inside of curb. At least one (1) Tree for each two hundred (200) square feet of landscape area placed in the divider median shall be planted in the median with Trees located along the median to maximize shading of the Parking Area. The remainder of the divider median shall be landscaped; and the landscaping material may include grass, ground cover, mulch, shrubs, Trees or other landscaping treatment, excluding sand or pavement, provided that grass cover does not exceed thirty percent (30%) of this requirement.

10. Building Perimeter Landscaping: Where a Building or Structure abuts a Parking Area, an area equal to at least ten percent (10%) of the Building or Structure's first floor footprint square footage shall be landscaped and placed between the Building or Structure and the Parking Area, and shall serve to accent the entry area(s). Circulation pavement within this area shall not be included in the required landscape area calculation. Such area must have a minimum dimension of five (5) feet in any direction and shall at least equal the length of the building side facing the Parking Area. At least one (1) Tree for each two hundred (200) square feet of required landscape area shall be planted. The remainder of the landscape area shall be landscaped; and the landscaping material may include grass, ground cover, mulch, shrubs, Trees or other landscaping treatment, excluding sand, provided that grass cover does not exceed thirty percent (30%) of this requirement. Pavement shall be prohibited unless it can be shown that such pavement's use is for structural display of ornament or sculpture, and is minimally sized for such display.
11. Variations: Alternative interior parking lot landscaping designs in lieu of Interior Requirements above may be considered for irregularly shaped parking lots, and parking lots utilizing existing Trees or other vegetation, provided shaded areas are distributed throughout the Parking Area and provided the area of interior landscaping is comparable to that furnished by the above requirements. For example, where Inches are received for the retention of existing Trees in accordance with Section 4.01.05.E, approval shall be given for reducing the number or width of shade Tree islands or relocating the shade Tree islands, provided the alternative does not subvert the intent to provide shaded areas throughout the parking lot.
12. Public Takings:
  - a. Where a lawful public taking or an action pursuant to court order results in a reduction of the required perimeter buffer and associated landscaping, this reduction shall not result in a violation of the landscaping requirements of this Code, provided the property Owner clearly demonstrates that reasonable alternatives are not available to retain or provide the buffer and landscaping material in a manner consistent with County regulations and zoning conditions if applicable.
  - b. In the event Improvements are made to the property subsequent to a lawful public taking or an action pursuant to court order, only those areas within the limits of the improved area shall be required to meet the current perimeter buffer and landscaping requirements.

13. Buffering and Screening Requirements:

Buffers Between Incompatible Land Uses: The minimum required buffer distance between proposed land Uses and the zoning Lot line for the perimeter parcels of the Regulatory Plan Area shall be established in accordance with Section 6.06.04.

14. Solid Waste Storage: All new Buildings and Uses, except for Single Family and Two Family Dwellings, shall provide facilities for the central storage of solid waste within the Lot in accordance with Section 6.06.04

15. Mechanical Equipment: All non-residential and non-Agricultural Uses shall screen all mechanical equipment, including rooftop equipment, such as but not limited to air conditioners, or pumps, from view from public places and neighboring properties. Ground level equipment shall be screened through the use of features such as berms, fences, false facades or dense landscaping. Rooftop equipment shall be screened through the use of a parapet wall or false facade that is an integral part of the Structure.

16. Relocation of Existing Landscaping for New Driveway: Where an existing driveway through the County Right-of-Way must be relocated for an approved use, all associated landscaping and site features including paving, signs and other site furnishings must be relocated in similar fashion as the existing, with no net loss in landscaped area square footage or reduction in quantity of other site furnishings. Existing trees must be transplanted or replaced with similar size, quantity and species. Existing irrigation must be repaired so as to provide complete coverage for new plantings after new driveway construction, and shall be repaired to ensure one hundred (100%) coverage during the installation of the new driveway.

17. Review, Permitting, and Compliance Procedures:

a. Landscape Plan:

(1) Whenever the provisions in accordance with this Part apply, a Landscaping Plan prepared by a Landscape Architect registered to practice in the State of Florida, or other authorized individuals as set forth in Chapter 481, Part II, F.S. shall be submitted to the County Administrator for review upon application for Site Plan review.

(2) The Landscape Plan shall include information as set forth in the Development Review Manual.

b. General Procedure: Except as modified below, a Landscape Plan or Master Subdivision Landscape Plan shall be submitted and reviewed in accord with the procedures for issuance of Development Permits contained in Part 9.01.00.

c. Modifications to General Procedure:

(1) A copy of the Landscape Plan shall be available onsite during installation of the landscaping.



- (2) No Certificate of Occupancy or Certificate of Completion shall be issued until the County Administrator has performed a final inspection and determined compliance with the minimum landscaping requirements according to the approved plan and the Construction Permit, if required.
- (3) Periodic reinspections may be performed by the County Administrator to ensure the healthy survival of required landscaping material according to the approved plan. Landscaping material identified as deficient shall be replaced by the Owner of the property within thirty (30) days of written notification by the County Administrator.

M. Public Pavilions & Fishing Pier Vendors

1. Vendors may be allowed at the Fishing Pier, Fishing Pier Pavilion & Beach Pavilion as a temporary use with appropriate permits.
2. The Design Review Board shall evaluate the initial application for vendors through a Regular Review. The Regular Review application shall include a general site plan depicting the location within the Public Pavilions or Pier, a maximum number of vendors; style, size and dimensions of vendor stalls; signage; and duration of each event consistent with Section 2.02.05.

N. Outdoor sales, market and special event vendors, All Other Areas

1. Outdoor sales, market, special event vendors, and other temporary uses may be allowed within the Vilano Beach Town Center as designated by the Design Review Board through a Regular Review. The Regular Review may be granted upon a determination that the request will not impose a burden or substantial negative impact, the request is consistent with Section 2.02.05 and the request is consistent with the following minimum standards:
  - a. Outdoor sales adjacent to retail uses may be permitted on sidewalks. The location of outdoor sales shall provide for continuous pedestrian movement.
  - b. Markets, bazaars, and substantially similar activities, which primarily sell arts, crafts, and local food products along with other goods, may be permitted on unimproved property.
  - c. Special event vendors may be distributed throughout the Town Center on improved, unimproved and public areas, such as sidewalks or parking areas for the duration of the registered Special Event (such as sunset celebrations, sport/race events, charitable concerts or similar community events).
  - d. Other Temporary Uses as may be permitted under Section 2.02.05.

**Sec. 3.10.06 Administrative Approval of Specific Signage**

- A. Any Wall, awning, or hanging Sign reface provided the colors closely match any colors associated with the Building and text type and sizes are similar to other DRB approved signage located on existing Wall Signs on the same Building.
- B. Any Directional Sign two (2) square feet or less in size.

### **Sec. 3.10.07 Administrative Approval of Design Elements Materials and Exterior Finishes**

Exterior painting of existing Structures and Buildings with one of the three preferred Architectural Styles color palettes in the Town Center Design Guidelines may be approved by the County Administrator. However, if in the determination of the County Administrator, any proposed exterior painting appears to be in conflict with the Purpose and Intent of the Vilano Beach Town Center Overlay District or with the preferred color palette, a review by the Design Review Board may be required.

### **Sec. 3.10.08 Administrative Requirements**

The following requirements shall apply to all projects and activities that are subject to the Vilano Beach Town Center Mixed Use Overlay District. For those projects involving Signs less than fifteen (15) square feet in size, re-painting, or other activities not requiring a County building permit, a Minor Review shall be allowed. Additionally, a Minor Review shall be allowed for those other projects, which are determined by the County Administrator to be minor in nature. For all other projects, a Regular Review shall be required.

- A. Design Review Board – The St. Johns County Board of County Commissioners shall direct the following functions to determine compliance with the North Coastal Overlay District:
  - 1. The St. Johns County Board of County Commissioners shall establish by appointment a North Coastal Design Review Board. Except as otherwise provided in this Code, it shall be the role of the Design Review Board to determine compliance with the requirements and standards set forth in Part 3.10.00. Except as otherwise provided in this Code, this Design Review Board shall also determine compliance with the requirements and standards set forth in Part 3.09.00
  - 2. The North Coastal Design Review Board shall consist of five (5) members and two (2) alternates appointed by the Board of County Commissioners. Membership requirements and initial membership terms shall be by resolution of the Board of County Commissioners. The initial terms shall be staggered in 1, 2, 3, and 4 year terms. Except for the initial term, members shall be appointed to four (4) year terms, and may be re-appointed at the discretion of the Board of County Commissioners. Members shall serve at the pleasure of the Board of County Commissioners.
  - 3. The Board of County Commissioners shall adopt by Resolution by laws, operating procedures, and membership requirements which shall be in accordance with all applicable St. Johns County Regulations and State and Federal laws. The DRB may recommend changes to its bylaws, operating procedures, and membership criteria, to be approved by the Board of County Commissioners.
  - 4. The Design Review Board shall meet as needed in order to fulfill its functions in a timely manner. Reasonable public notice shall be provided for all meetings of the Design Review Board, and all meetings shall be open to the public. The Design

Review Board shall appoint a member or support staff to keep minutes of its proceedings and other official actions. A quorum and a majority vote of members present at meetings shall be required in order to take final action on an application.

5. Review Fees shall be assessed to applicants of development proposals within the Vilano Beach Town Center to offset cost of review of development plans. The review fees shall be \$1,000.00. Any modification to this fee shall be by the Resolution amending The Schedule of Fees for certain County Departments. The fees will support expenses associated with the review of development and architectural plans by a licensed architect hired by St. Johns County to support and provide recommendations to the Design Review Board on consistency with this section of the Code. The review fees will not be used to compensate members of the Design Review Board.
6. Any previous citizen appointed to the DRB shall have the opportunity to reapply and have the same term limits as prescribe in subsection A.2, provided they have not been excluded by the Board of County Commissioners because of longevity on the DRB. If longevity is an issue, the citizen must wait a period of two (2) years from the date of their original expiration before reapplying to the DRB.

#### B. Required Pre-application Meeting

In an effort to provide guidance and information to applicants early in the planning process and prior to the preparation of final site plans and formal submittals, prospective developers and builders are required to meet with the St. John's County Planning Department to discuss proposed projects within the Vilano Beach Town Center Overlay District prior to submission of any plans for review. Applicants are requested to bring to the meeting, a general survey indicating the property boundaries, with relevant topographic and/or jurisdictional information, any preliminary site plan or plans (this may include one or more site plan alternatives to be considered) and/or photographs or drawings of proposed building styles, for discussion.

#### C. Application and Permitting Requirements

1. The County Administrator shall develop application forms and review procedures to assist the Design Review Board in determining compliance with the North Coastal Corridor Overlay District requirements and the requirements of any specific areas within the Overlay District. The Design Review Board shall meet as required to review applications and take action in a timely manner on all applications submitted for review. Such meetings shall be reasonably noticed and shall be open to the public.

As part of the application form for the Vilano Beach Town Center the following information will be included to assist the Design Review Board in the review of applications:

- a. Architectural drawings and renderings that show:
  - (1) Details of structure showing at the minimum the major features, which meet the design styles of the Florida Vernacular or Art Deco

Moderne architectural styles.

- (2) Building Elevations (4 sides) with color scheme for each exterior side.
  - (3) Incorporation of structures located immediately adjacent to site as well as components of streetscape immediately adjacent to the site.
  - (4) Exterior finish materials.
  - (5) Proposed color scheme for exterior of structure Floor plan;
  - (6) And other information requested by the County.
2. Following any final action, The Design Review Board or its authorized support staff shall provide a written order to the Applicant stating that the request complies, complies with conditions, or does not comply, with VBTC Overlay requirements. Any determination by the Design Review Board shall be supported by appropriate findings of fact.
  3. The Applicant shall provide a copy of the final order of approval prior to obtaining construction permits as required for the proposed project or activity.
  4. In general, all applications that are subject to the County's established development review process shall proceed through a first submittal review prior to being scheduled for the Design Review Board. Any development review comments that have not been addressed at the time of the Design Review Board meeting shall be noted by the Applicant. If appropriate, the Design Review Board may attach conditions to its determinations related to outstanding development review comments. The Design Review Board shall not request modifications that are not in compliance with other land development regulations.

**D. Vested Rights Determinations**

1. As an alternative to a determination that a Project or activity complies with this Part, the Applicant may demonstrate that vested rights to proceed with the proposed Project, the Applicant may demonstrate that vested rights to proceed with the proposed Project or activity have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.10.00 of this Code. Vested Rights determinations shall be made in accordance with Part 10.02.00 of this Code. The legal requisites for such determinations and burdens of proof shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.
2. A Planned Unit Development (PUD) may be expanded, without a vested rights or estoppel determination, if the proposed addition(s) adjoins the existing PUD. The more restrictive standards and criteria of the existing PUD or the Vilano Beach Town Center Overlay District shall apply to the expansion.

**E. Variances and Appeals – An Applicant may apply to the St Johns County North Coastal Design Review Board for, and be granted or denied a Variance from one or more standards of the Vilano Beach Town Center Overlay District. Variances or modifications to these**

requirements shall be further governed as follows:

1. Any Variance or modification within PUDs to these requirements may be granted only by the North Coastal Design Review Board. Such requests shall be considered pursuant to requirements of Section 10.04.03.
2. When a variance is granted the North Coastal Design Review Board may require a placemaking element(s) to enhance and maintain the downtown urban design of the area and promote cultural and unique design elements within the Town Center.
3. Any affected or aggrieved person may Appeal a determination of the Design Review Board to the Board of County Commissioners, made under the authority of this Section, by filing such Appeal in writing to the County Administrator within thirty (30) days of any such determination.

F. Management of Applications among Multiple Boards

1. When a board or agency has made a decision or finding on an application, and the application or companion application will later appear before the Planning and Zoning Agency or Board of County Commissioners, its approval or approval with conditions shall constitute a recommendation to that body. The Planning and Zoning Agency or Board of County Commissioners may choose to accept the decision or finding of the board or agency, make a binding decision or finding of its own, or send the application back to the board or agency for a decision consistent with its findings or suggestions.
2. This section does not impose any additional review standards on applications or board or agency decisions as set forth in this Code.

G. Administrative Approval

1. Delegation of Signing Authority. In the event that the Design Review Board has made a determination of compliance with this Part, the DRB may authorize its support staff to sign and render an Order approved by the DRB in lieu of the Chair or Vice-Chair.
2. Failure to Hold a Quorum. In the event that the Design Review Board is unable to gather a quorum to render a decision on an application scheduled for a hearing before the DRB and is unable to gather another quorum within ten (10) days of the scheduled hearing, the County Administrator shall determine compliance with the provisions of the Vilano Beach Town Center Mixed-Used Overlay District.
3. Failure to Establish a Design Review Board. In the event that the St. Johns County Board of County Commissioners is unable to establish a Design Review Board as defined by this Part, it shall be the responsibility of the County Administrator to determine compliance with the provisions of this Part. Failure to establish shall mean that any time there are less than three (3) regular members appointed to the DRB.

**Section 3.10.09 Economic Redevelopment Residential Units Exchange Program**

A. Purpose

It is the purpose of this Article to establish standards and approval procedures for the transfer of residential dwelling units in the Town Center Mixed Use District (TCMUD) future land use designation within the VBTC for the specific purpose of promoting economic redevelopment within the Vilano Beach area; and to provide for the keeping of records of available development rights within the Town Center.

Economic Redevelopment Residential Units Exchange units are also intended to help achieve the goals, objectives and policies of the St. Johns County's Comprehensive Plan.

The provisions of this section allow landowners who own TCMUD designated properties within the VBTC district, called sending properties, to sell their rights to develop all or a portion of their allowable residential units (residential density rights) to other TCMUD land owners within the VBTC district. For the purposes of qualifying as a sending site, the property shall have been designated with a Town Center Mixed Use District future land use as adopted in 2015 as shown in Exhibit 3.2.5.E of the Future Land Use Element of the Comprehensive Plan.

When a landowner sells their residential density rights, they must deed restrict the sending properties to ensure the rights to develop the transferred residential units are severed.

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

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

1. Process

a. Sending Properties

Sending properties shall be within the Town Center Mixed Use District (TCMUD) future land use designation as adopted in 2015 as shown in exhibit 3.2.5.E of the Future Land Use Element of the Comprehensive Plan, and designated through the process as set forth below.

(1) Initiation

A land owner who wishes to avail themselves of the Vilano Beach Economic Redevelopment Residential Units Exchange program must receive a determination from St. Johns County that the site has eligible residential rights for transfer based upon survey specific information.

(2) Upon identification of the residential rights to be severed by St. Johns County pursuant to the provisions of this Section, the sending

properties shall be eligible for transfer of development rights if the land's development rights or development capacity have not been constructed, sold, transferred, or limited by easements, deed restrictions, equitable servitudes, or similar measures.

b. Receiving Property

(1) Eligible properties

The properties eligible to use development rights transferred from the sending properties, referred to as Receiving Properties, shall be properties located within the TCMUD land use designation in the VBTC district

c. Prior to approval of Construction Plans, the Receiving Property owner/developer must demonstrate that the Economic Redevelopment Residential Units Exchange program purchase is of record and that such Economic Redevelopment Residential Units Exchange units are available for transfer.

d. Granting and Measuring Development Rights

(1) Issuance of Exchange Program Development Rights:

Exchange Program development rights shall be issued in dwelling units based upon the amount of dwelling units permitted under the current zoning on the sending property.

(2) The total available residential development rights from a lot or property is based upon net acreage.

(3) For each fraction of net acre of land that meets the requirements for residential development the owner shall receive a fraction of the development rights in the same portion that the fraction of an acre of land makes up net acre of land.

(4) Eligible property owners choosing to sell/transfer residential development rights must sign and record a restrictive covenant or easement in favor of the County ensuring the perpetual severance of the transferred residential rights from the sending property.

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

(6) All residential units developed on a receiving site, including units allowed under current zoning as well as units obtained through a transfer under the Economic Redevelopment Residential Units Exchange program, shall have a minimum livable floor area of 1,000

square feet. For the purpose of this Section, up to 20% or 200 square feet of livable floor area may include uncovered outdoor living areas directly accessible to the unit.

2. Procedure

Prior to or concurrent with development rights being offered for sale or transfer, properties with Economic Redevelopment Residential Units Exchange Program development rights shall have a certificate of development rights issued. Upon receipt of the certificate of development rights, the property owner may transfer the development rights to any person or legal entity holding Receiving Property with a TCMUD land use designation within the boundaries of the VBTC.

Prior to the transfer of Development Rights, the seller shall record an Economic Redevelopment Residential Units Exchange Program Easement on the property from which the development rights are being sold. The Economic Redevelopment Residential Units Exchange Program Easement shall include a legal description of the property from which the development rights will be transferred, meet the requirements of this Part, be approved by the County Administrator or his designee and the County Attorney, and executed by the owner of the eligible sending property. The approved Economic Redevelopment Residential Units Exchange Program Easement shall be recorded with St. Johns County.

After granting and recordation of the Economic Redevelopment Residential Units Exchange Program Easement to the County, the development use of the property on which the Program Easement is recorded shall comply with the Economic Redevelopment Residential Units Exchange program easement.

a. Application

A property owner desiring to obtain permission to transfer Economic Redevelopment Residential Units development rights from a particular property designated as a sending property through the process set forth in this Section shall apply for issuance of a Certificate of Development Rights. Such application shall be filed with the County Administrator on a form requesting information as the Administrator may reasonably require which shall include the following:

- (1) Name address and telephone number of applicant and the applicant's agent, if any.
- (2) Legal description of the property and evidence of title.
- (3) The proposed grant of easement to St. Johns County creating the development limitations for the property.
- (4) The process for conveying and recording development rights includes:

- i. The issuance of certificates of development rights



- ii. The approval and recording of an Economic Redevelopment Residential Units Exchange Program easement
    - iii. The recording of a deed transferring ownership of the development rights
  - b. Certificate  

The Administrator, upon request of the sending property owner by application, shall issue a certificate of development rights to the landowners for the eligible land.
  - c. Quantity  

The issuance of the certificate of development rights shall establish the quantity of development rights for the property. The development rights quantity will be based upon the formula in A.1.d of this section –Granting and Measuring Development Rights.
  - d. Sale/Transfer  

When an agreement has been reached between the seller and buyer of the development rights, the seller shall inform the County Administrator in writing of the pending sale.
3. Deed of Economic Redevelopment Residential Units Exchange Program Development Rights.

The deed transferring development rights shall be executed by the selling and purchasing parties and duly recorded with St. Johns County, and a copy of the deed shall be provided to the County Administrator.

### **Section 3.10.10 Incentives for Owners Who Restore and Preserve A Qualified Historic Structure**

The County may provide development incentives for property owners who restore and preserve a qualified historic structure which is 50 years or older within the Vilano Beach Town Center.

The development incentives are available with approval by the Board of County Commissioners through the Landmark Designation procedure under Section 3.01.03 Designation of a St. Johns County Landmark. The Board of County Commissioners shall review the Landmark Designation request and render a decision on the potential Landmark and the public benefit of the development incentives. Should the Board deny the incentive request, a site may still receive a Landmark Designation.

The development incentives may also be considered and applied for after approval as a Landmark Designation under Section 3.01.03. A petition for development incentives shall be submitted to the County. The development incentives form and required submittal materials shall be established by the County Administrator.

#### **A. Development Incentives:**

For the purposes of this section, the term 'buildable property' means Buildable Area as defined in Article 12 of the LDC. Development incentives may include the following:

1. Increase in the Floor Area Ratio (FAR) of the buildable property from 0.80 to 1.5, excluding the floor area of the historic structure.
2. Increase in the Impervious Surface Area (ISR) of the buildable property from 0.75 to 0.90, excluding the historic footprint.
3. Elimination of parking requirements for Commercial/Retail/Office uses, if buildable property is under 30,000 square feet.
4. A fifty percent (50%) reduction of parking requirements for Commercial/Retail/Office uses, if buildable property is over 30,000 square feet.

B. Action by the Board of County Commissioners

All development incentives for qualified historic structures shall be approved, approved with conditions, or denied by the Board of County Commissioners.

# PART 3.11.00 West Augustine Overlay District

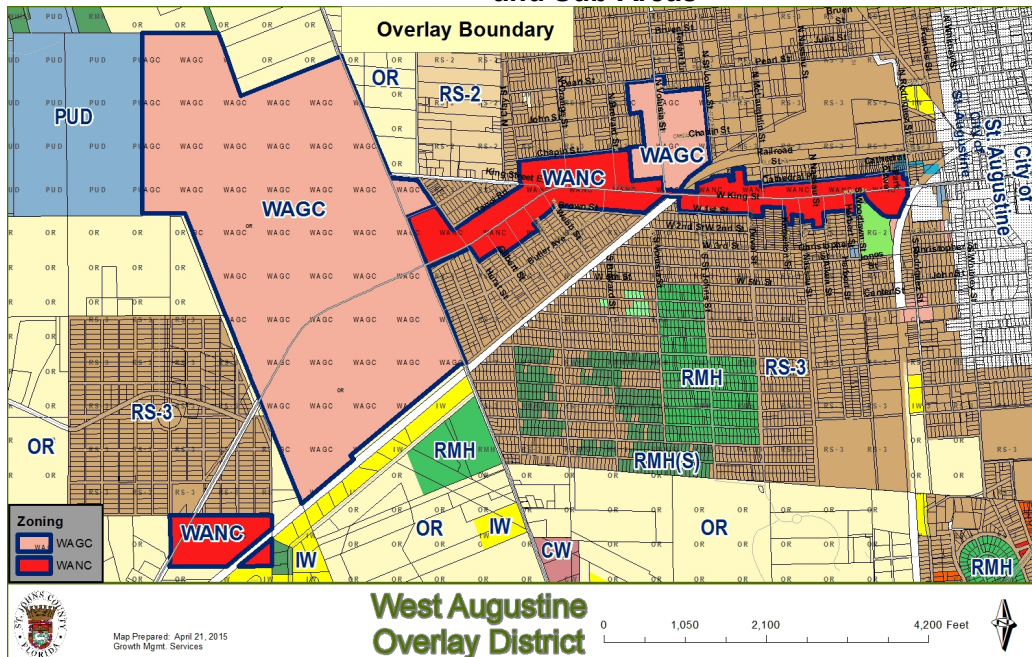
## Sec. 3.11.01 Purpose

The West Augustine Community Redevelopment Agency (the “WACRA”) was created pursuant to F.S. § 163 Part III, “Community Redevelopment” to remove blighted conditions, enhance St. Johns County’s tax base, improve living conditions, encourage property development within the West Augustine CRA and achieve specific goals and objectives of the St. Johns County Comprehensive Plan. Within the WACRA, West King Street was identified as a strong focal point for neighborhood revitalization and should contain a major commercial center for the neighborhood, with multiple uses that will allow the preservation of the historical development patterns. Anticipated uses within the West Augustine Overlay District incorporate mixed use development to achieve infill, residential, and commercial redevelopment. In addition to the uses allowed by base zoning, properties within the district are permitted uses as provided in Section 3.11.05.

## Sec. 3.11.02 District Boundaries

The West Augustine Overlay District delineated herein, is a special district in the form of an overlay, superimposed upon various zoning districts as applied by the map in Figure 3.11.02. This West Augustine Overlay District encompasses all that land situated within unincorporated St. Johns County within the boundaries indicated in Figure 3.11.02 – Map of the West Augustine Overlay District and sub-areas, as indicated below (reference legal description on file with the Growth Management Department and in Ordinance 2015-42, as amended):

**Figure 3.11.02. - Map of the Proposed West Augustine Overlay District and Sub-Areas**



### **Sec. 3.11.03 Application of District Regulations**

All standards and uses prescribed in this Part shall apply to all Uses within all zoning categories (including PUD's and PSD's) excluding single-family dwellings, mobile homes, temporary uses, roadside stands, church/synagogues, historic structures and all publicly owned properties developed to serve a public use; however, such Uses are entitled to utilize the Site Development Criteria in Sections 3.11.06 and 3.11.07.B.1. These requirements shall apply to all other proposed Development as a permitted Use or Special Use; hereafter undertaken within the West Augustine Overlay District. Notwithstanding any provisions of the Land Development Code (the "LDC") to the contrary, the provisions of the West Augustine Overlay District including Uses prescribed within Table 3.11.05., when in conflict, shall take precedence over the existing zoning and Land Development Code regulations. Special Uses and Uses allowed by right in the West Augustine Overlay District shall be subject to the site development criteria in the referenced Special Use Permit section and Supplemental Design Standards in Section 6.08.00, unless specifically addressed in this Part.

### **Sec. 3.11.04 Sub Area Boundaries and Descriptions**

Sub-Areas are hereby established to identify additional Uses and Use regulations, property development regulations, and supplemental standards that may differentiate from the standard regulations within the Land Development Code. Unless expressly stated herein, development must comply with the requirements of both the Sub-Area and Future Land Use Map designation. Sub-Area boundaries are based on the need for appropriate economic development incentives and special protective measures. See figure 3.11.02 – Map of the West Augustine Overlay District boundaries for the location of each subarea (reference Sub-Areas on file with the Growth Management Department and in Ordinance 2015-42, as amended)

- A. **WANC**, West Augustine Neighborhood Commercial:  
Intended to be the key focal point of the development area and encourage mixed use development, including Neighborhood Business and Commercial Uses with townhouse and multifamily development.
- B. **WAGC**, West Augustine General Commercial:  
Intended to encourage mixed use development, including General Business Commercial Uses with townhouse and multifamily development.

### **Sec. 3.11.05 Uses and Activities subject to the requirements of the West Augustine Overlay District**

In the West Augustine Overlay District, mixed use means a single development consisting of the combination of residential and nonresidential uses collocated within the same building, or collocated on the same lot or on contiguous lots. Within the District, mixed use and commercial development are permitted in both Sub-Areas.

- A. **WANC and WAGC Sub-Areas: Allowable and Special Uses.** Notwithstanding any other provision in the Land Development Code, the uses for the property contained within the WANC and WAGC Sub-Areas in the West Augustine Overlay District shall be as prescribed in Table 3.11.05, except where such use is not permitted by the St. Johns County Comprehensive Plan. This table is interpreted to allow uses by right and by Special Use approval. Those uses listed within the table that are not "Approved by right"



Hospitality	A	A
Retail Good Store	A	A
Financial Institutions with or without drive-through facilities	A	A
Funeral homes	A	A
Neighborhood Convenience Stores	A**	A
Grocery stores	A	A
Specialty food stores	A	A
Take Out Restaurant	A	A
Pharmacies	A	A
Pharmacies w/Drive-thru	S	A
Billiards	A	A
Spas/gyms	A	A
Trade schools	A	A
Mini warehouse / personal property (Ref. LDC Sec. 2.03.16)	S	S
Service businesses (catering, printing, mail & package, laundries)	A	A
Veterinary Offices (Ref. LDC Sec. 2.03.41)	A***	A***
Beauty shops	A	A
Barbers	A	A
Photography studios	A	A
Psychics (Ref. LDC Sec. 2.03.22)	S	A
Medical/professional offices	A	A
Schools for Fine Arts	A	A
<b>General Business / Commercial Use</b>		√
Commercial recreation (Ref. Sec. 2.03.43)	A	A
Free standing ATMS	A	A
Indoor Farm and Garden Supply Centers		A
Outdoor Plant Sales	A	A
Gas Station		A
Car Wash facilities (Ref. LDC Sec. 2.03.50)		A
Auto Oil Change Facilities (Ref. LDC Sec. 2.03.51)		S
Tire Service Centers (Ref. LDC Sec. 2.03.52)		S
Small Car Rental Offices with Fleet		A
General Store (Ref. LDC Sec. 2.03.29)	A	A
Supermarkets		A
Bowling Alleys		A
Community Hospitals		A
Bed and breakfast (Ref. LDC Sec. 2.03.24)	S	A
Small Appliance Repair Shops		S
Upholstery Service	A	A
Employment Services		A
Bail Bonds		A
Psychiatric Care and Treatment Facilities with or without housing		A
Alcohol Rehabilitation Centers with/without	S	S

housing		
Social Assistance Center (Ref. LDC Sec. 2.03.53)		<b>S</b>
Restaurants	<b>A</b>	<b>A</b>
Restaurants w/Drive-thru	<b>S</b>	<b>A</b>
Veterinary Office (no more than 10 outside runs not to exceed 640 SF)		<b>A***</b>
Government Offices	<b>S</b>	<b>A</b>
Golf Driving Ranges		<b>A</b>
Movie Theaters with three or less screens		<b>A</b>
Commercial/Vocational/Business/Trade School		<b>A</b>
RV and Boat Storage (Ref. LDC Sec. 2.03.42)	<b>S</b>	<b>S</b>
<b>Other uses</b>		
Hotel/Motel	<b>A</b>	<b>A</b>
Offsite Parking and Unpaved Parking Lots (Ref. LDC Sec. 2.03.15 )	<b>A*</b>	<b>A*</b>
Alcoholic Beverages (Ref. LDC Sec. 2.03.02)	<b>S</b>	<b>S</b>
Water / Wastewater Treatment Facility	<b>S</b>	<b>S</b>
Antennae Towers	<b>S</b>	<b>S</b>
Electric Substations	<b>S</b>	<b>S</b>
Outdoor Storage (Ref. LDC Sec. 2.03.54)	<b>S</b>	<b>A</b>
Large Places of Assembly (Ref. LDC Sec. 2.03.55)	<b>S</b>	<b>S</b>
Warehouse (less than 10,000 sf)		<b>A</b>
Urban Agriculture (Ref. LDC Sec. 3.11.11)	<b>A</b>	<b>A</b>

**B. Exemptions**

The following activities shall be exempt from Overlay regulations review as required by this Part. In the event of any conflict related to an exempt activity, it shall be the responsibility of the County Administrator to determine that a proposed exempt activity is in compliance with this Part:

1. The development of a single or two-family home, and associated accessory structures, when allowed by right in the underlying zoning district.
2. Additions to the Structure not exceeding one-thousand (1000) square feet.
3. Non-substantive changes, which do not change the character, design or commonly observed appearance of a site or Structure.
4. Refacing or a change of copy on existing signage previously approved by a building permit or development order.

**Section 3.11.06 Site Development Criteria**

This section addresses the relationship with the site and general features. The development standards included in this section shall apply to all nonexempt development within the West Augustine Overlay District. Unless otherwise specified in this Section, all other provisions of the Land Development Code apply.

**A. WANC and WAGC Sub-Area Development Criteria**

**1. Minimum Yard requirements:**

- a. WANC Sub-Area
  - (1) Front - 0' feet with no permitted projections within the front yard.
  - (2) Side – 5 feet;
  - (3) Rear – 10 feet.
  
- b. WAGC Sub-Area
  - (1) Front -0' feet with no permitted projections within the front yard.
  - (2) Side – 5 feet
  - (3) Rear – 10 feet

**2. Height Requirements:**

- a. Building heights within the WANC and WAGC Sub-Area shall be no more than 40 feet measured from finished grade to the apex of the sloped roof or top of parapet, except as permitted by Section 6.07.00. Any non-single family residential building over thirty-five (35) feet in height must be protected with an automatic sprinkler system designed and installed in accordance with the latest edition adopted by the Florida Fire Prevention Code and NFPA 13.

**3. Lot Size**

- a. Notwithstanding any other provision in the Land Development Code, there are no minimum lot size requirements within the West Augustine Overlay District.

**4. Housing Type**

Permitted Housing types within the West Augustine Overlay District are as indicated in the Table below:

HOUSING TYPES							
SUB-AREAS	SINGLE-FAMILY	DUPLEX	MULTI-FAMILY	TOWNHOME	MANUFACTURED/MOBILE HOME	MANUFACTURED/MODULAR HOME	MANUFACTURED/MOBILE HOME PARK
WANC	A	A	A	A	S	S	
WAGC	A	A	A	A	S	S	

**5. Density Bonus**

Density Bonus – All development within the West Augustine Overlay District in the Residential-D future land use shall be allotted a variable density factor of an additional four (4) dwelling units per acre pursuant to Comprehensive Plan Policy A.1.11.1. (m) (1).

**6. Floor to Area Ratio**



Maximum Floor to Area ratio for nonresidential development is 50% (.50)

7. **Impervious Surface Ratio (ISR)**

The maximum Impervious Surface Ratio is 70% (.70)

**Section 3.11.07 Access and Parking Requirements**

**A. Access:**

1. **WANC:** To provide better pedestrian access, driveways and curb cuts shall not be encouraged along W. King Street. If access to an alternative street does not exist, one curb cut is permitted onto West King Street.
2. **WAGC:** Access provided along Volusia Street and Holmes Boulevard within the WACG sub-area shall comply with Section 6.04.05.
3. Cross access easements shall be promoted to link abutting rear and side parking areas.

**B. Parking and Loading:**

1. There shall be a minimum of two (2) off-street parking spaces per each 1,000 square feet of non-residential space and 1 parking space per each residential unit.
2. A landscaped buffer shall not be required between the required off-street Vehicular Use Area of any nonresidential development and any adjacent property that maintains a commercial use.
3. All nonresidential developments with parking requirements of ten (10) spaces or more, racks for parking bicycles may substitute for up to ten (10) percent of vehicular parking spaces required. For every bicycle rack capable of parking more than three bicycles, the number of required vehicular parking spaces shall be reduced by one space, up to a maximum of ten (10) vehicular parking spaces. Bicycle parking shall not be substituted for ADA accessible spaces or loading spaces. Existing vehicular parking spaces may be converted to take advantage of this provision. The bicycle parking credit may be utilized in combination with shared parking, in order to further reduce the amount of required parking without the need for a variance.
4. Within the WANC Sub-Area on-site vehicular use areas are limited to one row of parking in the front of structures with frontage along West King Street. All vehicular use areas along West King Street are to be screened from public view by a building or landscaping as required in Section 3.11.07.B.5 below.
5. Along West King Street, where parking is located within the front or side of a structure and within view of a public street, a five (5) foot wide landscape buffer shall run the entire length of where the parking area is visible from the sidewalk/street. The landscape buffer shall consist of a knee wall with a decorative cap or decorative

solid opaque fence 18 to 30 inches in height in combination with a single row of hedge material on the street side of the knee wall. The street wall shall be designed with the same building materials as the principal building.

6. When parking is located to both the front and the side property line, the edge of parking areas shall be setback a minimum of eight (8) feet from the front property line.
7. Within the WAGC Sub-Area, unless otherwise specified in this Section, all Off-street vehicular use areas located along Volusia Street and Holmes Boulevard shall comply with the provisions within Section 6.05.00 of the LDC.

### **Section 3.11.08 Landscaping and Screening Buffers**

- A. Section 4.01.05 “Trees and Other Vegetation” and Section Part 6.06.02 “Landscaping and Buffering requirements” of the St. Johns County Land Development Code shall apply unless otherwise provided within this chapter.

Buffers shall not be required for side lot lines if no buffer is required pursuant to Table 6.19. Where buffers and screening are required between Groups 1, 2 and 3 (Residential – Single Family and Multi-Family) and Group 4 (Neighborhood Business and Commercial and General Business and Commercial) Land Use Classifications in Table 6.19, the buffer and screening standards in Table 6.20 shall be replaced with the following standards:

1. **Buffer Width:** Five (5) feet wide
2. **Landscaping Requirements:** Shall meet the landscaping requirements of Screening Standard “A” per Section 6.06.04 in the LDC.

#### **B. Gas Stations and Drive-in Facilities**

Where the use abuts a property developed with Residential Uses the following landscaping measures shall apply:

1. A minimum ten (10) foot wide landscape buffer with Screening Standard “B” shall be provided where the Use abuts property within the Overlay Boundaries. Where a six (6) foot high masonry wall or solid fence is utilized within the buffer, the width of the buffer may be reduced to five (5) feet.
2. A minimum twenty (20) foot wide landscape buffer with Screening Standard “B” shall be provided where the Use abuts property outside the boundaries of the Overlay District. Where a six (6) foot high masonry wall or solid fence is utilized within the buffer, the width of the buffer may be reduced to ten (10) feet.
3. No more than 50% of the width of the buffer shall be utilized for stormwater retention area.

#### **C. Parking Lot Landscaping:**

1. Terminal and interior landscape islands shall follow the standards provided in Sec. 6.06 except that terminal and interior landscape islands may be reduced to nine (9) feet in width measured from the back of curbs
2. Divider Median Island: As an alternative to providing interior landscape islands, a divider median between abutting rows of parking may be provided with a minimum width of nine (9) feet measured from inside of curb to inside of curb. One (1) native canopy tree planted every 25 foot on-center to maximize shading of the Parking Area. The remainder of the divider median shall be landscaped; and the landscaping material may include native grasses, ground cover, mulch, shrubs, Trees or other landscaping treatment, excluding sand or pavement
3. Off-street Parking adjacent to Residential: Wherever Off-street Parking spaces for ten or more automobiles are located closer than forty (40) feet to a Lot zoned residential and when such Parking Spaces are not entirely screened visually from such a Lot by an intervening Building or Structure, there shall be provided five (5) foot wide Screening Standard A.

### **Section 3.11.09 Architectural Screening and Lighting**

- A. All trash and garbage disposal systems, dumpsters, recycling areas, utility equipment, air conditioning units, vending machines, and wastewater treatment plants shall have screening to minimize their view from all Right of Ways and sidewalks. Screening may be accomplished by site design, building orientation, or a solid opaque screen wall or enclosure (with gate if necessary) painted to match the principal structure. Chain link fencing may not be used to meet this standard.
- B. Exterior lighting for safety and security shall be allowable and encouraged to meet reasonable safety requirements of the particular business or Structure. However, the light source from safety and security lights, other than low-wattage lights or ground-area lights, shall not be directly visible from adjacent residential properties.
- C. Adequate lighting shall be provided if off-street parking or loading facilities are to be used in the evening. The lighting shall be designed and installed to minimize glare on adjacent properties and the parking area illumination shall be confined to the parking area, not extending beyond the property line.

### **Section 3.11.10 Design Standards**

#### **A. General Requirements**

1. Street Facing Facades shall have articulations such as bays, insets and cornices. Long uninterrupted exterior surfaces, including blank walls, are prohibited. Buildings should use horizontal bands between the first two floors such as projecting material, shift in plane, change in building material, or other treatment to clearly define the top, middle and bottom zone of each building façade as shown in Figure 3.11.10.C.1.b.
2. Awnings, Canopies and Shutters: When used, awnings and canopies shall be placed at the top of window or doorway openings. Awnings must be self-supporting from the wall. No supports shall rest on or interfere with the use of pedestrian walkways, streets, or public utilities.

- a. The use of closed shutters, three (3) sided fabric awnings, or other appropriate architectural features are encouraged to achieve the style architecture prevalent in West Augustine
- b. Stretch awnings on curved aluminum frames are prohibited.
- c. Backlit awnings are prohibited.
- d. Both awning and flat canopy treatments are acceptable when they are uniformly applied to the same building.
- e. A ten (10) foot vertical clearance is required at the street level for all balconies and porches.

**Figure 3.11.10.C.1.b.**



3. **Roofs:** Pitched roofs are encouraged and where used should be 5v crimp metal and the gable ended side facing to the side property line. Flat roofs shall be enclosed by decorative parapets no less than thirty-six (36) inches in height.
4. **Rooftop Dining:** Unenclosed rooftop dining shall be allowed on all non-residential structures and shall not account towards floor area ratio standards.
5. **Fenestration:** At least fifty (50%) percent of street level facades of commercial units shall be transparent. Taller windows are encouraged. Mirrored or reflective glass, sliding glass doors and glass blocks shall be prohibited.
6. **Outdoor Seating Areas:** Outdoor pedestrian seating areas, including outdoor cafés, balconies and porches for seating are encouraged.
7. **Fences:** Chain link, barbed wire and similar fencing shall not be allowed in any required Front Yard and shall be placed at least twenty five (25) feet from West King Street, Volusia Street, or Holmes Boulevard.

**B. Drive-In Facilities**

1. Drive-In Facilities within the WACN or WAGC Sub-Area are subject to the following design standards:

- a. If an order box is used in the ordering of food or beverages from a drive-through window or other device is located within one hundred (100) feet of any residential structure, a six (6) foot high masonry wall shall be erected along the boundary of the site that abuts the residential structure. In addition, a noise study may be required to detail any additional noise attenuation measures necessary to reduce impacts on residential structures.
- b. Prior to operation, or to mitigate unwanted noise after commencement of a drive-through operation, the County Administrator may require additional noise attenuation to be installed on any site with an exterior loudspeaker if volumes cannot be reduced below those plainly audible at the property line, or if buffers are inadequate to mitigate noise from the exterior loudspeaker.
- c. Drive-in facilities shall have a minimum of three (3) stacking spaces that will be provided from the order box to ensure that any public Right-of-Way or common Vehicular Use Area will not be blocked by or utilized for vehicular stacking.

### C. **Gas Stations**

Gas stations are permitted along Volusia Street, Holmes Boulevard, State Road 313, and the intersection of State Road 313 and West King Street within the WAGC Sub-Area, subject to the following design standards:

1. A ten (10) foot wide landscape buffer running the entire length of the front property line shall be provided consisting of native evergreen trees planted every 20 – 30 feet, low growing evergreen plants, evergreen ground cover, or mulch covering the balance of the buffer. The buffer may be reduced to 5' if a masonry wall or fence is used as provided in 3.11.08.B.21.b. If a wall or solid fence is used, the landscape buffer shall be planted on the outside of the wall and fence.
2. Canopies provided over the pump islands shall provide side (side street and side interior) setbacks of ten (10) feet.

### **Section 3.11.11 Signs**

Sign provisions not addressed in this section shall adhere to those provisions within Article VII of the Land Development Code. Contents of all other signs shall be regulated by Article VII of the Land Development Code, as may be applicable.

#### A. **General Standards:**

1. Building signs shall conform to Section 7.02 of this Code except as provided herein.
2. Back lit plastic signs are not permitted.
3. The style of the lettering should be compatible with the building as well as the business and should be in proportion with the building. The letter size should likewise be in proportion to the sign.

**B. Hanging Signs:**

1. A hanging sign is only permitted when it is perpendicular to the building. Only one hanging sign may be used per storefront.
2. When a canopy is present, the hanging sign(s) shall conform to the eight (8) foot minimum vertical clearance as measured to the bottom of the sign from finished grade. The maximum height of the sign shall not exceed two (2) feet.
3. When an awning is present, the hanging sign(s) shall fit within the area beneath the awning.



**C. Ground Mounted Signs**

1. In the WANC Sub-Area, Ground mounted signs may not be greater than fifteen (15) feet in height and no greater than four (4) feet in width. Ground mounted signs within the WAGC Sub-Area shall comply with Part 7.02.00 of the LDC.

**D. Awning or Canopy Sign**

1. Signs on awnings or canopies must occur within, and not exceed 50% of the vertical face (or near vertical part) of the awning or canopy.
2. Logo and text elements of a sign for awnings may be either silkscreened or appliqué stitched.

**Section 3.11.12 Urban Agriculture**

A. Purpose and Intent: Urban Agriculture is the growing, washing, packaging and storage of fruits, vegetables and other plant products for sale to local sellers and consumers doing business within St. Johns County. The purpose of permitting Urban Agriculture is to promote local food production for local consumption and promote the health, environmental and economic benefits of having such uses. The Urban Agriculture Use is created and allowed by right within the West Augustine Overlay District.

B. Types of operations permitted are as follows:

1. Typical operations include greenhouses, vertical farming, hydroponic systems, aquaponic systems, growing beds, growing fields, hoop houses and orchards. Such activities can be conducted in unenclosed areas or partially enclosed structures, within completely enclosed buildings, or a combination of both. Rooftop gardens are permitted on the roof of a principal building as a principal use or accessory use. Operations for rooftop gardens are limited to growing beds and growing trays or other similar uses.
  - a. Composting is limited only to the materials generated on site unless within a completely enclosed structure.
  - b. Compost sites located outside of an enclosed structure shall be screened from view with a fence or decorative wall four (4) feet in height or a continuous cold tolerant shrub at least twenty-four (24) inches at the time of planting.
  - c. Chemicals, pesticides and fertilizers shall be stored within an enclosed structure located a minimum of ten (10) feet from all property lines. This provision is not applicable to those chemicals, pesticides and fertilizers stored within the principal structure.
  - d. Hours of operation shall be limited from dawn to dusk with no machinery operated before 7:00 A.M. or beyond 7:00 P.M., seven (7) days a week.

### **Section 3.11.13 Administrative Procedures**

#### **A. Administrative Approval**

The County Administrator or his designee shall approve design criteria, determine compliance, and enforce development within the West Augustine Overlay in conformance with this Part.

#### **B. Vested Rights Determinations**

1. As an alternative to a determination that a proposed Development complies with the standards contained herein, the Applicant may demonstrate to the St. Johns County Board of County Commissioners, that vested rights to proceed with the proposed Construction or Development have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.11.00 of this Code to the subject Construction or Development. Upon a determination of vested rights or estoppel by the St. Johns County Board of County Commissioners, the provisions of Part 3.11.00 of this Code, when in conflict with such rights shall not be applied to the Applicant. The legal requisites for such determinations and burdens of proof, therefore, shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.

#### **C. Variances**

Variances to the provisions of this Part shall be processed as a Non-Zoning Variance under Section 10.04.03.

Any Variance or waiver within existing PUD's or PSD's to the West Augustine Overlay District requirements may be granted only by the Board of County Commissioners. Notwithstanding any other provision of the Land Development Code, variance requests shall be considered by the Board of County Commissioners pursuant to the Non-Zoning Variance requirements of Section 10.04.03 of the Land Development Code in lieu of the procedures set forth in Section 5.03.05. Requests to change specific provisions not pertaining to the District requirements within PUDs or PSDs shall be processed pursuant to Section 5.03.05.

For adaptive re-use projects of qualified historic structures, many non-compliant site conditions such as impervious surface, floor area, parking, and setbacks, may be permitted without requiring a variance.

#### D. Nonconformities

Any Non-Conforming Structure, or Use existing on the date a particular requirement of the Regulations became effective may continue in existence subject to Part 10.03.00 of the Land Development Code unless specified otherwise in this Part. Such Non-Conforming Structures or uses include, but are not limited to, those, which would otherwise be violations of the parking capacity and buffer requirements. A Non-Conforming Structure may be extended or enlarged without a Variance if the changes or modifications are in compliance with the requirements of these Regulations. A Non-Conforming Use shall not be enlarged, extended, or intensified, and if the use is discontinued for 365 days it shall not be restored.

Any Structure that does not meet the requirements and limitations of these Regulations, and is not considered non-conforming, is in violation of these Regulations and shall not be extended or enlarged without a Variance except as described in the subparagraph below.

Because of the improved accuracy of survey equipment many older Structures are found to have minor intrusions into minimum yards. In these cases, the Structure may be extended or enlarged without a Variance if (a) the Structure was constructed prior to October 8, 1990, (b) any intrusion is not greater than twelve (12) inches, (c) the intrusion is not extended or enlarged, (d) there are no other zoning violations, and (e) the changes or modifications are in compliance with the requirements of these Regulations.

#### E. Appeals

Appeals to decisions of the County Administrator shall be pursuant to Section 9.07.02.





**Sec. 3.12.03 Application of District Regulations**

All standards and uses prescribed in this Part shall apply to all Uses within all listed zoning categories; however, such Uses are entitled to utilize the Site Development Criteria in Sections 3.12.04.B. These requirements shall apply to all proposed Development as a permitted Use or Special Use undertaken within the Hastings Overlay District. Notwithstanding any provisions of the Land Development Code (the "LDC") to the contrary, the provisions of the Hastings Overlay District, when in conflict, shall take precedence over the existing zoning and Land Development Code regulations. Special Uses and Uses allowed by right in the Hastings Overlay District shall be subject to the site development criteria in the referenced Special Use Permit section in Part 2.03.00 and to Supplemental Design Standards in Part 6.08.00.

**Sec. 3.12.04 Uses and Activities subject to the requirements of the Hastings Overlay District**

A. **Allowable and Special Uses** Notwithstanding any other provision in the Land Development Code, the uses for property contained within the Hastings Overlay District shall be as prescribed in this section and Table 3.12.04, except where such use is not permitted by the St. Johns County Comprehensive Plan. This table is interpreted to identify special treatment of uses within the Overlay District and to allow uses by right and by Special Use approval. Those uses specifically listed within the table that are not "Approved by right" or as a "Special Use", shall be prohibited in this Overlay, regardless of its allowance in the underlying Zoning District. Where a use is allowed in the underlying zoning district but not specifically listed in Table 3.12.04, the use shall be allowed as in the underlying zoning district. Properties rezoned to other zoning districts unaddressed by this Part shall comply with all other applicable Land Development Code requirements. Uses are subject to applicable Supplemental Design Standards in Part 6.08.00.

**Table 3.12.04**

**PERMITTED USES BY ZONING DISTRICT**

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
<b>Residential</b>							
Single Family	A	A	A	S	A	A	A
Mobile Home (1)	S	S	S	S	A	S	A
Multi-Family Dwelling	A						
Community Residential Home (Group Home)	A				S		
Child Care (In the Home)	S	A	A	A		A	S
Bed and Breakfast	S	A	A	A	S	S	
Temporary Residences (Construction, model home, etc.)	S	S	S	S	S	S	S
Home Occupations (Ref. LDC Section 2,03,07)	A					A	
Guest Cottage (Ref. LDC Sec. 2.02.04.B.2.)	A					A	

**PERMITTED USES BY ZONING DISTRICT**

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
Residences Above Businesses (Ref. LDC Sec. 2.02.04.C)		A	A	A			A
<b>Offices</b>							
Professional Offices	S	A	A	A	S		A
Business Offices	S	A	A	A	S		A
Bank		A*	A	A			
Medical Office	S	A	A	A	A		
Hospital			A		A		
<b>Retail/Sales/Service</b>							
Personal Services	S	A	A	A			
Day Care Center	S	A	A	A	A		S
Beauty/Barber	S	A	A	A			
Drug Store/ Apothecary		A*	A	A	S		
Repair Shops			A	A			A
Restaurants (Ref. LDC Sec. 6.08.16)		A*	A	A			S
Funeral Home	S	A	A	A	S		
Service Station (Ref. LDC Sec. 6.08.19)			A	A			A
Specialty Shops	S	A	A	A			
Retail Sales (No outdoor storage)		A	A	A			A
Retail Sales (Outdoor storage)			A	S			A
Theaters (3 or less screens) (Ref 2.02.01.E.2)			A	A			
Convenience Stores		A**	A	A			S
Dry Cleaners, Laundromat		A*	A	A			
Restaurants (with on-site alcohol consumption)		S*	S	S			
Nightclub/Bar/Saloon (with on- site alcohol consumption)			S	S			
Nursing Homes and/or Assisted Living Facilities			A	A	A	A***	
Equipment Rental (some outside storage)			A	S			A
Personal Storage (Mini warehouse)		S	A	S			A
Veterinarian (Ref. LDC Sec. 2.03.41)		A	A	A			A
Motel/Hotel			A				
Shopping Center		A	A	A			

**PERMITTED USES BY ZONING DISTRICT**

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
Wholesale Sales (No outdoor storage or display) (Ref. LDC Sec. 2.02.04.D)		S	A	S			A
Wholesale Sales (Outdoor storage or display)			A				A
Nurseries/Greenhouses (with retail sales)			A				A
Manufacturing (No outdoor storage or display)		S	A	S			A
Manufacturing (Outdoor storage or display)			A				A
<b>Educational, Cultural, Religious Uses</b>							
Elementary, Middle, & High Schools	A	A	A	A	A	S	A
Trade & Vocational Schools		A	A	A	A		A
Churches, Synagogues, Temples, etc.	A	A	A	A	A	A	A
Libraries, Art Museums, etc.	S	A	A	A	A	A	A
Social, Fraternal Clubs, Lodges	A	A	A	A	S	A	A
<b>Recreation, Amusement, Entertainment</b>							
Uses where activity is conducted entirely within building (Bowling alleys, skating rinks, exercise facilities, etc.)		S	A	A		A	S
Drive-in Movie (Ref. LDC Sec. 6.08.15)			A				S
Privately owned recreational facilities such as golf courses, country clubs, swimming pools, tennis courts, etc.	A	A	A	A	S	A	
Publicly owned and operated recreational facilities such as athletic fields, parks, swimming pool, tennis courts, etc.				A	A	A	
Golf driving range not accessory to golf course, par 3 golf, miniature golf, water slides, skate board parks and similar commercial ventures			A		S	S	S
Horseback Riding Stables			S			A	

**PERMITTED USES BY ZONING DISTRICT**

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
<b>Motor Vehicle-related Sales &amp; Services</b>							
Sales with installation of motor vehicle parts			A				A
Motor vehicle maintenance, repair, painting or body work			A				A
Gas Sales		S	A	A			A
Car Wash		S	A	S			A
<b>Miscellaneous Facilities</b>							
Utility facility	S	S	A	S	S	S	A
Post Office	S	S*	A	A	P		S
Open Air Markets, Flea Markets, Crafts, etc.		S	A	S			S

Explanation of Table 3.12.04

- A - Use is allowable by right
- S - Use is allowable by Special Use
- \* -Drive-through not permitted
- \*\* -Gas pumps not permitted
- \*\*\* -Nursing Homes not permissible in Open Rural (OR) zoning designation

B. Per Comprehensive Plan policy A.1.11.1.J., Agricultural Uses are permissible within the lands designated with an Industrial Land Use and having an Industrial Warehouse or Open Rural zoning district.

**Section 3.12.05 Density within Residential Land Use categories**

This Section addresses the residential density within the Residential-C and Residential-D Land Use categories within the boundary of the Hastings Overlay District per Comprehensive Plan policy A.1.11.1.m.(1). Efforts were made to maintain development rights within the former Town of Hastings prior to the dissolution of the Town’s charter. Therefore, limits were placed on density in both the Residential-C and Residential-D Land Use categories. Another purpose of this section is to differentiate between the two categories within the Residential-D in regards to the Hastings Manor High Density area outlined in Comprehensive Plan policy A.1.11.1.m.(8).(cc).

- A. All residential development within the Residential-C Land Use category shall have a maximum density of four (4) dwelling units per acre.
- B. All residential development within the Residential-D Land Use category shall have a maximum density of eight (8) dwelling units per acre, except within the High Density Hastings Manor.

- C. All residential development within the Residential-D Land Use category within the High Density Hastings Manor shall have a maximum density of twelve (12) dwelling units per acre.

### **Section 3.12.06 Site Development Criteria**

This section addresses the relationship with the site and general features. Notwithstanding any other provision in the Land Development Code to the contrary, the specific development standards included in this section shall apply to all development within the Hastings Overlay District, where applicable. Unless otherwise specified in this Section, all other provisions of the Land Development Code apply.

#### **A. Residential Development**

- 1. Minimum Lot Width and Lot Area Requirements:

No minimum lot size or lot width; however all development and improvements shall have a total land area sufficient to meet all development design standards in the Land Development Code, including any applicable provision in Article VI.

- 2. Multi-Family Building Setbacks

Two-Family (Duplex) Dwelling units: 8' side setback

Measurements are taken from the exterior wall to the property line.

- 3. Single Family Minimum Setbacks on Side and Rear Yards

Single Family Dwelling units: 5' side setback

Measurements are taken from the exterior wall to the property line.

#### **B. Non-Residential Development:**

- 1. Setbacks

- a. Industrial Warehouse (IW): 10' side setback

Measurements taken from the exterior wall to the property line

- 2. Per Comprehensive Plan Policy A.1.11.3. Note 14, the maximum Floor to Area Ratio (FAR) in Commercial, General (CG) Zoning is 1.00.

#### **C. Lesser Setbacks on Side and Rear Yards**

Lesser setbacks may be granted provided that the following requirements are met:

- 1. If the distance from the exterior wall to the property line is less than five (5) feet, the applicant must provide certification in writing that an access and maintenance easement has been granted by adjacent property owners.
- 2. All structures shall have a minimum separation of 10 feet measured from the furthest projection on the structure to the furthest projection of any other structure. If this

separation cannot be maintained, then all structures must be protected with an automatic fire sprinkler system in accordance with NFPA 13, 13R or 13D OR the required fire hydrants shall be capable of providing an additional 500 gpm for two hours. Such fire flow shall be an addition to that already required. (LDC 6.03.01 and NFPA 1, chp 18)

### **Section 3.12.07 Administrative Procedures**

#### **A. Administrative Approval**

The County Administrator or his designee shall approve design criteria, determine compliance, and enforce development within the Hastings Overlay District in conformance with this Part.

#### **B. Vested Rights Determinations**

1. As an alternative to a determination that a proposed Development complies with the standards contained herein, the Applicant may demonstrate to Administration that vested rights to proceed with the proposed Construction or Development have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.12.00 of this Code to the subject Construction or Development. Upon a determination of vested rights or estoppel by the Administration the provisions of Part 3.12.00 of this Code, when in conflict with such rights shall not be applied to the Applicant. The legal requisites for such determinations and burdens of proof, therefore, shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.

#### **C. Variances**

Variances to the provisions of this Part shall be processed as a Non-Zoning Variance under Section 10.04.03. Variances to other applicable sections of the Land Development Code shall be processed as either a zoning or non-zoning variance pursuant to Section 10.04.02 or 10.04.03. Any Variance or waiver within existing PUD's or PSD's to the Hastings Overlay District requirements may be granted only by the Board of County Commissioners. Notwithstanding any other provision of the Land Development Code, variance requests shall be considered by the Board of County Commissioners pursuant to the Non-Zoning Variance requirements of Section 10.04.03 of the Land Development Code in lieu of the procedures set forth in Section 5.03.05. Requests to change specific provisions not pertaining to the District requirements within PUDs or PSDs shall be processed pursuant to Section 5.03.05.

For adaptive re-use projects of qualified historic structures, many non-compliant site conditions such as impervious surface, floor area, parking, and setbacks, may be permitted without requiring a variance.

#### **D. Nonconformities**

Any Non-Conforming Structure, or Use legally existing on the date a particular requirement of the Regulations became effective may continue in existence subject to Part 10.03.00 of the Land Development Code unless specified otherwise in this Part. Such Non-Conforming Structures or uses include, but are not limited to, those, which would otherwise be violations

of the parking capacity and buffer requirements. A Non-Conforming Structure may be extended or enlarged without a Variance if the changes or modifications are in compliance with the requirements of these Regulations. A Non-Conforming Use shall not be enlarged, extended, or intensified, and if the use is discontinued for 365 days it shall not be restored.

Any Structure that does not meet the requirements and limitations of these Regulations, and is not considered non-conforming, is in violation of these Regulations and shall not be extended or enlarged without a Variance except as described in the subparagraph below.

Because of the improved accuracy of survey equipment many older Structures are found to have minor intrusions into minimum yards. In these cases, the Structure may be extended or enlarged without a Variance if (a) the Structure was constructed prior to October 8, 1990, (b) any intrusion is not greater than twelve (12) inches, (c) the intrusion is not extended or enlarged, (d) there are no other zoning violations, and (e) the changes or modifications are in compliance with the requirements of these Regulations.

E. Appeals

Appeals to decisions of the County Administrator shall be pursuant to Section 9.07.02.

History: Ord. 2000-58; Ord. 2001-01; Ord. 2001-22; Ord. 2002-59; Ord. 2003-63; Ord. 2004-71; Ord. 2006-66; Ord. 2006-124; Ord. 2009-28; Ord. 2010-23; Ord. 2010-53; Ord. 2011-15; Ord. 2011-24; Ord. 2012-23; Ord. 2013-26; Ord. 2015-9; Ord. 2015-14; 2015-42; Ord. 2015-48; Ord. 2018-5; Ord. 2018-24; Ord. 2018-51; Ord. 2022-32



<b>ARTICLE IV NATURAL RESOURCES</b>
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## **PART 4.00.00 GENERALLY**

The decision by the Owner as to whether and how to develop a Parcel of land, and the decision by St. Johns County to approve or disapprove proposed Development, may depend on the impact that the proposed Development will have on natural resources. This Article establishes standards and procedures by which these impacts are determined, and by which St. Johns County will approve or disapprove the Development in light of such impacts.

## **PART 4.01.00 NATURAL RESOURCES**

### **Sec. 4.01.01 Generally**

#### **A. Purpose**

The purpose of the Natural Resources Regulations is to set forth regulations regarding Land Alteration, the protection of soil and water, the protection of Trees and other vegetation, and the protection of Environmentally Sensitive Areas, in order to maintain the quality of life in St. Johns County and protect the health, safety, welfare and general well-being of the citizens of St. Johns County.

#### **B. Intent**

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

1. Promote soil Conservation by minimizing and controlling alterations of the natural terrain, and thereby reduce sedimentation and air and surface water pollution resulting from soil erosion.
2. Maximize the retention of Trees, a valuable natural resource of the community.
3. Create an aesthetically pleasing and functional living environment to protect and enhance property values by conserving Trees and other vegetation.
4. Protect Environmentally Sensitive Areas from activities which would alter their ecological integrity, balance or character.
5. Ensure that the activities associated with Excavating and the resulting excavation itself does not adversely impact the quantity or quality of surface water or groundwater.
6. Ensure that the hauling of Excavated material does not adversely impact public roads or bridges or public health, safety or welfare.

7. Ensure compliance with Chapter 163, F.S., and the St. Johns County Comprehensive Plan.

**Sec. 4.01.02 Natural Resources Permitting**

A. When Required

Except as specifically exempted herein, it shall be unlawful for any Person, firm or corporation, either individually or through an agent, to cause Land Alteration within the unincorporated areas of St. Johns County without having obtained, a Development Permit or Development Order from the County Administrator, or to allow a condition which is the result of unauthorized Land Alteration activity to remain unremedied.

B. Effect of Permit

Issuance of a Development Permit by the County Administrator, or exemption from the requirement thereof, 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 upon the land.

C. Exceptions to Requirement of Permit

No Permit under this Section is required for:

1. The Removal of dead or naturally fallen vegetation, except within an Environmentally Sensitive Area.
2. The limited Removal of Understory, (including non Protected Trees) vegetation necessary to obtain clear visibility between two (2) points for the purpose of performing field survey work, provided the Removal will not create a cleared swath wider than ten (10) feet.
3. The Removal of vegetation that is endangering public health, safety or welfare, and, after consultation with the County Administrator, it is determined by the County Administrator that there is no other remedy provided in this Code.
4. The Removal of Exempted Trees, as defined in this Code.
5. The Removal of vegetation planted on the premises of a plant nursery or tree farm and grown for the purpose of selling to the general public in the ordinary course of business.
6. The transplanting of Understory vegetation, (with any Protected Tree having been approved for transplanting), for use as landscaping material within the site or off the site, provided the Understory vegetation is not transplanted from an Environmentally Sensitive Area.
7. Land Alteration activities within approved Utility Rights-of-Way or Easements necessary to supply gas, water, sewer, telephone, cable television, or electrical service, provided these activities do not adversely impact an Environmentally Sensitive Area; however, any Land Alteration activity within a new electrical

transmission corridor greater than one hundred (100) feet in width does not qualify for this exemption. Pursuant to the definition of Land Alteration, activities undertaken to maintain existing Utility Rights-of-Way or Easements are not regulated by these Land Alteration regulations.

8. Land Alteration activities necessary to install a sprinkler system, septic tank, septic tank drain field, Utility line or swimming pool; or minor filling for topsoil or foundation fill; provided these activities do not involve Protected Tree Removal or are not undertaken within an Environmentally Sensitive Area.
  9. Land Alteration activities on residentially zoned land for Single Family or Two Family Dwelling Unit where the principal structure allowed pursuant to the zoning regulations has been previously permitted and constructed after Building Permit has been issued, except for the specific provisions of Sections 4.01.05, and 4.01.09.
  10. Land Alteration activities which are normal and necessary to conduct Bona Fide Agricultural and Silvicultural Operations, where those operations are on land in a zoning category, having the appropriate tax exemption, which allows Agricultural or Silvicultural Use and classified as Agricultural land under Section 193.461, F.S. Existing Bona Fide Agricultural and Silvicultural Operations may continue within Planned Unit Developments (PUDs) and Planned Rural Developments (PRDs) when allowed within the ordinance establishing the PUD or PRD district.
  11. Land Alteration activities required by an administrative or judicial order for the correction of landfill violations or closure of a landfill pursuant to Chapter 17 of the Florida Administrative Code.
  12. In the interest of public safety, health and general welfare during or following high winds, storms, hurricanes, tornadoes, floods, freezes, fires or other manmade or natural disasters, the County Administrator, upon finding that a waiver is necessary and defining geographically the area of the emergency, may suspend the regulations contained in Part 4.01.00 of this Code, in whole or in part, for a period of up to thirty (30) Days in the affected area.
  13. The Removal of Trees and vegetation for Fire Protection Breaks.
  14. Land Alteration activities necessary for the Construction and safe operation of Airport infrastructure intended for public use. This includes Protected Tree Removal and/or tree and vegetation mitigation associated with Airside Activities such as clear zones and runway safety and protection zones.
  15. The Removal of Trees exempted under Section 4.01.05.B of this Code.
- D. Certain Activities Exempt From the Provisions of Section 4.01.07, Significant Natural Communities Habitat
1. The terms of Section 4.01.07, pertaining to Significant Natural Communities Habitat, shall not apply to the following activities:

- a. Land Alteration activities necessary to make the Improvements shown on Site Development Plans, Subdivision Construction Plans, DRIs, PUDs, and PRDs approved prior to adoption of this Code.
  - b. Land Alteration activities on land subdivided pursuant to the Subdivision Regulations for a Subdivision that does not require Improvement facilities.
  - c. Land Alteration activities necessary to construct a Single Family or Two Family Dwelling Unit.
2. Development specifically vested against Land Development Regulations adopted to implement the Comprehensive Plan pursuant to a valid, unexpired Vested Rights Determination shall not be required to comply with Section 4.01.07, pertaining to Significant Natural Communities Habitat.
  3. Development approved in a Development of Regional Impact (DRI) Development Order adopted prior to the adoption of this Code is exempt from the provisions of Section 4.01.07, Significant Natural Communities Habitat. Further, any amendment to such DRI Development Order which does not increase the impact of authorized Development within Significant Natural Communities Habitat sought to be protected by the provisions of Section 4.01.07 shall also be exempt from such provisions. Any amendment to such DRI Development Order which adds additional land to the DRI Development Order and increases the impact of authorized Development within Significant Natural Communities Habitat sought to be protected by the provisions of Section 4.01.07 shall be addressed in the manner provided in that Section as to such new land. All other amendments to such DRI Development Order shall be reviewed in accordance with the criteria contained in Section 380.06(19), F.S.
  4. The terms of Section 4.01.07 pertaining to Significant Natural Communities Habitat shall not apply to those Land Alteration activities which are normal and necessary to conduct Bona Fide Agricultural and Silvicultural Operations.
  5. The terms of Section 4.01.07 pertaining to Significant Natural Communities Habitat shall not apply to those Land Alteration activities which directly relate to Airside Activities at Airports intended for public use. Airside Activities include but are not limited to runways, taxiways, taxi lanes, aircraft aprons, storage hangers, terminal Buildings, aircraft maintenance facilities, and other similar Airside Activities and Structures.
  6. The terms of Section 4.01.07 pertaining to Significant Natural Communities Habitat shall not apply to Development Projects less than ten (10) acres in size.
- E. The terms of Section 4.01.06 pertaining to Upland Buffers and setbacks shall not apply to platted or legal and documented Lots of Record existing prior to the initial effective date of this Code to be developed as one (1) Single Family or Two Family Dwelling, except that a minimum twenty-five (25) foot Upland Buffer shall be required unless:
1. A vesting determination is obtained.
  2. A Variance is approved pursuant to Article X of this Code.

3. Averaging of the Upland Buffer width, because of an unavoidable reduction, achieves a greater overall Upland Buffer width. When averaging is allowed the Upland Buffer shall in no case be less than ten (10) feet, except for those areas adjacent to unavoidable Wetland impacts such as road crossings.

The Upland Buffer shall be depicted on all Site Plans, Development plans, and other documents submitted to authorize the review for Development. Upland Buffers shall be maintained in their natural vegetated condition. Native vegetation removed or destroyed within the Upland Buffer in violation of this Code shall be restored. These areas shall be replanted with comparable native vegetative species as were removed or destroyed.

Furthermore, any residence and Accessory Uses regardless of the size of the footprint constructed or properly and effectively permitted on such a Lot on the initial effective date of this Code shall for that particular Structure be a deemed vested Use of the Lot in relation to the Upland Buffers and setbacks required by this Section, and such residence and Accessory Use shall not be a Non-Conforming Use under this Code to the extent it shall be replaceable within its existing footprint.

- F. The provisions of Section 4.01.06 shall not apply to Lots or portions of Lots where a bulkhead, retaining wall, revetment, the placement of rip-rap, or similar method is used to stabilize or embank a man-made canal existing prior to the enactment of this ordinance amendment and is Constructed pursuant to and in accordance with a validly issued and unexpired Permit from the Florida Department of Environmental Protection, St. Johns River Water Management District, or other agency having jurisdiction.
- G. The provisions of Section 4.01.06 shall not be interpreted to prohibit the minimum clearing of upland and Wetland vegetation necessary to construct a dock or other Improvement to provide access to navigable waters in accordance with a validly issued and unexpired Permit from the Florida Department of Environmental Protection, St. Johns River Water Management District, or other agency having jurisdiction.

#### **Sec. 4.01.03 Reserved**

#### **Sec. 4.01.04 Soil and Water**

Pursuant to the objectives and policies of the Coastal/Conservation Element of the St. Johns County Comprehensive Plan, the following measures shall be taken to protect and conserve Soils and Water within the County:

- A. Minimization of Impact
  1. Proposed Improvements shall be designed and located to minimize Land Alteration activities which would unnecessarily Remove the existing vegetation or alter the topography of the natural land surface.
  2. Adequate protection measures, such as hay bales, baffles, sodding and sandbagging, shall be provided as necessary to minimize erosion and downstream sedimentation caused by surface water runoff on exposed land surfaces.
- B. Surface Water Discharges

1. The turbidity of surface water discharged off-site or into any Wetland or Natural Water Body on-site shall not violate the water quality standard for turbidity as stated in Chapter 62-302, F.A.C. Turbid water in violation of this standard shall be treated prior to discharge off-site or into any Wetland or Natural Water Body on-site by using sediment control measures such as settling basins, berms, interceptor ditches, silt screens and other sediment traps. Whenever sediment control measures are necessary, they shall be installed prior to initial clearing and grading operations and maintained throughout the Land Alteration activity as a condition of granting the Permit.
2. Surface water runoff shall be discharged only within the drainage area that normally receives this runoff, unless otherwise approved by the St. Johns River Water Management District or other state or federal agency having jurisdiction.

C. Excavation

1. Applicants must ensure that any proposed Excavating activities meet the standards of the Florida Department of Environmental Protection and St. Johns River Water Management District.
2. Excavating activities shall not adversely impact water levels of either surface water or groundwater on surrounding property. The County shall ensure compliance with Florida Department of Environmental Protection and St. Johns River Water Management District permitting requirements for maintenance of water levels for surface water and groundwater.

D. Exposed Soils

Exposed soils shall be vegetated immediately upon completion of Land Alteration activities. Areas may be sodded, plugged, sprigged, seeded or covered with other vegetation as desired. In areas where erosion is likely, such as slopes greater than five to one (5:1) or areas of erosion prone soils, the County Administrator may determine that sodding is required. Where erosion is found to be occurring, sodding shall be required. In areas where grass seed is used, nurse grass seed (e.g. rye, millet) shall also be sown for immediate effect.

E. Placement of Fill

Fill shall not be placed in Wetlands, Natural Water Bodies, natural water courses, or related floodplains up to and including the 100-year floodplain, manmade/artificial channels, or any natural or manmade stormwater storage area, without prior approval of all applicable state and federal permitting agencies having jurisdiction.

F. Water Conservation

Water efficient landscaping and irrigation systems shall be used in order to maximize the conservation of water. Water efficient landscaping is Florida Friendly or Xeriscape landscaping that utilizes plants that are adaptable to local conditions, employs proper landscape planning of placing the right plant in the right place and utilizes plants which are drought tolerant. Water efficient irrigation uses irrigation systems and techniques that

minimize loss of water through proper design and equipment installation that prevents overspray, overwatering and evaporation.

#### **Sec. 4.01.05 Trees and Other Vegetation**

##### **A. Permits; Criteria for Issuance**

A Permit will be issued after proper application and approval by St. Johns County which clearly demonstrates compliance with this Code. This Permit authorizes the Land Clearing, Grubbing, or Removal of Protected Trees and Understory vegetation only as depicted on an accompanying Site Plan. Specimen and Historic Trees, as defined in Section 4.01.05.D shall not be impacted unless as allowed by the County Administrator or his designee upon showing of good cause, and where the Owner/Applicant proposes an alternative prepared by a Certified Arborist which conforms to the general intent and spirit of these regulations, and where the objectives of this Article have been substantially met.

##### **1. Criteria for Issuance of a Permit**

###### **a. Protected Tree Removal**

Protected Tree Removal shall only be allowed when at least one of the following criteria has been determined by County review with respect to each Protected Tree designated for Removal under the required Permit:

- (1) That the Protected Tree is located within the Building Footprint or within an area five (5) feet outside the Building Footprint of a given site, as identified on the approved Site Plan to minimize the loss of Protected Trees approved through the Development Review process.
- (2) That the Protected Tree is located within an existing or proposed Right-of-Way that has been approved under a Development Order issued by the County; or the Tree is located in an existing public or private Right-of-Way.
- (3) That the Protected Tree is located within an existing or proposed Easement, stormwater management tract or facility, within the minimum area reasonably necessary for the contemplated service or Use.
- (4) That the Protected Tree is located where its continued existence would unreasonably interfere with the physical Construction of the Improvements on a particular site from interference with the access to the site by Construction equipment, or with the operation of the equipment on the site in the immediate vicinity of the proposed Structure or Improvement; and in areas requiring Removal of muck and other unsuitable materials.
- (5) That the Protected Tree is located where it creates or will create a safety or health hazard with respect to an existing or proposed Structure or vehicle or pedestrian routes.

- (6) That the Protected Tree is located where it interferes with the installation, delivery, or maintenance of proposed or existing Utility services to the site.
- (7) That the Protected Tree is diseased, injured or in danger of falling.
- (8) That the Protected Tree is located on a portion of the site outside of the Building Footprint but within the interior area of the site to be used as a vehicular use area or vehicular and pedestrian ingress and egress.
- (9) That the Protected Tree is located within a portion of the site approved for clearing under Section 4.01.05.A.1.b. and Section 4.01.05.F.1.b.

b. Land Clearing

Land Clearing shall not be allowed unless the County Administrator finds that all of the following criteria have been satisfied:

- (1) The Land Clearing is necessary in order to make site Improvements already authorized by an approved Site Plan, Subdivision approval, or Development Permit, and that the area to be cleared is the minimum necessary for such work or (in the event the aforementioned approvals are not required by law for the intended Use of the property) that the proposed clearing is the minimum necessary for the proposed Use of Improvement and is in conformance with Section 4.01.05.A.1.a. "Protected Tree Removal."
- (2) The Applicant shall provide and implement a reasonable written plan to control erosion which may be expected to occur as a result of the proposed Land Clearing. The erosion control plan must meet the requirements of the Roadway, Drainage, & Utilities Standards in Part 6.04.00 and obtain review approval. The plan shall incorporate some or all of the following means as determined by the Applicant: temporary seeding and mulching, sodding, diversion berms, interceptor ditches, sediment barriers, sediment basins, and related appurtenances or devices.
- (3) All provisions of a final submitted erosion control plan shall constitute a condition of Permit issued and a violation of any of the conditions or provisions of the plan shall be considered a violation of this Code, and subject to all enforcement provisions.
- (4) The Applicant has or is complying with all Tree protection provisions contained elsewhere in this Code.

2. Posting of Permits



The Permit shall be posted in a conspicuous and visible place at the front of the property. The Permit shall be protected from the weather and be located in such location by the Applicant promptly after issuance, during, and for a period not less than one month after the Protected Tree Removal and/or Land Clearing or until a Building Permit is issued, whichever occurs first. It is the responsibility of the Permit Applicant to maintain the Permit, or to promptly obtain a replacement copy from the County if necessary.

3. Permits required by this Code may be obtained after-the-fact for Land Clearing and/or Tree Removal activities upon determination by the County Administrator that such activities were performed in accordance with Permit issuance criteria specified in this Section. Such fee for an after-the-fact Permit shall be as established by Resolution of the Board of County Commissioners in a separate fee schedule.

#### B. General Prohibitions

It shall be prohibited and subject to penalties contained herein for any Person directly or indirectly to perform any of the following, unless exempted herein or by an approved Variance.

1. To perform Protected Tree Removal, damage any Protected Tree, or Land Clearing without a valid County Permit.
2. To perform any Construction activity, including Land Clearing and Protected Tree Removal, without first erecting Tree Protection Barricades to at least include the Protected or preserved Tree's Protected Area as defined in this Code.
3. To change earth grade within the required Protected Area of any preserved Protected Tree unless approved by the County Administrator.
4. To modify drainage which causes water to be trapped within a required Protected Area of any preserved Protected Tree.
5. To perform Land Clearing or Protected Tree Removal on the individual platted Lots within a new multi-Lot residential Project, unless Construction Plans are approved for clearing in these areas as defined in Section 4.01.05.F.1.b. On residential Projects requiring clearing for New Construction, Protected Tree Removal may only occur for the road Rights-of-Way, drainage areas and Utility Easements as shown and approved on the Project's Construction Plans.

#### C. Exemptions

Notwithstanding anything to the contrary in this Code, the following activities shall be lawful without application for and issuance of a Permit. None of these exemptions shall apply to any Dune vegetation seaward of the Coastal Construction Control Line or to a Specimen Tree, or Historic Tree, unless otherwise stated below. The burden of proving entitlement to any particular exemption shall lie with the Person claiming the exemption. Exemptions are as follows:

1. The Removal, trimming, pruning or alteration of any unprotected Tree or other vegetation when necessary for:
  - a. The clearing of a path not to exceed ten (10) feet in width to provide physical access or view necessary to conduct a survey or site examination for the preparation of Subdivision plats, Site Plans. The path may be widened to avoid a Protected Tree. However, Land Clearing for surveys shall not authorize the Removal of Protected, Specimen or Historic Trees.
  - b. The clearing of a path not to exceed ten (10) feet in width to provide vehicular access necessary to conduct soil percolation and/or soil bore tests on a property.
  - c. Creation of a Fire Protection Break
2. Routine landscape maintenance such as trimming or pruning of vegetation which is not intended or reasonably likely to result in damage or the eventual death of any Protected Tree; and mowing of yards or lawns, or any other landscaping or gardening activity, which is commonly recognized as routine non-commercial gardening or routine maintenance or replacement. This exemption shall be construed to allow routine maintenance of commonly grown horticultural vegetation growing on Dunes seaward of the Coastal Construction Control Line, provided the Person owning such property, or his/her agent, first provides sufficient documentation evidencing express permission for such activity from the Bureau of Beaches and Coastal Systems of the Florida Department of Environmental Protection of the State of Florida.
3. The Removal, trimming, pruning or alteration of any Protected Tree or vegetation in an existing Utility or drainage Easement or Right-of-Way provided such work is done by or under the control of the operating Utility company, or governmental agency, or property Owner's association or entity responsible for maintaining drainage Improvements and in the case of Utility Easements, said entity has received all necessary licenses or Permits to provide Utility service within the Easement. To qualify as an existing Easement or Right-of-Way, it shall be legally recorded and platted or have drainage or Utility Structures in place prior to the effective date of this Code.
4. The Removal, pruning, trimming or alteration of any Protected Tree or vegetation for the purpose of maintaining an existing access to a property.
5. The movement or storage of any vehicle within or across a Protected Area for the purpose of using or maintaining an access to property that existed prior to the adoption of this Code.
6. Any activity conducted on land operating as a Bona Fide Agricultural Use or Silvicultural Use such as a commercial nursery, farm, wetland enhancement, wetland creation areas, ranch or similar operations. This exemption shall include the purposeful Removal of a Protected Tree or Trees excluding Historic and Specimen Trees. When Land Clearing or Protected Tree Removal has been performed under this exemption based upon the Use of the property for an Agricultural Use, no County Development approvals shall be given for any non-

Agricultural Use or Improvement on the same site within four (4) years of the completion of such Land Clearing or Protected Tree Removal. However, the four (4) year rule shall not apply if the land to be developed has maintained at least eighty (80) D.B.H inches per acre. Existing Bona Fide Agricultural and Silvicultural Operations may continue, within Planned Unit Developments (PUDs) and Planned Rural Developments (PRDs) when allowed with the ordinance establishing the PUD or PRD district.

7. Any Tree which constitutes an immediate peril to life, property, or other Trees of equal or greater Tree inches, may be Removed without an advanced permit, provided that it is followed by a written notification to the County Administrator within three (3) weeks with clear and complete photographic evidence for issuance of retroactive Permit for Removal of the Protected Tree.
8. The mowing or underbrushing of a land area that does not disturb the soil profile when conducted without disturbance, damage or Removal of Protected Trees.
9. The Removal, trimming, pruning or alteration of any Protected Tree or vegetation for the purpose of maintaining the FAA FAR Part 77 surface around public use Airports required for the safe operation of aircraft on and around the Airport.
10. The Removal, trimming, pruning or alteration of Protected Trees or vegetation required for Airside Construction at public use Airports.
11. Land Clearing or Protected Tree Removal for existing single family residential home sites situated on a Lot of Record one (1.0) acre or less in size; except that Historic and Specimen Trees shall not be removed without obtaining approval from the County Administrator unless diseased or a substantial threat to the existing house. Furthermore, the same exemption shall apply to land within one hundred (100) feet of the perimeter of an existing single family residential home situated on a Lot of Record larger than one (1.0) acre. Newly constructed single family residential homes shall become exempt upon the issuance of a Certificate of Occupancy.

D. Historic and Specimen Tree Designation

1. Designation as a Historic Tree may commence in any one of the following ways:
  - a. An Applicant may request such designation as part of any master plan, preliminary Subdivision plat, or preliminary Site Plan application. To do so, the Applicant shall submit evidence to the County Administrator that the Historic designation is proper.
  - b. A property Owner may request such designation at any time. In making such request, the property Owner shall submit the request and an expert evaluation to the County Administrator.
  - c. The County Administrator may request such designation as part of an overall Historic Tree protection planning program for the County or portion thereof.

2. The County Administrator shall present, from to time, all Tree designation requests with documentation for Trees meeting the criteria of Historic Trees to the Board of County Commissioners of St. Johns County for its consideration and designation.

3. Specimen Tree Designation

The County Administrator, property Owner, or an Applicant may request that a Native Tree become a Specimen Tree when professional field measurements document species, height, crown spread, D.B.H. and overall condition. The results in total points awarded a Tree designee must be equal to or greater than seventy percent (70%) of the current Florida State Champion Tree for that species as published in “Big Trees the Florida Register” for all species except that the total points awarded must equal or exceed fifty percent (50%) for Laurel Oak, Live Oak, Southern Magnolia and Southern Red Cedar. The County Administrator shall review and approve all Specimen Tree designation requests.

4. On sites where grade cuts are necessary under Historic or Specimen Trees proper root pruning shall be required. Within the Tree’s Protected Area, all excavation shall be by hand, and roots two (2) inches and larger shall be evenly cut.

5. When underground Utilities are necessary under Historic or Specimen Trees, tunneling shall be required. The underground Utility tunnel shall begin at the Tree’s Protected Area and be a minimum of four (4) feet deep. No open vertical trenches shall be allowed within a Historic or Specimen Tree’s Protected Area.

6. A Tree Protection Barricade shall be installed at the Protected Area of each Specimen Tree and shall be inspected by the County prior to the initiation of any Construction activity on site and shall remain in place throughout Construction.

SPECIMEN TREE POINT CALCULATION

Total points shall be determined by using the following formula:

(Average crown spread in feet) divided by 4 + (Circumference in inches) + (Height in feet) = Total Points

Example:	Crown spread maximum	68 feet
	Crown spread minimum	<u>52 feet</u>
		120 Total / 2 = 60 feet Average

60 feet / 4 = (15) + Circumference (135 in.) + Height (41 ft.) = (191) Total Points

E. Value Assigned to Trees, Notes, Tree Bank Fund, and Remedy for Protected Tree Removal without a Permit.

1. Protected Trees, as defined in Article XII, are assigned values based on Caliper size or DBH measurement.

*Note 1.* Bonus: Tree inches shall be assigned for any Native Tree(s) preserved within a Parking Area, or between a road right of way and the Parking Area or Building Footprint,

such that the distance separating these areas is not more than one hundred (100) feet. These inches may be applied against the deficit of Tree inches from Removal of other Protected Trees. These Trees become Protected Trees, and shall be clearly identified on plans.

*Note 2.* Bonus: A stand of ten (10) or more Native Protected Trees in a cluster with one (1) continuous drip line shall also earn double Tree inch value. Trees, which are Protected size or not Protected size within this area shall be included, as long as they form a continuous drip line. Tree inches from these Trees shall be applied against the deficit of Tree inches from Removal of other Protected Trees. All of these clustered Trees become Protected and shall be clearly identified on Site Plans submitted.

*Note 3.* Planted Multi-Trunk Trees shall earn total Tree inches based upon the size of each individual trunk such that the largest three trunks of the Multi-Trunked Tree shall be added together to obtain the Tree's total Caliper size.

*Note 4.* Bonus: Transplanted from on site Native non-Exempt Trees up to twelve (12) inch DBH: These Trees shall receive Tree inch value, and these Tree inches may be applied against the deficit of Tree inches from Removal of other Protected Trees. All Trees of unprotected size then become Protected Trees and shall be labeled as such on all appropriate Site Plan sheets.

*Note 5.* All planted Palms shall receive three (3) Tree inches of value for those with six (6) feet to fifteen (15) feet of clear trunk and six (6) Tree inches of value for those greater than fifteen (15) feet clear trunk. Those surveyed at Protected Tree minimum size shall all be assigned six (6) Tree inches of value.

*Note 6.* Trees planted to receive Tree inch value shall be selected so:

- (a) At a minimum, seventy percent (70%) of the replacement Trees shall be Canopy Trees, including Parking Areas, unless Canopy Trees are not suitable, as reasonably determined by the County Administrator in the area to be planted.
- (b) To provide diversity, no one species shall constitute more than fifty percent (50%) of the total replacement planting.
- (c) All replacement Trees shall be a minimum two (2) Tree inch Caliper measured no closer than six (6) inches from the ground.
- (d) Non-Canopy Trees shall not be planted closer than ten (10) feet from other Trees and Canopy Trees shall not be planted closer than twenty (20) feet to thirty (30) feet from other Trees unless approved by the County Administrator.
- (e) All landscape plans shall include all lighting structures, electrical overhead lines, and other vertical objects so as not to interfere with plantings.

*Note 7.* As allowed by conditions set forth by 4.01.05.F, Tree inventories on a numbered overlay map may be conducted by a registered land surveyor, registered landscape

architect, registered Professional Engineer, Certified Arborist, or under the supervision and certification of the above listed professionals.

*Note 8.* Tree species selected for planting are subject to County approval based upon site conditions including but not limited to: soil characteristics, planting area size, visibility concerns and Utility conflicts.

*Note 9.* Utility Easement areas shall be deducted from the acreage calculation when determining the required Tree inches per acre. No Trees shall be planted within these easements as they are to be kept clear for Utility installations and Improvements.

2. St. Johns County Tree Bank Fund

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

- (1) County Construction and capital improvement limited to cost of Trees, landscaping equipment and associated installation and irrigation equipment incidental to the installed landscaping.
- (2) Beautification limited to the cost of Trees, landscaping equipment and associated installation and irrigation equipment incidental to the beautification project. Where Tree Bank funds are used to plant trees in County Road medians or shoulders, such funds may also be used to fund design by a Registered Landscape Architect to assure the safety, viability and appropriateness of such plantings.
- (3) Conservation or natural preserve area protection and enhancement limited to cost of Trees, landscaping equipment, access and trails, and associated installation and irrigation equipment incidental to the enhancement project.
- (4) To mitigate negative environmental effects of tree removal and the loss of treed acreage and to provide the ability to mitigate wildlife displacement as reasonably determined by the County Administrator using acceptable environmental evaluation practices and programs or preservation land assessment and acquisition.
- (5) Multi-family or Single Family Lots for housing qualifying under State and Federal affordable/workforce housing programs in order to meet applicable Tree inch Requirements.

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

- b. The Tree Bank Funds may not be used to fund ongoing maintenance costs following the completion of a project.

3. Enforcement for Protected Tree Removal without a permit

Protected tree inches removed due to unauthorized clearing shall require mitigating the Tree inches lost through replanting or a combination of replanting a portion of the Tree inches lost and providing a Tree Bank Fund payment for those inches not replanted. Additionally, the payment of a fine as set forth in this Section shall apply and be paid to the Tree Bank Fund. All mitigation shall be accomplished after the notification of the violation within the six (6) month suspension period. All fines shall be rendered no more than thirty (30) days after the notification of violation.

- a. Removed Protected Trees are to be replaced with like Trees of the same size, species, and location. When replacement of Protected Trees is not practical as reasonably determined by the County Administrator, an equal number of inches of the same species shall be applied to replace the Trees. The plantings shall meet the general planting requirements as provided in this Article, and shall be planted on the same site.
- b. If site conditions prevent the replanting of all the Tree inches lost, as determined by the County Administrator, payment into the St. Johns County Tree Bank Fund for the portion of the Tree inches not replanted is required. The rate of payment shall be at the replacement cost of the particular species, at a two (2) inch Tree size, as determined by a replacement cost estimate.
- c. Fines assessed for unauthorized Protected Tree removal shall be:
  - \$200 for each Tree 8 inches to less than 12 inches
  - \$400 for each Tree 12 inches to less than 20 inches
  - \$800 for each Tree 20 inches to less than 30 inches
  - \$1,000 for each Tree 30 inches or greater
- d. Fines assessed for unauthorized removal of Protected Sand live oak or Southern Red Cedar shall be:
  - \$200 for each Tree 2 inches to less than 4 inches
  - \$400 for each Tree 4 inches to less than 8 inches
  - \$800 for each Tree 8 inches to less than 12 inches
  - \$1,000 for each Tree 12 inches or greater
- e. The fine assessed for unauthorized removal of a Specimen Tree shall be \$5,000 for each Specimen Tree removed.
- f. If a site is cleared without authorization and Trees are removed such that the County Administrator is unable to assess the number and size of Protected Trees removed, such violation shall be subject to a fine of \$30,000 per acre, or fraction thereof, of land cleared.

- g. Issuance of all Development permits with respect to the subject property shall be suspended for a period of six (6) months during which time all mitigation shall be satisfied.
- h. These provisions to achieve compliance do not preclude the use of Code Enforcement activities as provided by Article 10.05.00 of this Code or any other enforcement activities permitted by law.

F. Permit Application Procedures

- 1. Application for any Permit required by Section 4.01.05 shall be in writing on a form provided by the County Administrator. Applicants shall provide all information necessary to evaluate the application to include, but is not limited to, proof of Applicant's legal or equitable interest in the proposed site plus a scaled Site Plan giving all details on Lot configuration and dimensions plus all existing and proposed constructed Improvements of any kind. In addition, more specifics on existing Protected Trees and vegetative cover for different types of Projects shall be provided by the Applicants as detailed below. Permits shall be issued showing compliance with the procedures listed below, and may be issued before complete approval of Construction Plans.

a. For Commercial Building Sites and Subdivisions

- (1) A Site Plan identifying all Protected Trees shall be provided by the Applicant. The Site Plan shall depict all the proposed Improvements and any existing Protected Trees by either Tree Location or Inventory of Trees as set forth below.
  - (a) Protected Tree inches that are located within the limits of clearing where: less than six inches (6) of grade change is required, or Trees that are to be preserved for Tree inch value which offsets removed Tree inches, shall be Tree Located on the Site Plan.
  - (b) Protected Tree inches that are located within the limits of clearing where: greater than six (6) inches of grade change is required, an Inventory of Trees shall be provided on the Site Plan.
  - (c) Trees preserved for inch value in areas that are outside the limits of clearing may be shown by an Inventory of Trees method for value.
- (2) The Site Plan shall include a tally of Tree inches lost by Removal of Protected Trees.
- (3) All Trees of Specimen size as defined by 4.01.05.D or Historic Trees shall be identified on the Site Plan by Tree Location method.
- (4) A tally of Tree inches of all Protected Trees to be Removed under the final approved Site Plan shall be submitted with landscape plans



illustrating the maximum Tree inches to be reasonable earned by replacement planted Trees. A twenty-five dollar (\$25) per lost Tree inch deficiency charge for any unavoidable loss shall be paid into the St. Johns County (SJC) Tree Bank Fund or replacement with new plantings equal to the number of Tree inches lost before final Development Review approval of the Development site. In the event that the Development site is not adequately Treed, a minimum of eighty (80) Tree inches per acre (or prorated portion) shall exist after completion of Construction.

Construction of commercial projects shall be exempt from payment in the Tree Bank Fund for lost Tree inches provided:

- (a) The project meets or exceeds the minimum eighty (80) Tree inches per acre, and
- (b) All efforts have been reasonable made to replant within the Development Area, and
- (c) Any increase in paving above minimum standards must be approved by the Environmental Division.

Construction of Regional Parks shall be exempt from payment into the Tree Bank Fund for lost tree inches upon demonstration that all reasonable efforts have been made to replant within the Development Area. This exemption does not alleviate the requirement to meet the minimum eighty (80) Tree inches per acre requirement as noted above.

b. For Development of Lot areas within Subdivisions

- (1) No Land Alteration is allowed in Lot areas which require less than six (6) inches of grade change.
- (2) All Lot areas that require more than six (6) inches of grade change shall include an Inventory of Trees of all Protected Trees within said area, and they shall be considered lost.
- (3) Mitigation for all Protected Trees lost shall be by one of the following methods:
  - (a) The total tree inches lost from the Lots are reduced by the calculated tree inches to be planted on the Lots, as calculated on the Neighborhood Site Plan. The balance of removed tree inches are to be paid into the Tree Bank fund at twenty-five dollar (\$25) per lost Tree inch, at the time of Construction Plan approval.

EXAMPLE: Total Tree inches Removed minus NSP Tree inches equals balance of Tree inches.

- (b) The total Tree inches shall be replaced by new plantings outside the future Building Restriction Lines of each Lot.
  - (4) Building Lot areas developed under this provision shall be grassed within thirty (30) Days after completion of the filling and grading of such Building Lots.
  - (5) All Trees of Specimen size as defined by 4.01.05.D or Historic trees shall be identified on the Site Plan by Tree Location method.
  - (6) A minimum of forty (40) Tree inches per acre shall exist after completion of Construction.
- c. Development of Individual Residential Lots
  - (1) No Land Clearing or Protected Tree Removal shall be allowed before receiving an approved Site Plan. Applications for such approval shall be submitted complete with a scaled detailed Site Plan showing all Lot characteristics and dimensions, all existing and proposed Construction Improvements, all fill including septic mounds, onsite sanitary disposal tanks and any wells. On any portion of a Lot with less than six (6) inches of grade change, said Site Plans shall also show in their proper approximate location all existing Protected Trees which shall thereafter be protected and saved during Building Construction to minimize future expense in planting Trees necessary to meet the forty (40) Tree inches per acre requirement.
  - (2) For purposes of this Code, all Protected Trees in any area with six (6) inches or more grade change shall be considered Removed and no Tree inches shall be given for such Trees. At Final Inspection County personnel shall verify forty (40) Tree inches per acre exist, either preserved or planted in the Lot area.
- d. For Right of Way or Utility Construction projects (no other proposed Construction)
  - (1) The Limits of Construction shall only include the required Right of Way, drainage ways, impoundments, and Easement areas.
  - (2) All Trees of Specimen size as defined by 4.01.05.D or Historic Trees shall be identified on the Site Plan by Tree Location method.
  - (3) An Inventory of Trees shall be provided of all Protected Trees, and the total Protected Tree inches are to be replaced by payment into the Tree Bank fund at a rate of twenty-five dollars (\$25) per inch, or at the Developers option, replacement Tree inches planted within the site area.
  - (4) A minimum of forty (40) Tree inches per acre shall exist after completion of Construction.

Construction for Arterial and Collector roadways shall be exempt from payment into the Tree Bank Fund for lost tree inches upon demonstration that all reasonable efforts have been made to replant within the Development area. This exemption does not alleviate the requirement to meet the minimum forty (40) Tree inch requirement as noted above.

2. For Erosion Control

If Land Clearing is intended, an erosion control plan per Section 4.01.05.C.1.b. shall be submitted at the time of the Permit application. The Permit application shall be submitted and processed concurrently with Site Plan review or Subdivision review. The Site Plan or Subdivision plan shall be prepared in a manner to allow ready comparison with the Tree Survey in order to assess whether the cited criteria have been met. All items shown shall be properly dimensioned, scaled and referenced to the property lines, and setback or yard requirements provided.

3. Permit Expiration

Any Permit issued shall remain valid for a period consistent with the Development Review Committee Site Plan approval. The County Administrator may require reapplication and full review in those cases where site conditions have changed substantially from the date of issuance of the initial Permit.

G. Determination of Protected Area

The County Administrator shall review each application, and may inspect each site, for the purpose of making a determination as to the appropriate measures to protect the Protected Area on a given site. The Protected Area shall be the Drip Line of a Protected Tree. A Tree Protection Barricade shall be installed at the Drip Line, unless an alternative is approved by the County Administrator. No Land Clearing or Tree Removal shall begin until after the Protection Barricades are installed and the Barricades shall remain in place until after completion of Construction. Any preserved Tree damaged during Construction will be considered Removed and will have to be replaced. Damage may include, but is not limited to, mechanical damage resulting in the removal of bark, limbs, leaders, and sign attachment, or root damage resulting from grade changes, Utility installation, excessive scraping, removal of Understory, and compaction from heavy machinery.

**Sec. 4.01.06 Environmentally Sensitive Areas - Wetlands, Estuaries, and Natural Water Bodies**

A. Activities Prohibited, Allowed

1. Land Alteration activity which destroys, reduces, impairs or otherwise adversely impacts a Wetland or Natural Water Body shall be prohibited unless specifically authorized and permitted by all applicable state and federal permitting agencies having jurisdiction.
2. Notwithstanding the provisions of Section 4.01.06.B.1. and 2., a minimum natural vegetative Upland Buffer of fifty (50) feet shall be required and maintained between

developed areas and the St. Johns River, Matanzas River, Guana River, or Tolomato River, regardless of any other regulatory agency requirement of a lesser distance. This requirement shall also apply to the portions of tributaries, streams, or other water bodies connected to the St. Johns River, Matanzas River, Guana River, or Tolomato River. Such portions of these tributaries, streams, or other water bodies shall be established by the mean high water line of the applicable tributary, stream or other water body and such mean high water line shall be depicted on all Site Plans, Development plans, and other documents submitted to authorize the review for Development. The fifty (50) foot Upland Buffer shall be measured from the St. Johns River Water Management District or Florida Department of Environmental Protection Wetland jurisdictional line. It is the objective of this requirement that a minimum fifty (50) foot Upland Buffer be established in all areas except for those circumstances where an averaging of the buffer width, because of an unavoidable buffer reduction, achieves a greater overall Upland Buffer width. In no instance shall the Upland Buffer be less than twenty-five (25) feet, except for those areas adjacent to unavoidable wetland impacts. In all cases, the applicable buffer shall be depicted on all Site Plans, Development plans, and other documents submitted to authorize the review for Development. Upland Buffers shall be maintained in their natural vegetated condition. Native vegetation removed or destroyed within the Upland Buffer in violation of this Code shall be restored. These areas shall be replanted with comparable native vegetative species as were removed or destroyed.

3. Any Wetlands, Estuaries, and Natural Water Bodies required to be protected from Development under an applicable Permit shall be designated Conservation Area on all Development Plans and plats. Any allowable Uses approved in the Permit within the Conservation Area shall be noted on such Development Plans and plats.

#### B. Buffers and Setbacks

In accordance with policies of the Coastal/Conservation Element of the Comprehensive Plan, for any new Development after the adoption of this Code, the following Upland Buffers and setbacks are established.

1. Except as provided in Section 4.01.06.A.2., a minimum twenty-five (25) foot natural vegetative Upland Buffer shall be required and maintained between developed areas and Contiguous Wetlands to protect the water quality of the Wetlands. The twenty-five (25) feet shall be measured from the St. Johns River Water Management District or Florida Department of Environmental Protection Wetland jurisdictional line. It is the objective of this requirement that a minimum twenty-five (25) foot Upland Buffer be established in all areas except for those circumstances where an averaging of the buffer width, because of an unavoidable buffer reduction, achieves a greater overall Upland Buffer width. In no instance shall the Upland Buffer be less than ten (10) feet, except for those areas adjacent to unavoidable Wetland impacts such as road crossings. In all cases, the applicable Buffer shall be depicted on all Site Plans, Development plans, and other documents submitted to authorize the review for Development. Upland Buffers shall be maintained in their natural vegetated condition. Native vegetation removed or destroyed within the Upland Buffer in violation of this Code shall be restored. These areas shall be replanted with comparable native vegetative species as were removed or destroyed.

2. In addition to the requirement of Section 4.01.06.B.1, a twenty-five (25) foot setback shall be required for all Parcels of land adjacent to Contiguous Wetlands, except where a 50 foot Buffer is required in Section 4.01.06.A.2. Reduced (no minimum) setbacks may be allowed within the portion of the Parcel to be developed except for residential, as approved by the County Administrator using acceptable environmental evaluation practices. Provided there is no encroachment into the required Upland Buffer, all Accessory Uses, as provided in Section 2.02.04 shall be permitted within this setback, except Buildings which have a permanent foundation. Such Accessory Uses shall be subject to the requirements of this Code. Further, provided there is no encroachment into the Upland Buffer, this setback requirement shall not apply to: the installation of a sprinkler system, Utility line, landscaping, fencing, and gazebos; the Construction of a road essential for access and the Construction of a stormwater retention or detention basin or other stormwater related Structure; the Construction of a recreational trail, golf cart path, or similar Structure; and any necessary grade finishing to provide a gradual slope between the setback line and the Upland Buffer.
3. The twenty-five (25) foot setback requirement from the Upland Buffer as required in Section 4.01.06.B.2 shall not be required for residential lots adjacent to Contiguous Wetlands when the required Upland Buffer is not included within the platted lots. In this instance, residential lots are subject only to the applicable zoning district minimum setbacks.

C. The following criteria shall be applied when reviewing the Upland Buffer:

1. As established in Section 4.01.02.E or Section 4.01.06, the applicable Upland Buffer shall be required for all Contiguous Wetlands. In instances where Upland Buffer averaging is utilized the applicable minimum Upland Buffer shall be maintained in conjunction with achieving a greater overall Upland Buffer width.
2. All required valid and unexpired permits from state and federal regulating agencies shall be provided to the County prior to commencement of Construction.
3. In an area where the Upland Buffer is or will be comprised of fill material, or the bank of a stormwater system, with permits by state and federal regulating agencies, the area shall be reestablished as a natural Upland Buffer by the replanting of plants that are natural and native to the original ecological community. Turf grasses and exotic or non-native plants are expressly prohibited. Upland Buffer planting plans shall be provided with the Development application.
4. A request for a Variance to Section 4.01.02.E or Section 4.01.06 of the Land Development Code for the purposes of unavoidable wetland impacts may be administratively approved by the County Administrator in conjunction with an application for Development review upon finding that all of the following criteria are met:
  - a. All required valid and unexpired permits from state and federal regulating agencies have been issued and are provided with the Development application or will be made a contingency for variance approval.

- b. The Variance request is limited to:
  - (1) A road crossing.
  - (2) Public infrastructure and Utility crossings or rights-of-way that are related to transmission or conveyance of a service.
  - (3) A driveway on a Legal Lot of Record to a single-family residence.
  - (4) A wetland impact as permitted by state and/or federal regulating agencies.
  - (5) Necessity similar to circumstances above, where absent a variance, there could be no reasonable use of the property.
- c. A Variance shall not be approved for self-created hardships such as, but not limited to:
  - (1) Placing a road crossing, Utility crossing, rights-of-way, driveways, or other features in wetlands instead of uplands for the sole purpose of providing additional upland area for Development.

D. Development

- 1. All new Development impacting these areas shall be designed and constructed to federal, state and County specifications to minimize stormwater and pollutant discharge.
- 2. All new Development impacting these areas shall meet the standards and requirements of Part 6.04.00, Roadway, Drainage & Utility Standards and Part 3.03.00, Flood Damage Control Regulations.
- 3. Pursuant to policies of the Coastal/Conservation Element of the Comprehensive Plan, users of septic tank systems shall be required to connect to central sewer systems once service becomes available in that area, as required by applicable Utility ordinances and this Code.
- 4. The County shall protect Estuaries, Wetlands, and Natural Water Bodies by ensuring compliance with Florida Department of Environmental Protection standards for Wastewater discharge into Class II and III waters.

E. Silviculture activities within these areas shall follow practices outlined in the following:

- 1. "Silviculture Best Management Practices 1993", as updated, Florida Department of Agriculture and Consumer Services, Division of Forestry.
- 2. Comply with the requirements of Chapters 373 and 403, F.S.
- 3. Comply with the St. Johns River Water Management District Silviculture Rule, Chapter 40C-400.500, F.A.C.

**Sec. 4.01.07 Environmentally Sensitive Areas - Significant Natural Communities Habitat; General Provisions**

- A. Section 4.01.07 provides standards and guidelines for the protection of Significant Natural Communities Habitat.
- B. Onsite Conservation shall be considered the most desirable alternative to protect Significant Natural Communities Habitat and plant and wildlife species located within these areas. However, there are provisions to provide Offsite Conservation as an alternative.
- C. Significant Natural Communities Habitat shall be identified, and areas to be established as Preservation shall be designated Conservation Area on all Development Plans and plats equal to or greater than ten (10) acres in size.
- D. Land Alteration activity which destroys, reduces, impairs or otherwise adversely impacts a Preservation Area shall be prohibited unless specifically approved by the Board of County Commissioners, or exempted in Section 4.01.02.D.
- E. Development Projects equal to or greater than ten (10) acres in size containing Significant Natural Communities Habitat shall provide protection of the Significant Natural Communities Habitat as provided below:
  - 1. Ten percent (10%) of the Significant Natural Communities Habitat contained within the Development Project shall be established as Preservation. Onsite Conservation of Listed Species Essential Habitat may also be required subject to the requirements of Section 4.01.08. However, in no instance shall the total amount of upland required to be established as Preservation for Significant Natural Communities Habitat or designated for Onsite Conservation for Listed Species Essential Habitat exceed ten percent (10%) of the total upland area of the Development Project, unless required by a federal or state regulatory agency with jurisdiction.
  - 2. Where establishment of Preservation areas within a Development Project, as required above, results in small, fragmented areas with limited habitat value, as determined by the County Administrator in coordination with applicable state or federal agencies, Offsite Conservation shall be allowed.
- F. Silviculture activities within these areas shall follow practices outlined in the following:
  - 1. "Silviculture Best Management Practices, 1993", as updated, Florida Department of Agriculture and Consumer Services, Division of Forestry.
  - 2. Comply with the requirements of Chapters 373 and 403, F.S.
  - 3. Comply with the St. Johns River Water Management District Silviculture Rule, Chapter 40C-400.500, F.A.C.
- G. In accordance with policies of the Coastal/Conservation Element of the Comprehensive Plan, St. Johns County has identified rare species and natural communities within the County. The following is a list of Imperiled Habitats within St. Johns County, hereinafter

referred to as Significant Natural Communities Habitat as provided by Florida Natural Areas Inventory.

Imperiled Habitats are:

1. Beach Dune
2. Coastal Grasslands/ Coastal Strand
3. Xeric Hammock
4. Maritime Hammock
5. Sandhill
6. Scrub

- H. A determination of the existence, type, and extent of any Significant Natural Communities Habitat shall be made by the County Administrator in conjunction with appropriate state or federal agencies, by conducting an evaluation upon submission of an application for a Development Permit on all Development Parcels equal to or greater than ten (10) acres in size.

**Sec. 4.01.08 Environmentally Sensitive Areas - Threatened or Endangered Species and Species of Special Concern**

A. Intent and General Provision

1. This Section provides standards and guidelines for the protection of Threatened or Endangered Species or Species of Special Concern, hereinafter referred to as Listed Species in St. Johns County. It is intended that implementation of the provisions in this Section preserve Essential Habitat based on the species and their habitat needs, in order to maintain viable populations of the species.
2. Identification of Listed Species occurrences in St. Johns County shall be obtained from the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, and Florida Department of Agriculture and Consumer Services for Conservation purposes and Development of wildlife corridors and Greenways.

B. Listed Species

1. Pursuant to policies of the Coastal/Conservation Element of the Comprehensive Plan, any Development which has the potential to endanger Florida manatee or Florida manatee habitat must first ensure compliance with all applicable Florida Department of Environmental Protection regulations before seeking a Development Permit.
2. All species of Marine Turtles which nest on the sand beaches fronting the Atlantic Ocean shall be protected from human interference including beach renourishment, beach front lighting, coastal Construction, mechanical beach clearing, and unregulated vehicular traffic during turtle Nesting Season, in accordance with



policies of the Coastal/Conservation Element of the Comprehensive Plan and Section 4.01.09 of this Part for beach lighting requirements.

3. To protect nesting Marine Turtles and their Hatchlings, the following activities are prohibited on the beach at sunset to sunrise during the Nesting Season (May 1 to October 31):
  - a. Campfires or bonfires
  - b. Any transient lighting, such as flashlights, torches, and gas lanterns, used to purposely illuminate nesting Marine Turtles or Hatchlings. This prohibition does not apply to individuals with appropriate Permits from federal and/or state agencies.
  - c. Horseback riding on the beach during the Nesting Season shall be allowed only seaward of the most high-tide line on the beach during times when such riding is otherwise allowed.
  - d. Permanent Marine Turtle information Signs shall be posted at all public and multi-family private beach access points provided with Dune crossovers by the persons or entities that control such beach access points (the "Property Owner"). The Signs shall be:
    - (1) Standardized by the County.
    - (2) Supplied by the County at cost to private Owner(s) requiring such Signs.
    - (3) Installed so that they are conspicuous to persons accessing the beach at that particular point.
    - (4) Maintained in perpetuity by the private Owner(s) such that information printed on the Signs remains legible and conspicuous to beach users.
  - e. Removal of Marine Turtle information Signs by person(s) other than the applicable property Owner or his agent is prohibited.
4. Existing beach access points must comply with conditions of this Section within six (6) months of the effective date of this Code. New beach access points constructed after the effective date of this Code must comply with conditions of this Section prior to issuance of a Certificate of Occupancy or final Building approval, as applicable.
5. When a Listed Species Essential Habitat occurs onsite, the Developer shall protect the habitat by locating and designing proposed Improvements in coordination with the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, and Florida Department of Agriculture and Consumer Services to minimize adverse impact to a viable animal or plant population, nesting pair, or nesting colony and to minimize adverse impact to Listed Species Essential Habitat. Onsite Conservation or mitigation requirements shall be established utilizing the

standards and guidelines of the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, and Florida Department of Agriculture and Consumer Services. However, it is not the intent of this provision to preclude the reasonable use of a Lot or Parcel consistent with this Code.

6. The County Administrator shall conclude that a Listed Species Essential Habitat occurs onsite whenever a species or wildlife has been previously or currently documented to exist on said site by evaluation of the property using survey methodologies as approved by the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, and Florida Department of Agriculture and Consumer Services. This conclusion shall be rebuttable upon a showing of clear and convincing evidence to the contrary.
7. Protection of a Listed Species Essential Habitat shall consist of Onsite Conservation or Offsite Conservation of the habitat, based on the animal or plant species habitat needs, and shall meet the provisions of Section 4.01.12 for Onsite Conservation or Section 4.01.13 for Offsite Conservation.
8. Pursuant to policies of the Coastal/Conservation Element of the Comprehensive Plan, St. Johns County shall work with the Florida Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, St. Johns River Water Management District, along with other applicable public and private agencies to develop a Greenways plan for the purpose of establishing wildlife corridors for Listed Species and the protection of Natural Communities Habitat or Essential Habitat, as well as providing passive recreational opportunities such as trails and canoeing. The Greenways Plan shall include the Development of a connected system of lands through one or more of the following areas: existing and future Conservation areas, Natural Preserves, federal and state owned Conservation and Preservation land, public or private greenways, rails-to-trails, and other appropriate areas.

#### **Sec 4.01.09 Lighting Management For Protection Of Marine Turtles**

This Section establishes a lighting management plan for the protection of Nesting Marine Turtles and their Hatchlings. The following are guidelines for the limitations of new and existing private and public exterior and interior lighting to minimize adverse effects on Marine Turtles.

##### **A. Standards for New Construction**

1. Exterior Light Fixtures on New Construction shall comply with the following requirements:
  - a. Except as otherwise permitted herein, the Point Source of Light or any reflective surface of a Light Fixture on New Construction must not be visible from any point on the surface of the beach and illumination of any area of the surface of the beach is prohibited.
  - b. All Light Fixtures that cast light on the beach shall be shielded, recessed, and/or louvered to avoid possible violation of this Section.

- c. Low-profile Light Fixtures shall be low mounted through the use of bollards, ground level Light Fixtures, or low wall mounts, none of which shall be greater than forty-eight (48) inches from the ground or walkway surface.
  - d. Light Fixtures proposed for the seaward, north and south side of the property must be shielded low pressure sodium lamps of sixty (60) watts or less or bug light bulbs of twenty-five (25) watts or less, amber, orange or red SED lighting, or true red neon lighting.
  - e. Light Fixtures for purely decorative accent purposes shall not be used on the seaward. North and south side of a beach property.
  - f. High intensity Light Fixtures, which may cast light on the beach, such as that proposed for Roadways, Parking Areas and similar applications shall utilize shielded or full cut-off low pressure sodium lamps or amber, orange or red LED lamps. The number of Light Fixtures shall be the minimum for human safety and shall be positioned and mounted in a manner such that the point source of light or any reflective surface of the Light Fixture is not visible from any point on the beach.
  - g. Parking Areas and Roadways, including any paved or unpaved area upon which motorized vehicles will operate, shall be designed and positioned such that vehicular headlights do not directly illuminate the Beach or cast light toward or onto the surface of the beach. Hedges, native Dune vegetation, and/or other ground-level barriers may be utilized to meet this objective.
  - h. Notwithstanding other provisions of this Code, during Construction, temporary security lighting during the Marine Turtle Nesting Season is strongly discouraged. Such security lights shall be shielded and limited to the minimum number and configuration necessary to achieve functional role(s) using low-profile Light Fixtures. Low pressure sodium vapor lamps, low wattage yellow bug lights (25 watts or less), or amber, orange or red LED lamps shall be utilized for this purpose. Under no circumstances shall these lights Directly, Indirectly or Cumulatively illuminate any area of the surface of the beach.
  - i. It is strongly advised that Tinted Glass or Window Film shall be utilized on all windows and glass doors visible from any point on the surface of the beach.
- B. Prior to the issuance of a final County approval or Certificate of Occupancy, for any Improvement on beach front property, compliance with the beach-front lighting standards set forth in this Code shall be approved as follows:
- 1. Prior to receiving a Building Permit for installation of any exterior Light Fixtures which are visible from the beach, the Applicant must obtain approval that the exact type of exterior Light Fixtures to be used complies with this Code.
  - 2. Upon completion of New Construction activities the Permit holder shall request a Night survey of the site with all Light Fixtures turned on.

3. The Night survey shall include inspection findings in writing identifying:
  - a. The date and time of the inspection.
  - b. The extent of compliance with the lighting standards.
  - c. All areas of observed non-compliance, if any.
4. A copy of the inspection findings shall be delivered to the Permit holder.

C. Guidelines for existing Development, including publicly owned lighting.

Permanent exterior Lighting Fixtures on existing Structures installed prior to the effective date of this Code and which create Direct, Indirect, or Cumulative Beach Illumination of the surface of the beach shall be considered as existing Development and the regulations set forth in this Section shall be met to achieve the purpose of this Code.

D. All existing exterior artificial Light Fixtures associated with existing Structures shall meet the following standards during Night hours during Nesting Season each year.

1. No Point Source of Light or any reflective surface of the Light Fixture shall be visible from any point on the surface of the beach.
2. Illumination of any area of the surface of the Beach through Direct or Indirect Illumination is prohibited.
3. Light Fixtures shall have Direct or Indirect Illumination completely shielded from the Beach and shall have non-reflective interior surfaces. Other Light Fixture types that have appropriate shields, louvers, or full cut-off features may also be used if in compliance with this Section.

E. Exterior Light Fixtures, associated with existing Structures, that do not comply with criteria set forth in this Section, shall be modified from May 1st to October 31st each year with one (1) or a combination of the options listed below as necessary to rectify situations not complying with this Section.

1. Reposition the Light Fixture so the Point Source of Light or any reflective surface of the Light Fixture is no longer visible from the surface of the beach.
2. Replace Light Fixtures having an exposed Point Source of Light with Light Fixtures containing recessed, shielded, and/or louvered point sources.
3. Replace all exterior light bulbs with amber, orange, or red colored LED bulbs (25 watts or less), low pressure sodium bulbs, or true red neon lighting.
4. Replace non-directional Light Fixtures with full cut-off Light Fixtures that point down and away from the Beach.
5. Replace Light Fixtures having transparent or translucent coverings with Light Fixtures having opaque shields covering an arc of at least one hundred eighty

(180) degrees and extending below the bottom edge of the Light Fixture so the Point Source of Light or any reflective surface of the Light Fixture is not visible from the surface of the Beach.

6. Replace pole lights with low-profile, low-level, shielded Light Fixtures so that the Point Source of Light or any reflective surface of the Light Fixture is not visible from the surface of the Beach.
7. Replace incandescent, fluorescent and high intensity lighting with the lowest wattage low-pressure sodium vapor lamps possible for the specific application.
8. Plant or improve vegetation buffers between the Light Fixtures and the Beach to screen light from the surface of the Beach.
9. Construct a ground-level barrier to shield the Point Source of Light from the Beach. Ground-level barriers must not interfere with Marine Turtle nesting, or Hatchling emergence, or cause short or long term damage to the Beach/Dune system.
10. Permanently Remove or disable any Light Fixture which cannot be brought into compliance with these standards.

#### F. Security lighting

Nothing in this Section is intended to or shall limit or discourage the use of flood lights or spot lights of any color activated by motion of a person or vehicle on the property. Any such light shall provide illumination for a period not to exceed five (5) minutes each time motion is detected by it.

#### G. Interior Lighting

One (1) or more of the following measures shall be used as necessary to reduce direct, indirect and cumulative beach illumination resulting from the interior light emanating from doors and windows within line-of-sight of the beach from May 1st to October 31st each year during Night hours.

1. Apply Window Tint or Film that meets the standards for Tinted Glass.
2. Rearrange lamps and other moveable Light Fixtures away from windows.
3. Use Window Treatments to shield interior lights from the Beach and, during the Nesting Season, draw operable coverings each Night; and/or
4. Turn off unnecessary lights.

#### H. Cumulative Beach Illumination

Extensive Development with many light sources scattered over a relatively large area, or intense lighting from facilities may result in Cumulative Beach Illumination. Cumulative Beach Illumination shall be corrected through a reduction in the number, decrease in height or the shielding of the Light Fixtures or other provisions as set forth in this Section. Compliance with this Section may be approved by the County Administrator.

I. Transient Lighting

Any transient lighting, such as flashlights, torches, and gas lanterns, which purposely illuminates nesting Marine Turtles or Hatchlings so that it disrupts their behavior patterns is prohibited. This prohibition does not apply to individuals with appropriate permits from federal and/or state agencies.

J. Recreational Facilities

Recreational Facilities shall follow the requirements of Section 6.09.02.G and may not result in Cumulative Beach Illumination.

K. Compliance Inspections, Penalties and Enforcement

Night-time lighting inspections from the beach shall be conducted at the beginning of each Marine Turtle Nesting Season at least monthly during the Nesting Season to determine compliance or violations of this Section. Enforcement procedures shall be pursuant to Part 10.05.00 of this Code.

**Sec. 4.01.10 Habitat Management For The Bald Eagle**

For the purposes of this Section the U.S. Fish and Wildlife Service will henceforward be known as USFWS and the Florida Fish and Wildlife Conservation Commission will henceforward be known as FWC.

A. Intent

The intent of this section is to maintain and/or improve the environmental conditions that are required for the survival and well-being of the Bald Eagle (*Haliaeetus leucocephalus*) in St. Johns County by minimizing potential detrimental impacts on Bald Eagles particularly during the nesting season defined as October 1 to May 15.

B. Management Zones

This section provides Management Zones with prohibitions and standards for the protection of the Bald Eagle in St. Johns County. Limitations of activities that are allowed in the Management Zones around Bald Eagle nest trees are to minimize the adverse effects on Bald Eagles.

1. Primary Zone: This is the most critical area and must be maintained to promote acceptable conditions for Bald Eagles. The Primary Zone shall be an undisturbed area extending in a minimum radius seven hundred fifty (750) feet outward from the nest tree. This area shall be designated Bald Eagle Primary Zone on all Development or Construction plans.
  - a. To protect Bald Eagles the following activities shall be prohibited in the Primary Zone at all times throughout the year except as provided for in Sections 4.01.10.C and D:

- (1) Residential, commercial or industrial Development including but not limited to Buildings, Accessory Uses, roads, sidewalks, bike paths, trails, and recreation areas.
  - (2) The platting of Lots into the Primary Zone except for the platting of open space. Open space includes buffers, common areas, Environmentally Sensitive Areas, Significant Natural Communities Habitat, Conservation areas, preservation areas and similar areas.
  - (3) Land Clearing, Tree Removal, logging, Construction or mining activity except as provided for in section (6) below or Section 4.01.10.D.4.
  - (4) The use of chemicals which are toxic to wildlife.
  - (5) The shining of search lights or spotlights into the Primary Zone unless necessary at the request of and in the aid of emergency service personnel.
  - (6) Unauthorized human entry. Both the County Administrator and the property Owner (which may be the homeowners association) shall approve authorization of entry into the Primary Zone. Appropriate personnel for entry may include forestry personnel, emergency service personnel or other personnel deemed appropriate by the County Administrator, the FWC and the USFWS. Activities which allow entry into the Primary Zone shall be limited to:
    - Emergency service personnel responding to an emergency call. Emergency Service personnel shall not require prior approval for entry into the Primary Zone.
    - Activities related to management of the Primary Zone for Bald Eagle protection.
    - Activities related to habitat and vegetation maintenance necessary to maintain the habitat quality or reduce the risk of fire.
2. Secondary Zone: Restrictions in this zone are needed to minimize disturbance that might compromise the integrity of the Primary Zone and to protect important areas outside the Primary Zone. The Secondary Zone shall be an area extending outward from the boundary of the Primary Zone a minimum distance of seven hundred fifty (750) feet.
- a. To protect Bald Eagles the following standards shall be required in the Secondary Zone at all times except as provided for in Sections 4.01.10.C. and D:
    - (1) Construction shall be limited to single family housing and approved Accessory Uses. No multifamily, office, commercial, or industrial Development shall be permitted.

- (2) No Building of a height greater than thirty-five (35) feet.
- (3) Lots shall be seven thousand five hundred (7,500) square feet or larger.
- (4) The use of chemicals which are toxic to wildlife.
- (5) Retaining trees greater than 20 feet in height, particularly pine trees, shall be encouraged.

b. To protect Bald Eagles the following standards shall be required in the Secondary Zone at all times during nesting season except as provided for in Sections 4.01.10.C and D.

- (1) No Land Clearing or Tree Removal except as provided for in Section 4.01.10.D.4.
- (2) No installation of utilities, stormwater control systems, septic systems, roads, slabs, Building Pads, pools, drilling, digging, grading, or placing forms.
- (3) The following exterior work is prohibited:
  - Structural wood, concrete block or concrete framing.
  - Installation of structural wall sheathing, Building paper or exterior siding that requires impact tools.
  - Roof truss erection, roof framing, roof sheathing, roof dry-in, roof shingles or tiles.
  - Installation of fencing or decks which are installed using impact tools.
- (4) Minimal hand clearing (no power or power assisted equipment) as necessary for surveying is allowed.
- (5) The number of Light Fixtures proposed for roadways shall be the minimum for human safety and shall be positioned and mounted in a manner such that the point source of light or any reflective surface of the Light Fixture is the least intrusive into the Primary Zone.
- (6) Sound or noise, which exceeds the County noise standards, measured at the base of the nest tree, is prohibited. The intent of this standard is to decrease the loud and abrupt noise associated with some types of Construction activities.

C. Additional Considerations



1. If a Bald Eagle nest is documented to be either unused by a Bald Eagle on or after December 1 or abandoned by a Bald Eagle for thirty (30) consecutive Days on or after December 1, Construction otherwise prohibited in 4.01.10.B.2 may resume in the Secondary Zone if approved by the Board of County Commissioners, the FWC and the USFWS. Documentation shall be provided by personnel approved by the County Administrator, the FWC and the USFWS. The following conditions shall be followed:
  - a. Monitoring of the Bald Eagle nest shall be required upon initiation of Construction and shall be conducted by an Approved Monitor approved by the County Administrator, the FWC and the USFWS. The Developer of the property shall be responsible for providing the Approved Monitor.
  - b. Monitoring of the Bald Eagle nest shall be conducted a minimum of two (2) hours per day throughout Construction activities at such times and at such locations as the Approved Monitor may determine appropriate based upon existing conditions.
  - c. Approved Monitors shall promptly submit a written report to the County Administrator, the FWC and the USFWS if the behavior activities of a Bald Eagle may indicate that the nest is being selected for use.
  - d. Upon determination by the County Administrator, the FWC and the USFWS that a nest has been selected by a Bald Eagle for nesting the provisions of Section 4.01.10.B.2 shall once again be enforced.
2. If on May 15 a Bald Eagle nest remains in use by a Bald Eagle's nestling or fledgling the provision of Section 4.01.10.B.2 shall remain in effect until such time that it is documented that the Bald Eagle is self-sufficient and the nest is vacated. This documentation of self-sufficiency shall include information concerning the ability of the Bald Eagle to hunt or collect food on its own and shall be provided by personnel approved by the County Administrator, the FWC and the USFWS. Upon approval by the Board of County Commissioners, the FWC and the USFWS that the Bald Eagle has vacated the nest, Construction otherwise prohibited in Section 4.01.10.B.2 may resume in the Secondary Zone.
3. If a Bald Eagle nest is documented to be unused for a period of five (5) consecutive nesting seasons it may be requested that the nest be declared abandoned. Personnel approved by the USFWS, the FWC and the County Administrator shall document abandonment. The Board of County Commissioners, the USFWS and the FWC must approve the request for abandonment. Following abandonment, any activity in the Primary or Secondary Zones shall be at the direction of the USFWS and the FWC. If an abandoned nest is reoccupied by a Bald Eagle the provisions of Section 4.01.10 shall then apply.
4. An alternative site specific Bald Eagle Management Plan may be developed for a Bald Eagle nest. Any requested change to Section 4.01.10 shall be subject to approval by the Board of County Commissioners. The protection standards in the site specific Bald Eagle Management Plan shall provide Bald Eagle protection equal to or better than the protection provided in Section 4.01.10. The applicant

has the burden of demonstrating reasonable assurance that such protection is provided.

5. If a new (not previously or historically documented) Bald Eagle nest is identified on undeveloped land of an approved Subdivision, DRI, PUD, PRD or any other zoning allowing for Development, the Development of the land shall proceed in accordance with one of the following:
  - a. Conformance with the standards and guidelines of Section 4.01.10.
  - b. Provide an alternative site specific Bald Eagle Management Plan. Any requested change to Section 4.01.10 Management Zones standards and guidelines shall be subject to approval by the Board of County Commissioners.
  - c. Request a Vesting determination as provided for in Section 10.02.03. A Vesting determination 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 upon the land.
6. A Construction permit issued on or after June 1 may be subject to a stop work order if the Construction cannot be completed prior to October 1.
7. No person shall take, pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb any Bald Eagle, alive or dead, or any part, nest, or egg thereof as required by Chapter 68A-27, Florida Administrative Code.

#### D. Exceptions

1. The terms of Section 4.01.10 shall not apply to a Bald Eagle nest if the nest has a Bald Eagle Management Plan approved by the Board of County Commissioners prior to the effective date of this Section and all activities have been in compliance with the approved plan.
2. The terms of Section 4.01.10 shall not apply to those Land Alteration activities which are normal and necessary to conduct Bona Fide Agricultural and Silvicultural Operations but shall follow Bald Eagle protection requirements as established by the FWC and the USFWS for these activities.
3. If a residential structure is damaged or destroyed during or following high winds, violent storms, hurricanes, tornadoes, floods, fires or other natural disasters immediate emergency action necessary to provide for public safety may take place in the Secondary Zone during nesting season. The County Administrator shall be notified of any emergency actions taken. Further, repair or replacement of the damaged or destroyed residential structure may take place in the Secondary Zone during nesting season. All Construction shall be approved by the County and be in accordance with all County requirements and with the Land Development Code.
4. If a Lot is damaged during or following high winds, violent storms, hurricanes, tornadoes, floods, fires or other natural disasters the minimum immediate

emergency action necessary to provide for public safety may take place in the Secondary Zone during nesting season. The County Administrator shall be notified of any emergency actions taken.

5. The terms of Section 4.01.10 shall not apply to those activities or conditions that were documented to exist in a Primary or Secondary Zone prior to the Bald Eagle nest or prior to the effective date of this ordinance. Prior to applying this exemption, the County Administrator shall review all activities proposed to be designated as preexisting and shall approve only those activities determined to be preexisting.
6. The terms of Section 4.01.10 shall not apply to a Lot of Record lying within a County required bald eagle protection zone providing the Lot was recorded prior to the existence of the bald eagle nest. The Lot of Record shall be required to follow state and federal standards and guidelines that regulate Development activities with regard to bald eagle protection and the County shall review for compliance with these state and federal standards and guidelines prior to the issuance of a Building Permit.

#### E. Waivers

1. The Board of County Commissioners may grant site-specific waivers to the provisions in Section 4.01.10. B, C and D or any part thereof to the limited extent necessary:
  - a. To prevent a County taking of private property, or a claim under Section 70.11, Florida Statutes, by action of those provisions that are compensable to the landowner under the law of the State of Florida and the United States of America; or
  - b. Based upon a finding of vesting for the project under the provision of Section 10.02.03 of the Land Development Code; or
  - c. Based upon the applicant providing an alternate Eagle Management Plan being approved by the Board of County Commissioners; or
  - d. To prevent a substantial burden being experienced by a property Owner for a delay that would result in stopping Construction through the nesting season; or
  - e. Based upon a finding that Construction on a residential structure is substantially complete prior to October 1 but due to minor additional Construction activities needed the completion of Construction cannot be accomplished prior to October 1. Minor activities shall be those activities that can be complete no later than thirty (30) Days following approval of the variance.

#### **Sec. 4.01.11 Environmentally Sensitive Areas - Coastal Conservation**

- A. These regulations are in addition to all other regulations in this Code dealing with Development and Conservation in Coastal Areas. In addition, all Development within Coastal Areas in St. Johns County shall comply with regulations in Chapter 161, F.S.,

Coastal Protection, and the Florida Department of Environmental Protection regulations regarding Construction within the Coastal Construction Control Line.

- B. Development within Coastal Areas shall meet the standards and requirements for Roadway, Drainage, and Utilities Standards in Part 6.04.00 and Flood Damage Control Regulations in Part 3.03.00.
- C. It is the intent of St. Johns County, pursuant to policies of the Coastal/Conservation Element of the Comprehensive Plan, to protect the County's Coastal barrier areas, Dunes, and beaches to avoid or minimize Development seaward of the Coastal Construction Control Line.
- D. Seawalls and other shoreline modifications shall be set at, or landward of, the mean high Water Line, except as provided by Chapter 161, F.S. The County and other agencies in compliance with Chapter 161, F.S., shall coordinate in establishing appropriate setbacks.
- E. In accordance with the provisions of applicable Utility ordinances and the requirements of this Code, users of septic tank systems shall be required to connect to public or private sewer systems once service becomes available in that area.
- F. Dredge and Fill

In accordance with policies of the Coastal/Conservation Element of the Comprehensive Plan:

- 1. The Construction of canals and man-made waterways shall not commence construction until all federal and state Permits have been acquired.
  - 2. All approved dredge and fill activities within the Coastal Area shall meet or exceed all applicable federal, state, and local drainage and floodplain standards.
  - 3. All dredge spoil material shall be placed on suitable disposal sites approved by all agencies with jurisdiction.
  - 4. Approved Best Management Practices, published by the Florida Department of Environmental Protection or the St. Johns River Water Management District shall be used before, during and after Construction to reduce siltation and erosion.
- G. Public Beach Access
    - 1. The County shall not vacate or relocate existing Rights-of-Way, Easements, walkways, and other access points to beaches, shores and waterways, without requiring the grant or dedication of equal or greater access points or Easements, pursuant to policies of the Coastal/Conservation Element of the Comprehensive Plan.
    - 2. Private property Owners adjacent to public beach access points, including Easements, shall not be allowed to restrict public access to the beaches through such access points.

3. The County shall protect the accessibility of public beach access points and Easements pursuant to policies of the Recreation and Open Space Element of the Comprehensive Plan.

#### **Sec. 4.01.12 Natural Preserves**

For any rezoning or change in the Future Land Use Map designation on property adjacent to a publicly owned or private, nonprofit Natural Preserve or Conservation area, the County shall consider the compatibility of the requested change with the function, operation, and management of the Natural Preserve or Conservation area. The County shall seek the recommendations of the managing agency or private-nonprofit organization holding title to the land prior to the rezoning or Comprehensive Plan change.

#### **Sec. 4.01.13 Onsite Conservation**

##### **A. Site Selection**

Where alternative Onsite Conservation sites exist within a Development, the site or sites selected for Onsite Conservation shall be the best suited to likely maintain a viable habitat. The selection shall consider the following factors:

1. Ability to protect and manage the site.
2. The size and shape of the site. Emphasis should be on not creating enclaves of Development or areas fragmented by Development.
3. The contiguity of the site with Significant Natural Communities Habitat or Essential Habitat offsite.
4. The existing species population sizes at the site.
5. The life history requirements of the species involved.
6. The proximity and accessibility of the site to other populations of the same species.
7. The compatibility of Conservation of the site with adjacent land Uses.

##### **B. Conservation methods**

1. Onsite Conservation shall be accomplished through the designation of the site as Conservation Area on all Development Plans and plats.
2. The site or sites selected for Onsite Conservation of Essential Habitat shall meet the guidelines and requirements of the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, and Florida Department of Agriculture and Consumer Services which shall be determinative of compliance with the requirements of this Section 4.01.12 for Essential Habitat.
3. A landowner may request that St. Johns County accept a transfer of title (by sale or donation) for the conserved area or a dedication of a Conservation Easement

over the area provided that any Conservation Easement offered by the property Owner meets the requirements of Section 704.06, F.S.

#### **Sec. 4.01.14 Offsite Conservation**

The Offsite Conservation requirement may be fulfilled either directly by conserving land offsite or indirectly by contributing to an Offsite Conservation land bank, as provided below:

##### **A. In-kind Conservation**

1. Offsite Conservation sites shall be the same type of habitat or land which can be restored to the same type of habitat as the natural community, Listed Species, or Essential Habitat being adversely impacted onsite by Development.
2. Offsite Conservation sites for the different habitats shall be biologically manageable and appropriate for the Significant Natural Communities Habitat, Listed Species, Essential Habitat requiring protection, or land which can be restored to such habitat. An Offsite Conservation site for Significant Natural Communities Habitat shall be acre-for-acre compensation for the habitat being adversely impacted on-site by Development, unless a deviation is approved by the County Administrator for the preservation of higher quality habitat off-site than is impacted by Development on-site.

##### **B. Site Selection**

1. The location of Offsite Conservation sites shall be within St. Johns County.
2. Offsite Conservation sites for Essential Habitat shall meet all appropriate acquisition Conservation restoration habitat suitability, manageability, size and other provisions as established pursuant to the guidelines of the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, and Florida Department of Agriculture and Consumer Services which shall be determinative for purposes of establishing Offsite Conservation requirements pursuant to this Section 4.10.13 for Essential Habitat.

##### **C. Conservation Methods**

1. Offsite Conservation sites shall be for the purpose of restoring (if applicable), conserving, and maintaining natural areas in perpetuity.
2. The Developer shall meet the Offsite Conservation acreage requirement through one (1) of the following methods:

###### **a. Land Acquisition**

The Developer may acquire and transfer fee simple title of an appropriate Offsite Conservation site to St. Johns County, a land Conservation governmental agency, or a private, non-profit land Conservation organization.

###### **b. Contribution to an Offsite Conservation land bank**

The Developer may contribute to an Offsite Conservation land bank based upon the land bank's actual cost of acquiring in-kind Conservation lands, plus cost of restoration, if any, plus estimated total cost of management during the life of the land bank, divided by applicable acreage, multiplied by the carrying costs.

c. Conservation Easement

The Developer may acquire through fee simple purchase an appropriate Offsite Conservation site and establish a Conservation Easement in favor of St. Johns County or other land Conservation governmental agency or private, non-profit land Conservation organization in accordance with the requirements of Section 704.06, F.S. When a Developer chooses this option, a Management Plan shall be developed in cooperation with the property Owner which stipulates the limitations on the Use of the land and identifies the habitat management activities and assignments of responsibility.

D. Timing

The Development Permit shall specify the acreage and location of the Offsite Conservation site, the cost and timing of any monetary contributions or offsite acquisitions, the ownership and party responsible for management of the Offsite Conservation site, the location of any onsite Development, including Land Alteration and Construction activities; and shall contain a requirement that any Significant Natural Communities Habitat, Species, or Essential Habitat on the Project site, for which Offsite Conservation is being provided, shall not be disturbed or adversely impacted prior to meeting the Offsite Conservation requirements.

**Sec. 4.01.15 Procedures**

A. Generally

A Development Permit shall be applied for and reviewed pursuant to the Procedure for Issuance of Development Permits in Part 9.01.00, subject to the following:

1. For any Parcel containing a Wetland, Estuary, Natural Water Body, Significant Natural Communities Habitat, or Essential Habitat, no Development Permit shall be issued until the application has also been reviewed and approved in accordance with this Article.
2. To review an application, the County Administrator, in coordination with applicable federal or state agencies, shall conduct onsite inspections, except in cases where adequate information is available to preclude an onsite inspection.
3. Where Trees are located within any Conservation Area, where Land Alteration and Construction activities are proposed, the Rights-of-Way or centerlines of proposed roads, the corners of proposed Buildings, and the locations of proposed stormwater retention or detention basins, man-made lakes, areas that require fill, and other Improvements shall be rough staked upon submittal of the application

and prior to any onsite inspection. If, upon inspection, roads, Buildings, fill areas, and other Improvements have not been identified, the review shall be suspended until these preparations have been completed.

4. Upon review of the complete application, the County Administrator shall approve, approve with conditions, or deny a Development Permit based upon whether the proposal is in compliance with these Regulations and is necessary for one (1) or more of the following reasons:
  - a. Construct Improvements consistent with proper Development or proper physical Use of a Lot or Parcel pursuant to the requirements of this Code.
  - b. For access to a Lot or Parcel or Construction equipment access to and immediately around proposed Structures or other Improvements.
  - c. For essential grade changes or essential surface water drainage or Utility installations.
  - d. Comply with other ordinances, regulations, or codes of St. Johns County.
  - e. For the welfare of the general public for reasons other than those set forth above.
5. In the event the Development Permit is denied, the County Administrator shall notify the Applicant in writing stating specifically the reasons for denial.
6. The Development Permit shall not be issued until Tree Protection Barricades have been erected around all Trees to be retained within the area where Land Alteration or Construction activities are to occur and, where required, around other vegetation to be preserved. Tree Protection Barricades shall remain in place until Land Alteration and Construction activities are completed, or until commencement of grade finishing and sodding.
7. A Development Permit issued for a land Development Project shall limit Land Alteration activities to approved fill areas, road Rights-of-Way, and drainage and Utility Easements and Rights-of-Way, unless otherwise authorized. A separate Lot Grading and/or Building Permit shall be required to undertake Land Alteration activity on individual residential Lots containing Trees or other vegetation.
8. If appropriate, the following requirements shall be addressed through Permit conditions:
  - a. Hauling of Excavated material shall not adversely impact public roads and bridges located along the haul route. The County Administrator shall require the Owner of the land from which material is to be Excavated to construct a paved exit/entry apron at the point of access to a public road if such an apron is needed to protect the road from damage.
  - b. Trucks hauling Excavated material on a public road shall be covered and their tailgates securely latched to minimize dust. The Owner of the land



from which material is being Excavated shall maintain in a satisfactory condition any dirt road segment of the designated haul route.

- c. The County Administrator shall impose reasonable restrictions on the hours and Days of hauling operations when such restrictions are necessary to protect the public health, safety and welfare.

**B. Submittals**

The application for a Development Permit shall contain information as prescribed in the Development Review Manual.

**C. Permit Compliance**

1. A copy of the Development Permit or Development Order shall be posted onsite during Land Alteration activities.
2. The County Administrator may conduct periodic inspections of the site to determine compliance with the Development Permit or Development Order.
3. No Certificate of Completion or Certificate of Occupancy, if required, shall be issued until the County Administrator has determined upon final inspection that the Land Alteration activity was undertaken according to the approved plan and the Development Permit or Development Order, if required.
4. Any Tree planted in accordance with these regulations shall be replaced by the current property Owner if the Tree dies. DBH inch-for-inch replacement shall be provided.

**D. Permit Duration and Extension**

A Development Permit or Development Order shall be effective for a period of two (2) years after issuance unless otherwise specified on the Permit. A two (2) year Permit extension may be granted by the County Administrator within thirty (30) Days after receipt of a written request indicating why an extension is necessary and upon the County Administrator's review of the Project's work schedule, progress and compliance with Part 4.01.00 of this Code. Any Permit not used within the prescribed time limit shall become void and future work shall require a new application.

History: Ord. 1999-60; Ord. 2000-24; Ord. 2001-39; Ord. 2001-63; Ord. 2002-42; Ord. 2005-20; Ord. 2005-118; Ord. 2006-66; Ord. 2006-123; Ord. 2009-2; Ord. 2009-28; Ord. 2012-2; Ord. 2012-23; Ord. 2013-26; Ord. 2015-14; Ord. 2017-17; Ord. 2020-23; Ord. 2022-57

# ARTICLE V DEVELOPMENT OPTIONS

## 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. 5.01.04 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.



5.02.02

- 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

### **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 and/or length of the driveway; provided, the face of the garage shall be a minimum of twenty-five (25) feet from the edge of any sidewalk; Fifteen (15) foot Front Yard setback to non-garage portion of the structure;
- 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 twenty (20) acres; and
  - 2. Within lands designated as Rural/Silviculture (R/S), the minimum PRD size shall be forty (40) 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 immediate 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. However, if the members of a Family Farm Use wish to terminate the Family Farm Use and create additional residences not limited to immediate family, they would be subject to the provisions outlined in Section 6.08.17.

#### **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 except those residential Developments that maintain a Workforce Housing Zoning designation.

#### **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

<b>OPTIONAL DENSITY BONUS</b>	
<b>Optional Density Based On Acres or Action Taken</b>	<b>Density Bonus Factor</b>
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.



## Part 5.11.00 WORKFORCE HOUSING ZONING DESIGNATION

### Sec. 5.11.01 Purpose

- A. The purpose and intent of this zoning district is to encourage the development of a mixture of housing types within a residential land use that is affordable to the low to moderate income households (local workforce). Those developments that provide at least thirty percent (30%) of their overall units for Workforce Housing would be eligible to utilize flexible development standards and increased density within certain Future Land Uses.
- B. These regulations are intended to encourage the development of affordable housing units by assisting both the public and private sector in making the provision of these units economically viable, while providing assurances to the County that these units will be affordable to the low to moderate income households.

### Sec. 5.11.02 Applicability

- A. Residential Developments wishing to rezone to the Workforce Housing Zoning designation would be subject to meeting the following criteria:
  - 1. A minimum of thirty percent (30%) of the overall number of dwelling units onsite would be required to be workforce housing units; and  
  
For workforce units offered for sale, a deed restriction shall be recorded which requires (1) that homebuyers are owner-occupants and (2) the sales prices shall not exceed the Maximum Initial Sales Price, as defined in Section 5.11.03, for a period of two (2) years from the date of initial sale.
  - 2. For workforce units offered for rent, a deed restriction shall be recorded which requires that the rental rate shall not exceed the Maximum Rental Rate, as defined in Section 5.11.03, for a period of five (5) years from the date of issuance of the certificate of occupancy for the final building.

### Sec. 5.11.03 Definitions

*Workforce Housing* is the missing Workforce housing in St. Johns County capable of being purchased or rented by a household within the upper low to moderate income categories (as defined by the Federal Housing Authority).

Maximum Initial Sales Price for Workforce Housing offered for sale is \$260,000. The base maximum sales prices shall be adjusted by the Annual Average Construction Cost Index as published by the Engineering News-Record in June of each calendar year, not to exceed a three (3) percent increase/decrease. Beginning in 2024, any adjustments to the Maximum Initial Sales Price for Workforce Housing shall be effective on July 1<sup>st</sup> and each calendar year thereafter. Adjustments to the Maximum Initial Sales Price will always be calculated using the base price of \$260,000.

The Maximum Initial Sales Price, as calculated above, may be increased by an amount not to exceed \$7,000.00 to include the value of any credits, contributions or costs paid by seller on

behalf of the initial buyer for qualified costs. Qualified costs include interest rate buydowns, mortgage origination charges or fees, processing fees, appraisal fees, survey charges, recording fees, Florida deed stamps, Florida intangible taxes, Florida mortgage stamps, prepayments for buyer's escrow account items including homeowner's insurance, mortgage insurance, and property taxes, prepaid solid waste fees, title insurance including endorsements, costs or contributions associated with down payment assistance programs, closing settlement charges, homeowners association charges or contributions, upfront mortgage insurance and discount points but not including real estate commissions. The resulting price will be the Adjusted Maximum Initial Sales Price.

The Maximum Rental Rate shall be no more than the rent limits for 70% of Area Median Income, established annually by the State of Florida SHIP program, not inclusive of utilities. The Maximum Rental Rate shall be adjusted annually when the new limits are established by the State.

#### **Sec. 5.11.04 General**

An Applicant will be entitled to additional Dwelling Units in accordance with this Part.

A. Minimum Number of Units to be provided.

1. Workforce Housing shall be provided through the construction of units onsite. The minimum number of deed restricted units to be provided for all ownership development projects shall be thirty-percent (30%) of the overall number of units.
2. For platted projects in the initial phase, at least thirty percent (30%) of all lots platted or units identified would require a deed restriction prior to the issuance of any clearance sheet.
3. Each additional phase shall provide no less than thirty percent (30%) deed restrictions cumulatively of the overall Development.
4. For rental communities, a deed restriction shall be provided prior to the first certificate of occupancy requiring that 30% of the units will not exceed the Maximum Rental Rate for a period of five (5) years after the final certificate of occupancy.

B. Assurances of Affordability

1. Workforce Housing Units Offered for Sale
  - a. Developer shall provide deed restrictions, approved by the County Administrator or his/her designee in writing which shall be recorded with the Clerk of the Circuit Court of St. Johns County encumbering the property with a restriction that limits the gross sales price of the property, with a completed single-family residence, to an amount not to exceed the Maximum Initial Sales Price for the initial homebuyer.
  - b. The initial buyer of each workforce housing unit must occupy the property as their primary residence.

- c. No clearance sheet(s) shall be issued prior to recordation of the deed restriction.
  - d. Every clearance sheet must demonstrate that at least 30 percent of the previously approved, or concurrently approved clearance sheets within the plat are designated workforce.
  - e. On or before July 1 of each year, Developer shall provide a demographic report to the County Administrator stating the number of Workforce Housing units sold that year, the sales price for each unit and the initial buyer's employment, if they are employed in any of the following professions: law enforcement, first responder, education, government, health care or hospitality. The annual report is required each year until all Workforce Housing units have been sold to initial buyers.
2. Workforce Housing Offered for Rent
- a. For workforce housing units offered for rent, the Developer shall provide deed restrictions, approved by the County Administrator or his/her designee in writing which shall be recorded with the Clerk of the Circuit Court of St. Johns County, that limits the rental rate for Workforce Housing units to an amount not to exceed the Maximum Rental Rate as defined in Section 5.11.03, except that a tenant's rental rate for the first year shall not be increased for the second year, if the lease is renewed. The same tenant's rental rate may be increased up to the Maximum Rental Rate after the second lease term.
  - b. For platted projects, the deed restriction for rentals shall be recorded prior to issuance of the first clearance sheet.
  - c. For unplatted projects, the deed restriction shall be recorded prior to issuance of the first certificate of occupancy.
  - d. On or before July 1 of each year, the Property Owner shall provide a demographic report to the County Administrator stating the number of Workforce Housing units leased that year, the rental rate for each unit and the tenant's employment, if they are employed in any of the following professions: law enforcement, first responder, education, government, health care or hospitality. The annual report is required each year until a period of six (6) years after the final certificate of occupancy.

#### **Section 5.11.05 Development Standards**

In order to reduce costs associated with the development and construction of Workforce Housing, the property development standards set forth in this section are established for the Workforce Zoning designation. These site development standards represent a relaxation of standards normally applied to housing that are established in order to facilitate and promote the development of Workforce Housing. As further encouragement to develop Workforce Housing

beyond the relaxation of site development standards, the County may also offer an increase in density provided for in this Section.

A. Lot Size

1. Single Family Dwellings – 3,000 square feet
2. Duplex/Townhomes – 1,300 square feet
3. Multi-family – 1,400 square feet

B. Lot Width

1. Single Family Dwellings – 30 feet
2. Duplex/Townhomes – 14 feet
3. Multifamily – 14 feet; 20 feet for end units

C. Setbacks

1. Single Family

- i. Front – 10 feet; 20 feet to face of garage and provided the face of the garage shall be a minimum of twenty-five (25) feet from the edge of the sidewalk.
- ii. Side – 5 feet, with a minimum of 10 feet between structures.
- iii. Rear – 10 feet

2. Duplex

- i. Front – 10 feet
- ii. Side – 0 feet; end of structure to property line 5 feet
- iii. Rear – 10 feet

3. Townhomes

- i. Front – 10 feet
- ii. Side – 0 feet; end of structure to property line 10 feet
- iii. Rear – 10 feet

4. Multi-family

- i. Front (w/sidewalk) – 22 feet from the edge of sidewalk to the garage face and 15 feet from the property line to the building.
- ii. Front (without sidewalk) - 22 feet from the back edge of the curb to garage face and 15 feet to building.
- iii. Side – 0 feet; 10 feet for end units.
- iv. Rear – 10 feet.

Setback Encroachments – Certain architectural features, such as eaves, bay windows and projecting fireplaces, which may occupy a portion of a building footprint, may project not more than eighteen (18) inches into required front, side, and rear yards. Mechanical equipment, such as air conditioning units, pumps, heating equipment, solar panels, and similar

installations, and screening and housing for such equipment, may project into the required rear yard, but shall not be located within five (5) feet of any lot, and may not project into the required front or side yard.

D. Lot Coverage

1. Single Family/Duplex - 50%
2. Multi-family – 70%

E. Impervious Surface Ratio

1. Single Family - 70%
2. Multi-family - 70%

F. Density

Within the Workforce Zoning District an increase in density shall be allowed within certain Future Land Use designations. Those rezoning to the Workforce Zoning designation may increase density within the following Future Land Use Districts:

1. Residential B (Res-B) Land Use – maximum of six (6) dwelling units per acre.
2. Residential C (Res-C) Land Use – maximum of six (6) dwelling units per acre.
3. Residential D (Res-D) Land Use – maximum of thirteen (13) dwelling units per acre.
4. Mixed Use Land Use – maximum of thirteen (13) dwelling units per acre.

G. Expiration of time limits

In the event the development within this zoning category has failed to commence construction within three (3) years, the property shall revert automatically back to the prior zoning district category that was maintained prior to the rezoning of the subject parcel(s) to the Workforce Zoning designation. At any time before three (3) years from the effective date of the ordinance, the owners/applicant may apply for an extension of time limits and such application shall proceed and be processed in the same manner as a standard rezoning application.

History: Ord. 2000-43; Ord. 2000-58; Ord. 2003-90; Ord. 2005-20; Ord. 2009-2; Ord. 2009-44; Ord. 2010-17; Ord. 2010-23; Ord. 2010-53; Ord. 2013-26; Ord. 2015-14; Ord. 2017-40; Ord. 2019-84; Ord. 2020-31; Ord. 2021-53; Ord. 2021-55; Ord. 2023-24

<p style="text-align: center;"><b>ARTICLE VI</b> <b>DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS</b></p>
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**PART 6.00.00 GENERALLY**

This Article contains the minimum design standards and Improvement requirements that apply to all Development in St. Johns County. The standards or requirements in this Article may be supplemented or superseded by more stringent standards or requirements associated with specific Development criteria addressed in other Articles of this Code.

**PART 6.01.00 DISTRICT PERFORMANCE AND DIMENSIONAL STANDARDS**

**Sec. 6.01.01 Schedule Of District Area, Height, Bulk, and Placement Regulations**

Except as specifically provided elsewhere in this Code, regulations governing the Minimum Lot Width, Minimum Lot Area, Maximum Lot Coverage, Floor Area Ratio, Impervious Surface Ratio, Minimum Yard Requirements, and Maximum Height of Structures shall be established for the districts as shown in the following Table 6.01:

TABLE 6.01

SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT STANDARDS							
Zoning Districts	Minimum Lot Widths	Minimum Lot Area	Maximum Lot Coverage by All Buildings	Floor Area Ratio ➡	Impervious Surface Ratio ➡	Min. Yard Req. ⊗ Front/ Side/Rear	Maximum Height of Structures ⊕
RS-E	150 feet ☼	1 acre ☼	20%	N/A	70%	30/20/20 feet ✦	35 feet
RS-1	120 feet ☼	13,200 square feet ☼	25%	N/A	70%	30/10/15 feet ✦	35 feet
RS-2	90 feet ☼	10,000 square feet ☼	30%	N/A	70%	25/8/10 feet ✦	35 feet
RS-3	75 feet ☼	7,500 square feet ☼	35%	N/A	70%	25/8/10 feet ✦	35 feet
RG-1 SF Dwellings	75 feet ☼	7,500 square feet ☼	25%	N/A	70%	25/8/10 feet ✦	35 feet
RG-1 MF Dwellings	100 feet ☼	6,000 square feet ☼	25%	N/A	70%	20/10/20 feet ✦	35 feet
RG-2 SF Dwellings	75 feet ☼	7,500 square feet ☼	35%	N/A	70%	25/8/10 feet ✦	35 feet
RG-2 MF Dwellings	75 feet ☼	6,000 square feet ☼	Max. Height 35 feet - 27% 45 feet - 25% 55 feet - 23%	N/A	70%	20/10/10 feet ✦	35 feet ◊ #
WH							
-Single Family	30 feet	3,000 square feet	50%	N/A	70%	F - 10 feet; 20 feet to face of garage, 25 feet to edge of sidewalk/ S - 5 feet, 10 feet min bet. structures; R - 10 feet	35 feet
-Duplex	14 feet	1,300 square feet	50%	N/A	70%	F -- 10 feet S -- 0 feet/5 feet to property line R -- 10 feet	35 feet
-Townhomes	14 feet	1,300 square feet	70%	N/A	70%	F -- 10 feet S -- 0 feet/10 feet for end units R -- 10 feet	35 feet
-Multi-Family	14 feet; 20 feet for end units	1,400 square feet	70%	N/A	70%	F (w/sidewalk) - 22 feet from sidewalk; to garage; 15 feet to building F (w/out sidewalk) - 22 feet to garage; 15 feet to building S - 0 feet; 10 feet (end units) R - 10 feet	45 feet
RMH (Manufactured/ Mobile Home Park)	100 feet @ entrance & 200 feet @ portion used for Mobile Home stands ☼	10 acres for Mobile Home Park and 2,500 square feet for each Mobile Home stand ☼	35%	N/A	70%	25/10/10 feet	35 feet

SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT STANDARDS							
Zoning Districts	Minimum Lot Widths	Minimum Lot Area	Maximum Lot Coverage by All Buildings	Floor Area Ratio ➡	Impervious Surface Ratio ➡	Min. Yard Req. ⊗ Front/ Side/Rear	Maximum Height of Structures ⊕
RMH (Manufactured/ Mobile Home Subdiv. and Mobile Home on Individual Lot)	200 feet for the Subdivision & 60 feet for individual Lots ☼	10 acres for the Subdivision & 6,000 square feet for each Mobile Home Lot ☼	35%	N/A	70%	20/8/10 feet	35 feet
RMH-S	75 feet ☼	7,500 square feet ☼	35%	N/A	70%	25/8/10 feet	35 feet
OP	N/A	N/A	N/A	50%	75%	15/5/10 feet	40 feet ◇ # +
CN	N/A	N/A	N/A	50%	70%	20/5/10 feet	35 feet
CHT	100 feet	15,000 square feet	N/A	50%	75%	15/15/15 feet	40 feet ◇ # +
CG	N/A	N/A	N/A	50%	70%	15/5/10 feet	40 feet ◇ # +
TCMU							
Bldg. Type I	N/A	N/A	N/A	80%	75%	Section 3.10.05.C. 1	40 feet@ +
Bldg. Type II	N/A	N/A	N/A	80%	75%	Section 3.10.05. C.2	40 feet @ +
Bldg. Type III	N/A	N/A	N/A	80%	75%	Section 3.10.05 .C.3	40 feet @ +
CI	N/A	N/A	N/A	50%	75%	15/5/10 feet	40 feet ◇ # +
CHI	N/A	N/A	N/A	50%	75%	15/5/10 feet	40 feet ◇ # +
CR	N/A	N/A	N/A	50%	70%	15/5/10 feet	40 feet ◇ # +
CW	N/A	N/A	N/A	70%	75%	15/15/15	40 feet ◇ # +
IW	N/A	N/A	N/A	70%	75%	15/15/15 feet	None * # +
HI	N/A	N/A	N/A	70%	75%	15/15/15 feet	None * # +
PS	N/A	N/A	N/A	N/A	75%	10/10/10 feet	None * # +
OR - Single Family Dwelling or Mobile Home	100 feet ☼	1 acre ☼	35%	N/A	70%	25/10/10 feet	35 feet
OR - All Other Uses	100 feet	1 acre	20%	N/A	75%	25/10/10 feet	None * # +
AD	N/A	N/A	N/A	70%	70%	10/5/10 feet	None * +

N/A = Not Applicable

☼ See Section 6.01.05 for Minimum Lot Area and Lot Width with use of septic tank and/or private well.

\* Maximum height of Structures within Airport Development District is regulated by Federal Aviation Regulations Part 77 and height/distance requirements in Airport Overlay District Part 3.04.00 and Height Regulation Part 6.07.00 of this Code.



- ◇ The Structure may exceed the prescribed maximum height. Five (5) feet additional setback shall be required for each five (5) feet of Structure height above the prescribed maximum height up to a maximum increase of twenty (20) feet.
- # Maximum height of Structures in the Coastal Area is limited to thirty-five (35) feet.
- + Maximum height of Structures is thirty-five (35) feet unless protected with an automatic sprinkler system designed and installed in accordance with the latest edition adopted by the Florida Fire Prevention Code and NFPA 13.
- ⊗ Yard requirements may be modified by additional setback requirements for Lots adjacent to contiguous Wetlands contained in Section 4.01.06 of this Code.
- ⊕ Maximum height of Structures measured from established grade as provided in Height Regulation Part 6.07.00 of this Code.
- @ Maximum Height of Structures for TCMU – See Article III Part 3.10.00 Section 3.10.05.B
- Refer to Section 3.10.10 Incentives For Property Owners Who Restore and Preserve a Qualified Historic Structure
- ✦ For Lots or parcels that are platted prior to *July 29, 1999*, the minimum Yard requirements will be determined by the Building Restriction Lines, if any, shown on the plat. For said Lots or parcels not having Building Restriction Lines recorded on the applicable plat, the Yard requirements will be determined by *Article VI, Table 6.01*.

**Sec. 6.01.02 Reserved**

**Sec. 6.01.03 Lot Width Area and Yard Requirements**

**A. Lots, Measurement of Width**

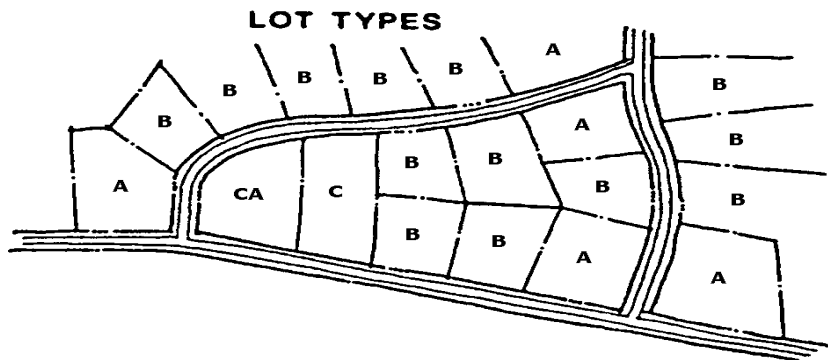
The width of a Lot shall be measured at the most direct angle across the front of the required minimum Front Yard set back line. Provided, however, the width between the side Lots at their foremost points where they intersect with the Street Line shall not be less than eighty percent (80%) of the required Lot width except when a Lot fronts on a cul-de-sac or curve, the Lot width shall be a minimum of twenty-five (25) feet.

**B. Lots, Types**

Figure 6.01 illustrates terminology used herein with reference to Corner, Interior, and Through Lots.

- A - Corner lots
- B - Interior Lots
- C - Through Lots

**FIGURE 6.01  
LOT TYPES**



**C. Lot Frontage**

1. On Interior Lots, the Front of a Lot shall be construed as the portion nearest the Street.
2. On Corner Lots, the frontage of a Lot shall be construed as the shortest boundary to a Street. If the Lot has equal frontage on two (2) or more Streets, frontage shall be determined by the County Administrator in accordance with the prevailing Building pattern, or the prevailing lot pattern, if a Building pattern has not been established.
3. On Through Lots, all portions adjacent to Streets shall be considered as a Front Yard for regulatory purposes.

**D. One Dwelling Unit Per Lot**

For any district in which Single Family residential Uses are allowed, only one (1) Single Family Dwelling Unit shall be permitted per platted or legally unrecorded Lot unless otherwise permitted.

**E. Lot Yards; Methods of Measurement; Special Requirements**

The following rules shall apply with regard to determinations of Yards on Lots:

**1. Yards Adjacent to Streets**

Depth of a required front Yard shall be measured at right angles to a straight line joining the foremost points of the side Lot lines. The foremost point of the side Lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side, and front Lot lines would have met without such rounding, Front and rear Yards shall be parallel.

**2. Front Yards on Interior Lots**

Front Yards on Interior Lots shall be construed as extending between side Lot lines across the frontage of the Lot.

3. Front Yards on Corner Lots

Front Yards on Corner Lots shall be construed as extending across the Lot from each interior side Lot line to the opposite Street Line. Corner Lots are considered to have two (2) Front Yards. The required Front Yard of the second frontage may be reduced by twenty percent (20%). In Subdivisions where non-conforming Lots exist, the second frontage may be reduced by forty percent (40%), provided the residence is constructed on one (1) Lot only.

4. Front Yards on Corner Through Lots

Front Yards on corner through Lots shall be construed as extending across the Lot from the interior side Lot line to a point at which the Front Yards meet. Corner through Lots are considered to have two (2) or more Front Yards, and one Side yard. At least one of the Front Yards must meet minimum setback requirements. The required Front Yard of one or more of the other of the frontages may be reduced by up to twenty percent (20%). In Subdivisions where non-conforming Lots exist, one or more of the other Front Yards may be reduced by forty percent (40%), provided the residence is constructed on one Lot only.

5. Interior Side Yards

Interior Side Yards shall be construed as running from the rear line of the required Front Yard to the front line of the Rear Yard, if required or, if no Rear Yard is required, to the opposite Lot line. The width of a required Side Yard shall be measured perpendicular to the side Lot line and the inner line of the required Yard shall be parallel to such outer line, at the minimum distance therefrom prescribed in district regulations.

6. Interior Side Yards on Through Lots With More Than One (1) Front Yard

Interior Side Yards on Through Lots with more than one (1) Front Yard shall be construed as running to the rear lines of the Front Yards involved, and measurements and requirements shall be as for Section 6.01.03.E.5 above.

7. Interior Side Yards on Corner Lots

On Corner Lots, the Side Yard is the Yard along any Interior Lot line which intersects with a Street Lot line. When a Corner Lot has four (4) sides, the two (2) sides not adjacent to the Streets are both Side Yards and the Lot has no Rear Yard. If the Corner Lot has more than four (4) sides, the Yards along Interior Lot lines which do not intersect with a Street Lot line shall be considered Rear Yards and must meet the district regulations for such Yards. In all cases the restrictions on maximum Lot coverage and maximum impervious area must be met.

8. Rear Yards

Rear Yards shall be construed as extending across the full width of the Lot at its rear, except as stated in Section 6.01.03.E.7. above. Required depth of Rear Yards shall be determined in the same manner as required width of interior Side Yards.

9. No Rear Yard Required on Corner Lots or Lots Providing Two (2) Front Yards

On Through Lots providing two (2) Front Yards, and on Corner Lots (except as stated in Section 6.01.03.E.7. above), there will be no required Rear Yard, and Yards other than those adjacent to Streets shall be construed as Side Yards, as provided in Section 6.01.03.E.7 above.

10. Administrative Waivers for Errors in Yard Measurements

If an error is discovered in the location of a Building or Structure relative to the minimum Yard requirements, the property Owner, or their authorized representative, may file a request for an Administrative Waiver. The review of the request and the final decision shall be made by the County Administrator, and shall be made in conformance with the following criteria:

- a. Approval of the waiver shall not allow the Structure to exceed the required Yard setback more than ten percent (10%).
- b. The corresponding opposite Yard must be larger than required by the same distance as the waiver request (to insure that the waiver is not just an attempt to place a larger Building on the Lot) or the waiver request concerns an intrusion of only a small corner of the Building (such as a house too close to the front of a cul-de-sac Lot such that it violates the Side Yard requirements at the front corner but nowhere else).
- c. Any waiver request which does not meet paragraphs a. and b. above shall be denied an Administrative Waiver and must comply with the Yard requirements or seek a Variance pursuant to Part 9.03.00.

F. Special Yards

A Special Yard, for purposes of these regulations, shall be construed as a Yard other than adjacent to a Street, required to perform the same functions as a Side or Rear Yard, but adjacent to a Lot line so placed or oriented that neither the term "Side Yard" nor the term "Rear Yard," as generally determined, defined, or applied with respect to regular Lots, fits the circumstances of the case. In such instances, the Special Yard shall be considered a Rear Yard unless the County Administrator determines that Side Yard requirements for the district shall apply because of the relationship of the portion of the Lot or Lots, with due regard to the orientation of Structures and buildable areas thereon.

G. Waterfront Yards

1. Waterfront Yards shall be measured from the mean high-water line whenever a mean high-water line falls within the lot lines. For the purposes of determining the maximum lot coverage and density for lots with waterfront yards, the mean high-water line shall be substituted for lot lines wherever the mean high-water line falls within the lot lines. Provided, however, on lots with seawalls the yard shall be measured from the seawall.

2. Waterfront Yards shall equal Rear Yard requirements for the zoning district in which the Lot is located as provided in Section 6.01.01 of this Code.
3. Waterfront Yard requirements may be modified by additional buffer and setback requirements as contained in Section 4.01.06 (Environmentally Sensitive Areas – Wetlands, Estuaries, and Natural Water Bodies) or Part 6.06.00 (Landscaping and Buffering Requirements), or other provisions of this Code.

H. Permitted Projections Into Required Yards

1. Certain architectural features, such as eaves, bay windows and projecting fireplaces, which may occupy a portion of a Building footprint, may project not more than three (3) feet into required Front and Rear Yards, three (3) feet into Side Yards which measure a minimum of eight (8) feet in width, and two and one-half (2.5) feet into Side Yards measuring seven and one-half (7.5) feet in width. No such intrusion is permitted into Side Yards less than seven and one-half (7.5) feet in width.
2. Mechanical equipment, such as air conditioning units, pumps, heating equipment, solar panels, and similar installations, and screening and housing for such equipment, may project into the required Side Yard(s) or Rear Yard(s) but shall not be located within five (5) feet of any Lot, and may not project into the required Front Yard(s).
3. Covered Patios and Covered Pools.

Rear Yard(s)

Covered Patios, Covered Pools and similar Structures, as defined in Article XII, may project into the required Rear Yard but shall not be located within ten (10) feet of any Lot for any Zoning District requiring a Rear Yard setback twenty (20) feet or greater and shall not be located within five (5) feet of any Lot for any Zoning District requiring a Rear Yard setback less than twenty (20) feet.

Side Yard(s)

Covered Patios, Covered Pools, and similar Structures, as defined in Article XII, may project into the required Side Yard but shall not be located within five (5) feet of any Lot.

Through Lots

Covered Patios, Covered Pools, and similar Structures, as defined in Article XII, may project into the required Front Yard which functions as a Rear Yard and has no access to a Street but shall not be located within ten (10) of any Lot.

4. For Through Lots, a Covered Patio may intrude thirteen (13) feet into the required Front Yard which functions as a Rear Yard and has no access to a Street. In no case shall the permitted intrusion of the Covered Patio reduce the Yard provided to less than ten (10) feet.
5. No recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored in a residentially zoned Lot or in any other location

not approved for such Use. Major recreational equipment, including utility trailers and boat trailers, may be parked or stored in a required Rear or Side Yard but not in required Front Yards; provided however, that such equipment may be parked anywhere on residential premises, but not to exceed twenty-four (24) hours during loading or unloading.

I. Minimum Lot Dimension

The minimum dimension of the buildable Lot shall not be less than the required minimum Lot width at the Front Yard. In the case of Lots not meeting the minimum dimension at the minimum required Front Yard defined in Table 6.01, the Front Yard shall be extended to the point at which the minimum dimension is met.

J. Minimum Lot Area

Minimum Lot Area is the minimum square footage required for a Lot by this Code. The Minimum Lot Area shall not include lands waterward of the Mean High Water Line. Roadways or Rights-of-Way provided by the Owner or Developer of the Lot may be included with the zoning Lot for the purposes of calculating Density or Floor Area Ratio, but may not be included in calculating compliance with the minimum Lot area for individual Lots. If a zoning Lot includes different zoning districts, the Minimum Lot Area requirements for each district shall be met.

**Sec. 6.01.04 Zero Lot Line Residential**

A. Generally

This is a residential Lot type that permits a reduction in Lot area by concentrating development in a specific area to allow the remaining land to be used for recreation, open space, preservation of environmentally sensitive areas, or to encourage Affordable Housing opportunities. All Zero Lot Line Developments shall be platted in accordance with the requirements of this Code and Florida Law, shall be served by Central Water and Wastewater Systems, and shall only be allowed within Planned Unit Development Districts approved in accordance with the requirements of Part 5.03.00 of this Code.

B. Single Family Dwelling Design Standards

1. Minimum Lot Area shall be five thousand (5,000) square feet.
2. The Dwelling Unit shall be placed along one interior side property line except where the unit is located at the end of a sequential row of units and cannot be placed on a Lot line without attaching to an adjacent unit. In that event, a minimum spacing of five (5) feet shall be provided from the Dwelling on the adjacent Lot.
3. The Side Yard on the other interior side property line shall be a minimum of fifteen (15) feet excluding connecting elements such as fences or walls.
4. A five (5) foot Easement shall be provided along the Lot perimeter adjacent to a zero setback Dwelling for maintenance of the Structure. The Easement shall be shown on the plat. The roof shall be designed so that water runoff from the Dwelling placed on the Lot line is limited to the Easement area.

5. Minimum Front Yard shall be ten (10) feet for a Dwelling Unit with a side entry garage or carport and twenty-five (25) feet for a front entry garage or carport.
6. Minimum Rear Yard shall be fifteen (15) feet.
7. Maximum Lot coverage by all Buildings shall not exceed fifty percent (50%).
8. Roofs shall not overhang property lines.

C. Townhome Dwelling Design Standards

In Townhome Developments where each Dwelling Unit owner also individually owns the land underlying that unit (as distinguished from Condominium form of ownership or apartment rental units), the following criteria shall apply:

1. All area, height, bulk and placement standards shall apply to the Townhome Building(s) as provided in the applicable Planned Unit Development ordinance.

**Sec. 6.01.05 Minimum Lot Area By Available Utilities**

A. Table of Minimum Lot Area Based on Utilities

In addition to the Minimum Zoning Lot Area requirements specified in 6.01.01, the following regulations shall apply to all new residential Subdivisions (platted or legal and documented Lots of Record existing prior to the initial effective date of this Code are exempt from these requirements). Where there is a conflict with Section 6.01.01, the greater standard shall apply.

TABLE 6.02

<b>Minimum Lot Area and Width Based on Utilities</b>		
<b>Available Utilities</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>
Private Well and Private Septic Tank	43,560 square feet	100 feet
Central Water and Private Septic Tanks	21,780 square feet	100 feet
Private Well and Central Wastewater	10,890 square feet	75 feet

B. Other Requirements

1. No multi-family Use exceeding four (4) units shall use septic tanks.
2. Farm Worker Housing is not subject to the provisions of this Section, but shall be subject to the requirements of Section 2.03.21.
3. A Minimum Lot Area of one (1) acre exclusive of lands waterward of the Mean High Water Line is required for a Single Family or Two Family Dwelling for the use of a septic system within the Coastal Area as shown on the St. Johns County

Comprehensive Plan (platted or legal and documented Lots of Record existing prior to the initial effective date of this Code are exempt from this requirement).



## **PART 6.02.00 SUBDIVISION DESIGN STANDARDS AND GUIDELINES**

### **Sec. 6.02.01 Access**

#### **A. Access to Public Road Required**

1. These regulations shall be in accordance and comply with Roadway standards found in Part 6.04.00 Roadway, Drainage & Utilities Standards of this Code.
2. All Lots within a Platted Subdivision shall have access to a Street dedicated to public use which has been accepted for maintenance by St. Johns County, a municipality, a Community Development District, or the Florida Department of Transportation. Where a proposed Subdivision Lot does not abut such a Street, the Applicant shall provide access in accordance with the requirements set forth within these regulations.
  - a. 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.
3. Any unplatted Subdivision, lot, or parcel proposing access to a publicly owned and maintained road via an Easement or common area shall meet the requirements of Section 6.02.01.B.3.
4. Adequate vehicular and pedestrian access shall be provided to each Parcel. The primary function of local Streets is service to abutting properties. Street widths, placement of sidewalks, pattern of Streets and number of intersections are related to safety and efficiency of access to abutting lands.
5. Local circulation systems and land Development patterns shall not detract from the efficiency of bordering major Streets. This principle may involve control of driveway, intersection placement, and full or partial control of access. Land Development should occur so as to minimize direct access to major Streets (Minor and Major Collectors and Arterials).
6. Design of residential Streets should clearly reflect their local function. These Streets should have an appearance commensurate with their function as local Streets. They should not be over-designed or over-built, i.e. high speed, excessive width, etc.
7. Subdivisions should be designed so as to conform to and take advantage of the topographic and other natural features of the land. Local, state, or federal laws, rules, or regulations in this Code may require the conservation of existing Trees, Wetlands, Natural Water Bodies, wildlife habitat, and other Environmentally Sensitive Areas.

#### **B. Types of Lot Access to a Public Roadway; Standards**

Listed below are the types of Lot Accessways allowed to a publicly-owned and maintained road and the standards that apply:

1. Public Roadway

All Lots within Subdivisions shall abut a Public Roadway dedicated to public use and accepted for maintenance by St. Johns County or shall meet the requirements for a Private Roadway.

2. Private Roadway

To gain access to a Public Roadway, Lots within Subdivisions may abut a Private Roadway privately owned and maintained. When privately owned and maintained Rights-of-Way are proposed, the Site Plan shall show the Rights-of-Way for the use of Lot Owners and to be maintained by the Lot Owners consistent with Private Roadways as defined. Roadways owned or maintained by a Community Development District are considered Private Roadways for the purposes of this Part.

3. Easements for Access

- a. Easements for access to Public Roadways shall only be permitted to serve multi-family residential projects (except Townhomes), non-residential projects, or non-platted residential Subdivisions or Subdivisions requiring plat approval may not access a Public Roadway through an easement.
- b. The Easement shall meet the requirements of Section 6.04.07.B.
- c. The Easement shall be legally sufficient to prevent the Lot or Parcel from being land locked.

C. Access to Beachfront or Riverfront Lands

Whenever a Subdivision is developed on beachfront or riverfront land, such Development shall be carried out so as to provide public access to said beach or river in accordance with Section 161.55(6), F.S., if applicable.

D. Access to Existing or Proposed Adjoining Roadway System

1. Arrangement of Roadways

The arrangement of Roadways in new Subdivisions shall make provisions for the continuation of existing Arterial and Collector Roadways from adjoining areas, or for their projection where adjoining land is not subdivided. Where the Subdivision is adjacent to another Subdivision, property owned by the St. Johns County School Board (currently, or planned as, a school site), or commercial areas, direct access shall be provided for non-motorized traffic where feasible. Residential neighborhoods shall be designed to include an efficient system of internal circulation and Roadway stub-outs to connect into adjacent Developments to link neighborhoods together.

2. Access to Arterial or Collector Roadways

Unless otherwise approved by the County Administrator for good cause, residential Lots in Subdivisions shall not have direct access to an Arterial or Collector Roadway. Residential Lots in Subdivisions that abut an Arterial or Collector

Roadway shall not front on said Roadway and access shall be blocked by a non-access buffer.

3. Access to Local Roads

Residential Lots in Subdivisions shall front on and have direct access to Local Roads only. Local Roads shall be arranged and designed so as to restrict their Use by through and high speed traffic.

4. Continuity of County Maintained Roads

Roads proposed for dedication to St. Johns County must have adequate continuity to other roads owned or maintained by St. Johns County.

**Sec. 6.02.02 Medians and Islands**

A. Allowed

Medians and islands within the road Rights-of-Way are allowed when warranted by traffic conditions and are in conformance with the requirements of the Roadway design requirements of the County.

B. Designation as Park or Recreation Area Prohibited

Medians, islands, and islands in cul-de-sacs shall not be designated as park or recreation areas.

C. Landscaping

Landscaping of medians, islands, and islands in cul-de-sacs shall be in compliance with the Landscaping requirements of the County.

D. Maintenance

Medians and islands shall be shown as separate Parcels/Tracts on the Site Plan and annotated in one of the following ways:

1. "Parcel/Tract \_\_\_\_\_ is private property of \_\_\_\_\_ and is to be maintained by that Owner."
2. "Parcel/Tract \_\_\_\_\_ is dedicated to and will be maintained by the Homeowners Association".

**Sec. 6.02.03 Uniform Roadway Addressing System**

A. Responsibilities and Authorities

An automated system for storing and sharing the uniform addressing roadway data has been implemented. GIS Addressing and SJSO E911 will be responsible for duties related to these activities generally as follows:

1. GIS Addressing:

- a. Naming new roads
  - b. Renaming roads
  - c. Assigning addresses to new parcels and new residential and commercial construction
  - d. Reassigning addresses
2. SJSO E911:
    - a. MSAG/RSAG database maintenance
    - b. Compliance for posting of numbers
    - c. Site collection of addresses
    - d. Change of address notifications
  3. The County Administrator shall have the authority to implement rules and policies consistent with this Section.
  4. Road Naming and Renaming shall be deemed an executive function of the County.

**B. Road Naming Standard**

All roadways in unincorporated areas of St. Johns County and those municipalities within the County that elect to participate in the uniform roadway addressing system shall be named according to the following requirements:

1. The Board of County Commissioners has the authority to name roads, except State road designated by number by FDOT, lying outside the boundaries of any incorporated municipality. (See Section 336.05, F.S.
2. Duplication of roadway names is not allowed. GIS Addressing maintains the official list of existing and reserved roadway names for roadway naming purposes.
3. Names having the same or similar pronunciation but with different spellings are not allowed. Roadway names that "sound alike" such as Main and Maine, Lynwood and Linwood, Pinetree and Pine Tree shall not be permitted.
4. For the purpose of public safety, names are preferred from the English language origin. They shall be easy to pronounce with conventional spellings, and not be confused when spoken or written with other existing roadway names.
5. A roadway running continuously in one (1) direction will have one (1) name only throughout its length.
6. All roadways that serve three (3) or more properties or principal buildings must be named regardless of whether the ownership is private or public.

7. Roadways within multi-structure complexes (e.g., business campus, condominiums, multi-unit apartment complex) should be named and each structure individually addressed.
8. Roadway names that begin with a number shall not be permitted, e.g., First Street, Three Sisters Ct.
9. Special characters in roadway names are not allowed, such as hyphens, apostrophes, or periods, e.g., Bar-B-Ranch Road, Walker's Rd.
10. Directional prefixes (North, South, East, and West) will be used only when necessary to distinguish roadways that are traversing a collector/arterial roadway. Directional suffixes in the roadway name shall not be permitted.
11. Roadway names, including directional prefixes and spaces between words, should be no more than fifteen (15) characters in length to conform to the County Street Sign specifications.
12. No roadway shall be named for a person using their complete legal name, living or dead, without the approval of the Board of County Commissioners. Partial names are acceptable, e.g. Pappy Road, Doty Branch Lane, and Ashley Lane.
13. There will be no spaces between initials in roadway names, e.g., E W Pappy Road.
14. Roadway names containing the word "and" or an ampersand "&" shall not be permitted, e.g., Seek & Find Lane.
15. Roadway names beginning with the articles ("the", "a", "an") shall not be permitted, e.g., The Vinings Dr.
16. Only standard roadway types as recognized and maintained by GIS Addressing shall be used e.g. Street, Avenue, Circle.
17. It is not permissible to differentiate the same roadway name by a roadway type e.g., Washington Street and Washington Avenue.
18. Standard roadway types and directional prefixes used as roadway names shall not be permitted, e.g., Court St, North Blvd.
19. Roadway names which may be offensive (slang, double meanings, ethnic or racial slurs, etc.) shall not be permitted.
20. Roadway names must be verified for availability and reserved with GIS Addressing.

C. Address Number Posting Standard

Each principal building shall have its building number properly displayed, whether or not mail is delivered to such building. It shall be the duty of both the owner and occupant of each building or property to post the assigned number on the property in the following manner:

1. The principal building (address) number shall be affixed to the building on the side that the address is assigned in such a manner so as to be clearly visible and legible from the direction in which normal vehicular access to the building is made.
2. Numerals shall be Arabic (e.g. 1, 2, 3, 4) and visible from the roadway.
3. The numerals shall be of contrasting color with the immediate background of the building on which the numerals are affixed. Numerals shall be at least three inches in height for residential buildings, and at least six inches in height for all other buildings.
4. Assigned numbers, for principal buildings which are not visible from a public or private roadway, shall have their numbers displayed at the intersection of such street or driveway providing access to such building. The number shall be affixed to a post, mail box, fence, wall, or other structure in such a manner so as to be clearly visible and legible from the public or private street on which the use is addressed, regardless of the direction of approach.
5. When individual suites, units, apartments are assigned separate identifying letters or numbers, the common address number for the principal building shall be displayed as provided in this Section and the individual suite, unit, or apartment numbers shall be displayed on or near the entrance to each unit.
6. Any different number which might be mistaken for or confused with the number assigned in accordance with this ordinance shall be removed.
7. Within 45 days after the receipt or notification of an address number or change of an address number, the owner, occupant or person in charge of any principal building to which a number has been assigned shall affix the address number as outlined in this Section. In case of new construction, the address number shall be posted prior to the Certificate of Occupancy being issued.

#### D. Road Naming and Renaming Procedures

The Board of County Commissioners has the authority to rename roads, except State roads designated by number by FDOT, lying outside the boundaries of any incorporated municipality (See Section 336.05, F.S.

1. Petitions to rename existing roadways or name unnamed roadways may be submitted by any property owner abutting the roadway; the owner of the roadway, or the County Administrator. Road naming and renaming requests must be in compliance with Section 6.02.03 (B). Names of Roads for E911 addressing purposes shall not be deemed a property right.

Review of petitions; notice to property owners; approval or denial. Petitions for roadway name changes or the naming of unnamed roads submitted by a property owner that complies with this ordinance shall be reviewed by GIS Addressing, SJSO E911 and other any other Department deemed necessary by the County Administrator to ensure the public health, safety, and welfare.

- a. For a petition to be processed, 51% of the property owners on the roadway must have signed the petition.

- b. When a roadway is privately owned, 51% of the roadway owner(s) must also sign the petition.
  - c. GIS Addressing will send by US mail a "notice of intent to change a roadway name" to all property owners owning or abutting the roadway involved. For the purposes of notice requirements to owners, the names and addresses will be obtained from the St. Johns County Property Appraiser records.
  - d. The property owners will be given fifteen (15) days to send their response to GIS Addressing.
  - e. If there is no response in opposition received, the County Administrator will consider the roadway name change petition and approve or deny the request for a roadway name change.
2. Procedure in case of opposition. If there is written notice of opposition timely received to a roadway name change petition and alternate names are considered, the County Administrator shall schedule a public hearing with the Board of County Commissioners.
- a. If a hearing is necessary, notice will be mailed at least ten (10) days before the hearing to all property owners owning or abutting the roadway and shall be published at least once in a newspaper of general circulation within the county no less than ten (10) days prior to the hearing. For the purposes of notice requirements to owners, the names and addresses will be obtained from the St. Johns County Property Appraiser records. If the number of owners abutting or owning the subject roadway exceeds 100 notice by newspaper advertisement as prescribed by F.S. may be given instead of mailed notice.
  - b. Those in favor or against the petition will have an opportunity to present their position(s) on the matter before the Board of County Commissioners.
  - c. The board will approve or deny the request for the roadway name change.
  - d. GIS Addressing will notify the property owners owning or abutting the roadway affected stating the outcome of the hearing as to whether the road renaming petition was approved or denied.
  - e. If approved, SJSO E911 will notify the property owners affected with their change of address.
3. Procedures for naming of County connector and/or County arterial roadways. The Board may establish and/or change the name of any County connector and/or County arterial roadway within St. Johns County by the passage of a resolution upon the request or motion of a member of the Board of County Commissioners without regard to the other procedures set forth in this ordinance provided that the following are considered:
- a. The historic value, if any, of the existing name of the road; and

- b. Petitions pertaining to the naming of the road, if any, signed by persons and entities residing and/or owning property within the general area of such road.
  - c. The Board may give such weight as it deems appropriate in the particular circumstance to each factor set forth in (a) and (b) above.
  - d. Road names must comply with Section 6.02.03 B. of this Ordinance unless otherwise determined by the Board of County Commissioners as being in the best interest of the public health, safety, and welfare.
4. Procedures for naming and renaming roads at the Board of County Commissioners initiative. When renaming roads on its own initiative, the Board shall conduct a public hearing after notice as described by Section 6.02.03.D.2a.

E. Authorization for Address Corrections

The County Administrator is hereby directed to initiate changes as necessary in existing roadway names and address numbers, so as to bring such names and numbers into reasonable conformance with this ordinance, in accordance with the following procedures:

1. Roadway name changes may be initiated when any of the following conditions exist:
  - a. When duplicate or phonetically similar to or otherwise easily confused with other roadway names in the same response area for the "Enhanced 9-1-1 Emergency Telephone System;"
  - b. Where a roadway has more than one name and a change to a single name would be in the interest of the public safety and welfare;
  - c. Where emergency response services has reported a response problem to a particular roadway; or
  - d. When it is deemed by the County Administrator to be in the best interest of the general public health, safety, and welfare.

GIS Addressing will send by US mail a "notice of intent to change a roadway name" to all property owners owning or abutting the roadway involved. For the purposes of notice requirements to owners, the names and addresses will be obtained from the St. Johns County Property Appraiser records.

The property owners will be given fifteen (15) days to send their response to GIS Addressing.

If there is no response in opposition received, the County Administrator will make the roadway name change and notify the property owners affected with their change of address.

If there is opposition received the procedures set forth in Section 6.02.03 D.2 will be followed.

2. An address number change may be initiated when any of the following conditions exist:



- a. Duplicate numbers on the same roadway;
- b. Duplicate numbers on the same roadway with number suffixes, e.g. 113-A, 113-B, 2-1, 2-2, or 1 ½ ;
- c. Numbers out of sequence;
- d. Odd or even number is not consistent on the roadway; or
- e. When it is deemed by the County Administrator to be in the best interest of the general public health, safety, and welfare.

F. Maps and Data

1. Uniform roadway addressing data shall be stored in County GIS. Information in the GIS is an enterprise-wide resource. To safeguard this resource and to ensure all interfaces, additions, and desired capabilities adhere to certain standards, all maintained GIS data shall be stored centrally and managed by GIS Addressing. Hardware and software relating to the central repository shall be supported by GIS Addressing. Additionally, security and network architecture for the central repository shall be developed and supported by GIS Addressing.
2. The GIS version of the addressing maps is the official repository of addresses assigned in the County.
3. Digital submittal of development plans may be required by GIS Addressing.

**Sec. 6.02.04 Natural Resources and Landscaping**

The Subdivision shall be designed in compliance with the applicable standards of Article IV Natural Resources and Section 6.06.00 Landscaping Regulations.

**Sec. 6.02.05 Roadway Layout**

A. Local Roads

1. The maximum length of a block shall be one thousand (1,000) feet, unless otherwise approved.
2. Loop roads, cul-de-sac and curvilinear designs are encouraged.
3. The use of "T" intersections (with a minimum offset of two hundred fifty (250) feet between intersections) are desirable.

B. Subdivision Collector Roads

Curvilinear roads are encouraged.

C. Right-of-Way

1. Right-of-Way design standards and other regulations shall be in accordance and comply with Right-of-Way regulations in Part 6.04.00 Roadways, Drainage &

### Utilities Standards.

#### 2. Right-of-Way Protection and Acquisition

Right-of-Way shall be reserved or dedicated for existing or future County or State Road corridors in accordance with the provisions of Section 6.04.04.H. of this Code.

#### 3. Existing Roads

Additional Right-of-Way adjacent to existing St. Johns County and State Roads shall be dedicated to St. Johns County or the Florida Department of Transportation where needed to provide such sidewalks, ditches, auxiliary lanes, storage lanes, and other such Improvements necessitated by the Development.

#### 4. Intersections

Sight distance shall be provided at all intersections by either providing rounded Right-of-Way lines or straight corner cuts (sight distance triangles). Right-of-Way at Subdivision intersections shall be rounded with a minimum twenty-five (25) foot radius, or as otherwise required by traffic conditions or geometric requirements. Corner cuts shall meet or exceed the limits of the twenty-five (25) foot radius. The engineer shall consider sight distance requirements in determining the amount of Right-of-Way to provide at Roadway intersections.

#### 5. Dead-end Streets

The maximum length for a dead-end Street shall be eighteen hundred (1,800) feet. A cul-de-sac shall be constructed at the end of a dead-end Street and shall be in accordance with Part 6.04.00 Roadway, Drainage, & Utilities Standards. Where a Street is to be continued, or during phased Construction, a "T" type turnaround will be required when a Street is one hundred (150) feet or more in length as measured from the nearest intersection. The "T" type turnaround will be in accordance with Part 6.04.00 Roadway, Drainage, & Utilities Standards.

#### 6. Buffer Walls

Buffer walls shall be constructed along all Arterial and Major Collector Roadways abutting residential land Uses. As an alternative to masonry buffer walls, vegetated earthen berms shall be allowed meeting the provisions of the buffer/screening requirements of Section 6.06.04. For Subdivision Projects along designated Scenic Roadways, refer to Part 6.06.00 Landscaping Regulations for requirements in lieu of these provisions.

### **Sec. 6.02.06 Sidewalks**

#### A. General

Design requirements and standards shall be in compliance with Section 6.04.07.H of this Code. All sidewalks must be constructed in compliance with the current American Disability Act (ADA) and/or the Florida Accessibility Code (FAC).

#### B. Types

1. External (Outside The Proposed Site)

- a. External sidewalks shall be located on County Major or Minor Collectors adjacent to a Subdivision of more than two Lots. Sidewalks shall be constructed on the Subdivision side of an existing County Major or Minor Collector from boundary to boundary of the Subdivision and shall extend to the edge of the adjacent Roadways. Sidewalks shall be constructed prior to final acceptance of the Improvement Facilities. The Developer shall be responsible for the Construction of sidewalks.
- b. The County may grant an Administrative Waiver for the Construction of sidewalks within its Right-of-Way; however, the Developer shall be required to provide funds for the cost of sidewalk to the County. The unit price for sidewalk shall be established by the County Administrator.

2. Internal (Within The Proposed Site)

The Developer shall be responsible for the Construction of sidewalks prior to Certificate of Completion and release of Bond, unless a separate bond for completion of sidewalks has been provided. In lieu of a separate Bond for completion of sidewalks, the developer or designated party shall provide language, approved by the County Administrator or his designee, assigning construction responsibility of the required sidewalks, as shown on the approved construction plans. The construction requirement shall be stated in the recorded Declaration of Covenants and Restrictions of the subdivision and/or other publicly recorded or filed documentation.

3. Internal (Other)

- a. Sidewalks along unbuildable Lots, common areas, and Stormwater ponds shall be constructed prior to final acceptance of the Improvement Facilities. The Developer shall be responsible for the Construction of sidewalks.
- b. Sidewalks shall be required, at a minimum, on one side of all local public and local private roadways within Single Family, multi-family, condominium, and Townhome developments.

4. Adjacent to parking spaces

Sidewalks adjacent to the front of one or more parking spaces within commercial and residential developments shall be elevated no less than five (5) inches from the surface of the Parking Space(s) or separated from the Parking Space(s) by a standard, permanently mounted curb stop.

**Sec. 6.02.07 Reserved**

**Sec. 6.02.08 Lots**

A. Minimum Dimensions

Lots shall conform to the standards set forth in this Code.

B. Municipal Limits and Lot Lines

Lots shall be designed so that municipal boundary lines do not divide them, except where unavoidable and upon approval of the County Administrator.

**Sec. 6.02.09 Stormwater Management**

Subdivisions shall comply with requirements of the St. Johns River Water Management District (SJRWMD) and Part 6.04.00 Roadway, Drainage, & Utilities.

**Sec. 6.02.10 Water, Wastewater, Reclaimed Water Utilities**

- A. Standards and regulations shall be in compliance with Part 6.04.00 Roadway, Drainage, & Utilities Standards.
- B. All new Subdivisions shall be required to install Water Lines, Wastewater Lines and provide a lift station site with a wetwell within the Subdivision with the following exceptions:
  - 1. Subdivisions containing less than twenty (20) Lots, or
  - 2. Subdivisions where all Lot sizes are greater than or equal to one (1) acre in size.

Where service with a central Utility Provider is not immediately available, these Water and Wastewater Lines shall be installed as dry lines in compliance with the standards contained in Part 6.04.00 of this Code for future connection to the central Utility Provider when it becomes available.

- C. Subdivisions containing golf courses shall be required to install lines for reclaimed water for use as irrigation for the golf course. Where service with a central Utility Provider for reclaimed water is not immediately available, these lines shall be installed as dry lines in accordance with standards contained in Part 6.04.00 of this Code.

**Sec. 6.02.11 Fire Protection**

Subdivisions shall be protected in accordance with Florida Fire Prevention Code and NFPA 1 *Fire Prevention Code* and the regulations provided in Part 6.03.00 of this Code.

**Sec. 6.02.12 Underground Utility Service**

When underground electric service is proposed, the pad mounted transformers shall not be located within the road Right-of-Way, unless authorized by the County Administrator through an Administrative Waiver. New Utility lines to serve the Project in the Coastal High Hazard Area and in all PUDs shall be located underground. The placement of these Utility lines shall be subject to all other restrictions of the Coastal/Conservation Element of the St. Johns County Comprehensive Plan.

## PART 6.03.00 FIRE PROTECTION REGULATIONS

### Sec. 6.03.01 Generally

All Developments shall be protected in accordance with the most current edition that has been adopted by the Florida Fire Prevention Code which includes but is not limited to: NFPA 1 *Fire Prevention Code*, 101 (Life Safety Code), in addition to the regulations listed below. Previously platted development in which the Roadways or other infrastructure has not been constructed shall be regulated in accordance with this Part.

All Structures shall have a minimum separation of ten (10) feet measured from the furthest projection on the Structure to the furthest projection of any other Structure. If this separation cannot be maintained, then all Structures must be protected with a fire system designed and installed in accordance with NFPA 13 or the required fire hydrants shall be capable of providing an additional five hundred (500) gpm for two (2) hours. Such fire flow shall be in addition to that required by NFPA 1, Chapter 18.

### Sec. 6.03.02 Fire Protection Water Supply

- A. One and Two Family, one (1) to ten (10) dwellings: This subsection shall apply only to those developments in which property is subdivided resulting in more than two (2) new Lots from an existing Parcel. For those developments with ten (10) or less detached Single Family or Two Family Dwellings, fire protection water supply shall be provided as follows:
1. If the Development is within two thousand, six hundred forty (2,640) feet (1/2 mile) of a central Utility Provider, the Development shall provide a pressurized fire hydrant system as described in Section 6.03.03. The fire hydrant system must be connected to the central Utility Provider.
  2. If the Development is located MORE than two thousand, six hundred forty (2,640) feet (1/2 mile) from a central Utility Provider, the Development shall be protected per a. or b. below:
    - a. Provided with an alternative water supply as described in Section 6.03.04, AND all residential Dwelling units shall be protected with a residential sprinkler system designed and installed in accordance with NFPA 13D (Sprinklers in One and Two Family Dwellings and Manufactured Homes), edition as adopted in the Florida Fire Prevention Code, or
    - b. Provided with a pressurized fire hydrant system as described in Section 6.03.03. A non-potable water supply may be used.
  3. Variations to the standards and criteria of Part 6.03.02.A may be allowed by the County Administrator upon showing good cause, and where the Owner/Applicant proposes an alternative which conforms to the general intent and spirit of these regulations, and where the objectives of this article have been substantially met.
- B. One and Two Family, Eleven (11) or more dwellings: For all Developments with eleven (11) or more detached Single Family or Two Family Dwellings, fire protection water supply shall be provided as follows:

1. If the Development is within two thousand, six hundred forty (2,640) feet (1/2) mile from a central Utility Provider, the development shall be provided with a pressurized fire hydrant system as described in Section 6.03.03. The fire hydrant system must be connected to the central Utility Provider.
  2. If the Development is located MORE than two thousand, six hundred forty (2,640) feet (1/2 mile) from a central Utility Provider, the Development shall be provided with a pressurized fire hydrant system as described in Section 6.03.03 that is either connected to a central Utility Provider, OR supplied by another means in compliance with NFPA 24 edition as adopted in the Florida Fire Prevention Code, or all residential dwelling units shall be protected with a residential sprinkler system designed and installed in accordance with NFPA 13 D (Sprinklers in one and two (2) family dwellings).
- C. Non-residential, multi-family, and Townhomes, One small Structure: For Development other than detached One and Two Family Dwellings, and their appurtenances with one (1) Structure less than five thousand (5,000) square feet, requires a fire protection water supply system in accordance with subsection 1. or 2. below:
1. If the Development is within two thousand, six hundred forty (2,640) feet (1/2 mile) of a central Utility Provider, the Development shall be provided with a pressurized fire hydrant system as described in Section 6.03.03. The fire hydrant system must be connected to the central Utility Provider.
  2. If the Development is located MORE than two thousand, six hundred forty (2,640) feet (1/2 mile) from a central Utility Provider, the Development shall be protected as per subsection a. or b. below:
    - a. Provided with an alternative water supply as described in 6.03.04,or
    - b. Provided with a pressurized fire hydrant system as described in Section 6.03.03. A non-potable water supply may be used.
- D. Non-residential and multi-family, One medium Structure, or multiple Structures: For Development other than detached One and Two Family Dwellings, and their appurtenances with one (1) Structure that is five thousand (5,000) to fifty thousand (50,000) square feet, OR Developments with more than one (1) but less than eleven (11) Structures (other than accessory Structures of less than five hundred (500) square feet), fire protection water supply shall be:
1. If the Development is within two thousand, six hundred forty (2,640) feet (1/2 mile) of a central Utility Provider, the Development shall be provided with a pressured fire hydrant system as described in Section 6.03.03. The fire hydrant system must be connected to the central Utility Provider.
  2. If the Development is located MORE than two thousand, six hundred forty (2,640) feet (1/2 mile) from a central Utility Provider, the Development shall be protected as per subsection a. or b. below:
    - a. Provided with an alternative water supply as described in Section 6.03.04. and all Structures shall be protected throughout by a fire sprinkler system in accordance with NFPA 13 or NFPA 13R or NFPA 13D if applicable. The

edition of the NFPA 13 shall be as currently adopted in the Florida Fire Prevention Code, or

- b. Provided with a pressurized fire hydrant system as described in Section 6.03.03. A non-potable water system may be used.
- E. Large Developments: For Development other than detached One and Two Family Dwellings, with any single Structure exceeding fifty thousand (50,000) square feet, OR with eleven (11) or more Structures (other than accessory Structures of less than five hundred (500) square feet, or with any Building which is a high-rise Structure as defined in the Florida Fire Prevention Code, water supply for fire protection shall be provide as per subsection a. or b. below:
1. If the Development is within two thousand, six hundred forty (2,640) feet (1/2 mile) of a central Utility Provider, the Development shall be provided with a pressurized fire hydrant system as described in Section 6.03.03. The fire hydrant system must be connected to the central Utility Provider.
  2. If the Development is located MORE than two thousand, six hundred forty (2,640) feet (1/2 mile) from a central Utility Provider, the Development shall be provided with a pressurized fire hydrant system as described in Section 6.03.03 that is either connected to a central Utility Provider, OR supplied by another means in compliance with NFPA 24 edition as adopted in the Florida Fire Prevention Code.
- F. Mobile Home/Recreational Vehicle Parks: “Mobile Home Parks” or “Recreational Vehicle Parks” (as defined in Chapter 69A-42 of the Florida Administrative Code) shall be protected in accordance with Chapter 69A-42 and this Section. Spacing of fire hydrants and needed fire flow shall meet the requirements of NFPA 501A, the edition adopted by reference in Chapter 69A-42. Hydrants shall not be more than five hundred (500) feet from any home, Building, or RV site, and shall not provide less than five hundred (500) gpm.
1. If the Development is within two thousand, six hundred forty (2,640) feet (1/2 mile) of a central Utility Provider, the Development shall be provided with a pressurized fire hydrant system as described in Section 6.03.03. The fire hydrant system must be connected to the central Utility Provider.

### **Sec. 6.03.03 Fire Hydrant Systems**

Pressurized Fire Hydrant systems shall be installed in accordance with this Section. In addition to the requirements of this Section, those systems, or portions of systems, which will not be owned and maintained by a central Utility Provider shall be installed in accordance with the Florida Fire Prevention Code and Florida Statutes applicable to fire protection systems. Systems, or portions of systems, which will be owned and maintained by central Utility Providers shall be installed in accordance with American Water Works (AWWA) standards, and those of the specific Utility, in addition to the requirements of this Section. All required fire flows shall be delivered at twenty (20) psi residual pressure, shall be provided in excess of maximum daily flow for systems that also supply domestic water supply, and shall be provided for a minimum of two (2) hours duration of flow.

When connecting to an existing Utility, a fire flow test shall be provided when Construction Plans are submitted, to document that the required fire flow can be provided. Flow test results must be current (within one year). The St. Johns County Fire/Rescue reviewer may waive the test requirement if available records indicate that the flow can be met.

- A. Flow Requirements, One and Two Family Dwellings: For all developments with detached dwellings, the required fire flow shall be as required in NFPA 1 as adopted by the most current edition of the Florida Fire Prevention Code. The required fire flow shall be provided for a minimum two (2) hour duration.
- B. Fire Flow Requirement, multi-family, Townhome, and non-residential: Fire Hydrant systems serving multi-family (other than detached One and Two Family dwellings) residential projects and non-residential projects shall have a minimum fire flow as required by NFPA 1 as adopted by the most current edition of the Florida Fire Prevention Code. In all cases, the required duration of fire flow shall be two (2) hours.

The required fire flow may be reduced in accordance with NFPA 1 if all structures are protected with an automatic fire sprinkler system designed and installed in accordance with the fire sprinkler standards adopted and referenced in the Florida Fire Prevention Code.

- C. General requirements for all water supply systems:
  1. All mains serving fire hydrants shall be a minimum of six (6) inches in diameter.
  2. Fire hydrants located on a street or Roadway that has a curb shall be located within three (3) feet to ten (10) feet of the curb, unless St. Johns County Fire Rescue determines another location would be more accessible for County use.
  3. Fire hydrants located on a street or Roadway that does not have a curb shall be located not less than six (6) feet and not more than twenty-five (25) feet from the edge of the pavement unless St. Johns County Fire Rescue determines another location is more acceptable.
  4. When serving a structure, hydrants along Roadways that are three (3) or more lanes in width shall be located on the same side of the Roadway as the Structure(s) to be protected. When serving Structures and along one or two lane Roadways, fire hydrants shall be located on the same side of the road as the Structure(s) to be protected, unless waived by St. Johns County Fire Rescue.
  5. Fire hydrants shall be located as approved by the St. Johns County Fire Rescue Department to meet operational needs. The St. Johns County Fire Rescue may approve increased fire hydrant spacing where needed to place fire hydrants in more accessible locations, such as at Roadway intersections. In no case shall fire hydrants be located more than one thousand (1,000) feet from the Structures they are intended to protect.
  6. Hydrants that are accessible only by crossing a drainage ditch shall have an eight (8) foot long culvert crossing provided in front to the hydrant with a ninety (90) degree access from the street. Hydrants shall not be located within a drainage ditch, swale, or other area that will contain standing or running water during storm events.
  7. Hydrants shall not be located in uncleared wooded (or brush areas) that are not routinely maintained in a mowed condition.



8. Hydrants shall be installed so the large diameter (4.5 inch) outlet is oriented at a ninety-degree angle to the Roadway on which it is located (so the outlet faces the Roadway), unless otherwise directed by the Fire Rescue Department.
  9. All hydrants shall be installed so the center or the lowest outlet is a minimum of eighteen (18) inches above final grade.
  10. All fire hydrants connected to a central Utility Provider shall be painted chrome YELLOW with white caps. All private fire hydrants connected to a central Utility Provider installed in accordance with NFPA 24 shall be painted RED with white caps. All hydrants that are serviced by re-use or non-Potable water shall be painted PURPLE with white caps, in accordance with AWWA.
  11. The County Administrator may, at his or her discretion, color code the caps of all fire hydrants in accordance with color cod system listed in NFPA 291 (Recommended Practice for Fire Flow Testing and Marking Of Hydrants). All paint used on hydrants shall be a reflective type for rapid identification at night.
  12. There shall be a blue reflective road marker placed in the center of the Roadway in front of each fire hydrant.
  13. Fire hydrants located in parking areas shall be protected by bollards that will prevent physical damage from vehicles without obstructing the hydrant operation.
  14. Fire hydrants shall be accessible at all times, and shall have the clearances required by the Florida Fire Prevention Code.
- D. Fire Hydrant Spacing Requirements, detached One and Two Family Residential Developments:
1. Fire hydrants shall be located so that no Lot frontage of a buildable Lot is more than six hundred sixty (660) feet from a fire hydrant, as measured along the Roadway.
  2. Hydrants shall be spaced so there is not more than six hundred, sixty (660) feet between hydrants, as measured along the Roadway.
  3. Where new water mains are extended along Roadways where hydrants are not needed for protection of Structures or similar fire problems, fire hydrants shall be provided on all Roadways within the Development at spacing not to exceed one thousand (1,000) feet to provide for transportation hazards.
  4. In large lot Developments, where homes may be set back a substantial distance from the Roadway, additional hydrants shall be installed so that no home is more than one thousand (1,000) feet from the nearest fire hydrant. Such measurement shall be along the Roadway or driveways, as a fire hose may be laid from an apparatus.
- E. Fire Hydrant spacing, for all Developments other than detached One and Two Family Dwellings:

1. Fire hydrants needed to protect Structures shall be installed along streets and from department access Roadways at a spacing not to exceed six hundred, sixty (660) feet of vehicle travel distance.
2. At least one (1) hydrant shall be located within three hundred, thirty (330) feet of any point of entry into each Building. Exception: For Structures less than five thousand (5,000) square feet in total area, there shall be at least one hydrant within six hundred, sixty (660) feet of one point of entry to the Building.
3. Where new water mains are extended along Roadways where hydrants are not needed for protection of Structures or similar fire problems, fire hydrants shall be provided on all Roadways within the Development at spacing not to exceed one thousand (1,000) feet to provide for transportations hazards.

#### **Section 6.03.04 Alternative Water Supply Systems**

Any alternative water source that is required shall be installed, and shall be capable of meeting the water demands of the Structures to be protected, in accordance with NFPA 1142 (Standard on Water Supplies for Suburban and Rural Development) (edition as adopted in the Florida Fire Prevention Code), and

In determining the reliability of the impound supply, cistern, tank, or storage facility, the quality of water to be considered available is the minimum available (at not over a 15-foot lift) during a drought with an average 50-year frequency that has been certified by a Professional Engineer.

- A. The Applicant or Developer must provide for continuous maintenance of any required fire protection water supply and /or fire hydrant as indicated in any manner indicated below:
  1. Adoption of the system by a central Utility Provider, with dedication of the appropriate easements for maintenance of the system to the system to the central Utility Provider, or
  2. Adoption and dedication of the fire protection system to a Homeowners Association or similar group which has a mandatory membership requirement of all benefiting property owners, and which has the authority to assess fees to provide for the required maintenance. The requirement for all owners to become members of the association shall be identified on the recorded plat, in such a manner as to be enforceable by the County, or
  3. If the fire protection system to be installed serves a single Lot or Parcel, and is contained solely within that Parcel, the system and it's maintenance may be assumed to be the responsibility of the property owner.
  4. Any dry line required to be installed where a central Utility Provider is not immediately available shall comply with Section 6.02.10 of the LDC.

#### **Sec. 6.03.05 Accessibility Requirements**

- A. All developments shall be accessible in accordance with the requirements of the Florida Fire Prevention Code, as adopted in Chapter 69A-60 of the Florida Administrative Code. Fire department accessibility requirements are currently found in Chapter 18 of NFPA 1, of the most current edition. All Roadways required for fire department access shall be capable of supporting eighty thousand (80,000) pounds.

- B. Access driveways that are located within a single-family Lot, and serving not more than two Dwelling Units may be reduced to a minimum unobstructed width of twelve (12) feet.
- C. Turning radius for fire department access Roadways shall meet AASHTO standards for "SU 30 " type vehicles and be approved by St. Johns County Fire Rescue Department.

## **PART 6.04.00 ROADWAYS, DRAINAGE & UTILITIES STANDARDS**

It is hereby declared that it is St. Johns County policy that both individual Owners, Developers and the County be required to meet essentially the same requirements in constructing new Roadways, drainage, and utilities Improvements in the unincorporated areas of St. Johns County, Florida.

### **Sec. 6.04.01 Data Submittals**

#### **A. General**

1. Signed and sealed Construction Plans and drainage calculations shall be prepared by an Engineer or other Registered Professional qualified in the appropriate field for which the Construction Plans and drainage calculations are prepared, and shall be submitted to the County Administrator under the St. Johns County Development Review Process procedures to demonstrate compliance with this Part.
2. The County Administrator shall establish submittal checklists relating to the contents of all Development review submittals including plans and specifications. The checklists shall establish minimum requirements for the contents of Construction Plans and design documents to assure requirements herein have been met. Additional information may be requested if the County Administrator believes the information is reasonably necessary for support of the drainage analysis including maps, charts, graphs, tables, photographs, narrative descriptions, calculations, explanations, and citations to supporting references as appropriate to communicate the required information for responsible evaluation of the site.
3. Construction plans, Flood Plan maps, or any other design or plan with vertical datum including, but not limited to bridges, culverts, or buildings shall be submitted to the County in 1988 VAVD survey datum, or the most recent datum adopted by the County. If previously approved Plans reflect the 1929 datum, lot grading information shall be provided in both 1929 NGVD datum and the most recent datum adopted by the County.

#### **B. Commencement of Construction**

Prior to the placement of any pavement within a development (residential or commercial), all proposed offsite Roadway improvements within County Right-of-Way shall be constructed and approved, including turn lanes, temporary signage and Roadway markings. This includes stabilization of the proposed Roadway cross-section and installation of at least the first course of pavement. Other work may be requested by the County Administrator or his designee if normal traffic flows are found to be unnecessarily compromised by the construction activity at the site.

Prior to commencement of any Construction, proof of obtaining satisfactory compliance with the following requirements shall be submitted to the County Administrator:

1. Applicable local, state and federal Permits referenced in Section 6.04.02 of this Part which are required by the appropriate permitting authorities for the particular portion of Development to proceed with the Construction.

2. A Land Clearing Permit if required by this Section and any revisions or updates thereof.
3. Approval of Construction Plans and related documents required for Construction through the St. Johns County Development Review Process.
4. Compliance with other appropriate land Use and Development regulations of St. Johns County.
5. Work requiring a Development Permit shall not commence until the Permit holder or his agent posts the Permit placard in a conspicuous place on the premises. The Permit shall be protected from the weather and be maintained in such position by the Permit holder until the Certificate of Completion is issued.

It is the intent of this Section to require documentation of necessary Permits and approvals appropriate for the portion of the Development under Construction. It is not the intent of this Section to prohibit phased Development.

C. Completion of Construction

The following documentation is required upon completion of the Construction Project and prior to approval of the Final Building Inspection and the issuance of any Building Certificates of Occupancy.

1. An "As-Built" Survey meeting the requirements contained in the St. Johns County As-Built checklist.
2. Registered Professional's Certification of Completion (see Development Review Manual).
3. Any other documents which are necessary to comply with the requirements of other permitting agencies and are required by St. Johns County as a condition to approval of the Final Building Inspection and the issuance of Certificates of Occupancy.
4. Documentation from the responsible Utility company approving Water and Wastewater installations and acceptance of same.
5. Surveyor's Certification (see Development Review Manual).
6. Test reports prepared by a licensed testing laboratory as required by Section 6.04.07.
7. Documentation from the Florida Department of Environmental Protection verifying acceptance of Certification of Completion of the Wastewater and/or Water System.

8. A Required Improvements Bond, securing the completion of sidewalks, if applicable.
9. A Required Improvements Bond in the amount of fifteen percent (15%) of the actual cost of construction meeting the requirements of Section 6.04.08.
10. A copy of Recorded Covenants and Restrictions and/or other publicly recorded or filed documentation which establishes the Property Owner's Association.
11. A copy of assignment language securing the completion of sidewalks within Recorded Covenants and Restrictions and/or other publicly recorded or filed documentation, if applicable.

#### **Sec. 6.04.02 Permits**

- A. Right-of-Way Permits procedures shall be as provided in Part 9.01.05 of this Code.
- B. Development Permits
  1. A Development Permit issued through the St. Johns County Development Review Process shall be obtained prior to commencement of any Construction for all residential, commercial, industrial, and institutional Projects meeting review requirements established by the St. Johns County Development Plan Review and Approval Procedures. The Development Permit shall be valid for a specified period not to exceed five (5) years but no less than three (3) years from date of issuance. The designated duration for the Development Permit will be dependent on the facts and circumstances of each situation, including but not limited to: the size of the Projects and the anticipated amount of time required to complete the Project. Commencement of Construction shall be made during the designated Permit time period.
  2. Plan review applications will be valid six (6) months from the date of the review comment notification to the Applicant. Upon expiration of the application, a new submittal is required, including all appropriate fees. Plans that have received final approval must be claimed within sixty (60) days of approval date. Upon expiration, a new application and plans must be submitted including all appropriate fees.
  3. The Permit shall be posted in a conspicuous and visible place in public view at the front of the property. The Permit shall be protected from the weather and be located in such position by the applicant promptly after issuance, during, and for a period not less than thirty (30) days after commencement of Construction or until a Building Permit is issued whichever comes first. It is the responsibility of the Permit Applicant to maintain the Permit, or to promptly obtain a replacement copy from the County if necessary.
  4. The Development Permit shall expire unless Construction has commenced on or before the three (3) year anniversary of substantial approval for Projects less than or equal to fifty (50) acres, and continued in good faith. For Projects greater than fifty (50) acres, the Development Permit shall expire based on the three (3) year anniversary period plus one (1) year for each additional ten (10) acres or portion thereof up to a maximum of five (5) years from date of issuance. Prior to expiration, a Development Permit may be granted one (1) extension upon demonstration of significant progress toward start of Construction of the Development through a

written request from the Owner/Applicant to the Development Services Department.

5. Once a Development Permit has expired, renewal can only be made by resubmittal through the St. Johns County Development Review Process. Resubmittals shall be subject to the then current Land Development Regulations of St. Johns County including all applicable review fees. For projects that have expired by no more than one year, one ninety (90) day extension may be approved in writing by the County Administrator when requested in writing by the Applicant for good cause.
6. The Owner/Applicant and their agents are responsible for constructing the site Improvements in accordance with the approved Construction Plans under the authority of the Development Permit. Any substantial deviations shall be reviewed by the Engineer or other Registered Professional who signed and sealed the approved Construction Plans and with concurrent review through the St. Johns County Development Review Process prior to field changes being made. If approval is granted for the Construction deviations, revised Construction Plans and related documents showing compliance with St. Johns County Land Development Regulations may be required.
7. Development Permit procedures shall be as provided in Part 9.01.00 of this Code.

C. State and Federal Permits

Copies of applicable Permits, including Permit conditions, from all agencies having jurisdiction over Construction Projects shall be provided to the County prior to commencement of Construction. These Permits include, but are not limited to: work in or near Wetland areas, Stormwater Management Systems, Special Flood Hazard Areas, coastal Construction and Roadway Construction. The burden of obtaining these Permits, if required, will be the sole responsibility of the Applicant including any work to upgrade existing Public or Private Roadway and drainage facilities which will be unreasonably impacted by the Project. Agencies that may have jurisdiction over the proposed work include, but are not limited to, the following:

1. St. Johns River Water Management District
2. Florida Department of Environmental Protection
3. Florida Department of Transportation
4. United States Army Corps of Engineers
5. United States Environmental Protection Agency
6. Federal Emergency Management Agency

**Sec. 6.04.03 Notification and Inspections**

A. Authorization for Inspection

1. The County Administrator shall have the right to inspect any Project that has been issued a "Development Permit" to ensure that all Roadway and drainage

Improvements are constructed in accordance with the approved Construction drawings and related specifications.

2. The County Administrator shall have the right to enter upon and inspect land where Construction activities have commenced in violation of St. Johns County Land Development Regulations, regardless of whether or not an application for "Development Permit" has been made to St. Johns County.

3. Notification

Notification requirements shall be as provided in Part 9.01.05 Right-of-Way Permits.

4. Testing

The County Administrator shall have the right to require adequate testing during Construction of on-site and off-site related Improvements to ensure that work is performed and completed as specified on the Construction drawings and related documents. All Roadway and drainage Projects, public or private, which serve or provide services to the citizens of St. Johns County shall meet the Construction and testing requirements as contained within this Code.

5. Final Inspection

- a. All Roadway and drainage Improvements shall be completed including, if applicable, installation of Street name Signs, directional Signs, and traffic control Signs prior to scheduling for Final Inspection.
- b. Unless otherwise approved by the County Administrator, an "As-Built" Survey shall be submitted at the time of scheduling for Final Inspection.
- c. The Final Inspection shall be a joint inspection consisting of at least a representative of the County Administrator, the General Contractor, and the Engineer or other Registered Professional who signed and sealed the approved Construction Plans.
- d. Upon completion of the Final Inspection and review of the "As-Built" Survey, the County Administrator shall notify the Applicant of the results of the Final Inspection and "As-Built" review including any remedial action which may be necessary to bring the on-site and related off-site Roadway and drainage Improvements or "As-Built" survey into compliance with the approved Construction drawings and related specifications and requirements of Part 6.04.00.

#### **Sec. 6.04.04 Construction Within Right-of-Way**

##### **A. General**

1. This Section is established to regulate Construction or installation of any Utility or placement of any temporary or permanent Structure within any Right-of-Way owned by St. Johns County. In addition, and in the interests of public health, safety and welfare, this Section should be used as a guide for Construction, installation or placement of the same in private road Right-of-Way. Failure to meet these



guidelines may jeopardize future acceptance of any private facility by St. Johns County.

2. The presence of existing above-ground and under-ground Utility facilities within County Right-of-Way will be presumed to be properly permitted in accordance with the existing guidelines in effect at the time of their installations whether or not documentation to that effect exists. The Utility Agency/Owner shall relocate or adjust those existing above-ground and under-ground Utility facilities to comply with current Utility accommodation standards when Roadway Improvement Projects are planned or traffic accident statistics indicate a hazard exists, providing the relocation does not conflict with other standards, codes or regulations that provide for public health and safety or will be economically unfeasible for the benefit desired.

**B. Application For Right-of-Way Permit**

1. Unless exempted herein, or otherwise approved by the County Administrator, any Construction, installation, or placement of any above-ground or under-ground temporary or permanent Structure or Utility within County Right-of-Way is prohibited unless an "Application for Right-of-Way Permit" has been submitted and approved by the County Administrator.
2. Temporary or permanent Structures shall include but not be limited to: driveway connections, Signs, posts, fences, landscaping, drainage connections, above-ground and under-ground Utility installations, cross drains, side drains, ditches, swales, and mailboxes.
3. The County Administrator shall have the right to revoke any "Right-of-Way Permit" where it is found that the permitted activity is not being performed in accordance with Permit conditions, where there has been a misrepresentation of a material fact in the Permit application, or where the activity is detrimental to the health, safety, and welfare of the public.

**C. Maintenance of Traffic**

1. Whenever Construction or Construction-related activities within County Right-of-Way will affect the movement of traffic or traffic safety, the activities shall comply with applicable traffic control standards contained in the Manual of Uniform Traffic Control Devices (Part VI) and the FDOT Standards for Traffic Control through Work Zones.
2. Temporary closure of one or more travel lanes shall require flaggers to control vehicular traffic. Total closure of a Roadway for more than five (5) minutes shall require prior approval of the County Administrator.
3. The County Administrator shall require that a Maintenance of Traffic Plan be submitted with the "Application for Right-of-Way Permit" prior to commencement of any work within County Right-of-Way on all Major and Minor Collectors, and on other Local Roads where such work could obstruct traffic or threaten the health, safety and welfare of the public.

**D. Mailboxes**

1. The location and Construction of mailboxes within County Right-of-Way shall conform to the rules and regulations of the United States Postal Service as modified within this Part and the S & D Manual.
2. Masonry, Concrete, block, brick, stone or other rigid foundation Structure or encasement whether above or below the shoulder ground-line is considered a Roadway hazard and is not permitted within the "Clear Zone" of any County Right-of-Way. The Roadway "Clear Zone" for each Roadway type shall be as established in the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways and as modified by the S&D Manual. Structures and encasements that comply with the provisions of this Part and the S&D Manual require submittal of an "Application for Right-of-Way Permit" and approval by the County Administrator or his/her designee, prior to placement within the County Right-of-Way..
3. Mailbox support posts consisting of four (4) inch by four (4) inch wood, two (2) inch diameter schedule forty (40) steel pipe, or flanged channel meeting the material requirements of the FDOT Roadway and Traffic Design Standards Index 532 do not require submittal and approval of an "Application for Right-of-Way Permit" unless placement within County Right-of-Way is in conflict with "Mailbox Placement within Road Right-of-Way" criteria set forth in the S&D Manual.

#### E. Construction Standards

1. All underground Utility installations, excavations, and backfill within County Right-of-Way shall be installed to the following standards:
  - a. Utility locations within County Right-of-Way shall conform to the S&D Manual for Utility placement within County Right-of-Way unless otherwise approved by the County Administrator.
  - b. For minimum depths of under-ground utilities refer to S&D Manual.
  - c. The minimum depth shall be based on the vertical distance from the top of the Utility to the design cross-section of the Roadway. Actual depth as in the Right-of-Way Permit conditions may be greater depending on the existing field conditions. Maximum depths of water mains and wastewater force mains shall be thirty-six (36) inches outside pavement and forty-two (42) inches under pavement unless otherwise approved by the County Administrator.
  - d. All activity under pavement or other stabilized surface within eight (8) feet of edge of pavement on paved roads, or within fifteen (15) feet of the centerline of unpaved roads, should have backfill material placed in no greater than twelve (12) inch lifts, except for the top two (2) feet which should be placed in no greater than eight (8) inch lifts. Backfill material shall be compacted to a density of not less than ninety-five percent (95%) of the maximum density obtained using the Modified Proctor Method.
  - e. All activity under pavement or other stabilized surface more than eight (8) feet from the edge of pavement on paved roads, or more than fifteen (15) feet from the centerline of unpaved roads, should have backfill material placed in no greater than twelve (12) inch lifts, and compacted to a density

not less than ninety percent (90%) of the maximum density obtained using the Modified Proctor Method.

2. “Jacking and boring” or “directional boring” of utilities under existing paved Roadways are the preferred methods for all underground Utility installations crossing County paved Roadways. Standards pertaining to these methods shall be the guidelines contained in the then current FDOT Utilities Accommodation Manual.
3. Jetting of utilities under any Roadway is prohibited. Where a Utility is found to be illegally jetted under an existing Roadway, the Roadway section shall be removed to a depth and width as directed by the County Administrator and the Roadway section reconstructed in conformance to the design for “Open Roadway Cuts” contained in the S&D Manual.
4. Open cutting of existing pavement and side roads under the jurisdiction of St. Johns County generally will not be allowed. Under certain conditions, such as subsurface obstructions, limited space for jacking, high water table, or substandard Roadway surface, open cutting may be allowed with approval of open Roadway cuts. Primary consideration will be given to the age and condition of the existing Roadway pavement and safety and convenience to the public. Where open Roadway cuts are permitted, replacement of fill, base and surface course shall be in conformance with the design for “Open Roadway Cuts”: contained in the S&D Manual. “Flowable Fill” or an equivalent material is the preferred method for reconstruction of open Roadway cuts.
5. All areas disturbed by Construction activities within County Right-of-Way shall be restored to the standards specified for new Construction, or restored to a condition equal to conditions prior to the disturbance if the prior conditions exceeded new Construction standards as determined by the County Administrator.
6. Drainage shall be maintained throughout the Construction or installation process and shall not be blocked, restricted, or inhibited unless otherwise approved by the County Administrator. All Roadway swales shall be returned to design grade within thirty (30) days of completion of the Utility installation. See Section 6.04.05 F for limits of driveway.

F. Right-of-Way Improvements and Owner Responsibilities

1. No fencing, shrubs, Trees or Construction other than grassing shall be placed in the Right-of-Way without prior County approval or Permit.
2. Construction and maintenance of any driveway connection or other access across public and private Right-of-Way or drainage facilities is the responsibility of the individual Owner. No person shall block or impede the flow of water through any county or private drainage facility, nor shall leaves, trash or other materials be placed in or burned within the aforementioned facilities.
3. All driveway and/or drainage connections to and /or across public Right-of-Way shall require a Permit. The pipe size and invert depth of all side drains/driveway culverts shall be approved by the County Administrator and set to the County specified grades. In cases where the driveway connection does not require a pipe, the driveway should be constructed with a minimum of four (4) inches of reinforced

concrete (3,000 psi) to conform with the existing flow line of the roadside swale, or as established by the County Administrator.

4. Any connection to Public Roadways found to be installed incorrectly or without Permit shall be subject to enforcement procedures, fines, and/or removal of the facility by the County Administrator. The Applicant has the option to replace the facility at the Applicant's expense upon approval of the County Administrator.
5. All privately owned facilities shall be continuously maintained by the Owner, a Property Owners Association, the Developer, or other entity approved by the County and designated in the Construction application. Failure to adequately maintain the facilities shall be a violation of this Part.

#### G. Intersection Sight Distance Requirements

1. For the purpose of this Section, "defined intersection" is any intersection that has a County owned or maintained road, Street, or any other type of Roadway as one of the Roadways comprising the intersection; except, any such intersection where there is a required stop condition (multi-way stop Sign, traffic signal, or continual flashing red signal indication) for each Roadway traffic lane entering the intersection.
2. To ensure adequate visibility at defined intersections, the Owner or Owners of private real property shall not:
  - a. plant or permit the growth of shrubbery or any other vegetation above the height of thirty (30) inches from the surrounding general ground level;
  - b. allow Tree branches to extend below the height of ten (10) feet from the surrounding general ground level; or
  - c. allow any berm, fence, wall, or any other Structure to be erected, placed or exist, which will obstruct a driver's view of approaching traffic on a through road or Street. Clear sight distance shall be in accordance with criteria established in the applicable sections of the current State of Florida Department of Transportation Roadway and Traffic Design Standards and the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.
3. A visual obstruction as described in Section 6.04.04.G.2. above shall be considered a Non-Conforming Use if before the effective date of this Code it was either complete and in existence or it was both (a) formally permitted by St. Johns County and (b) substantial investment was made on its completion or erection of the obstruction which investment would be lost by compliance with this Part 6.04.00. Such Non-Conforming Use may continue to exist but shall not be altered, expanded, replaced, renewed, or enhanced after the effective date of this Code without full compliance with the terms of this Part 6.04.04.G.2.a. and b. above shall be permitted or allowed to exist as a Non-Conforming Use after the effective date of this Code.

#### H. Right-of-Way Protection and Acquisition

1. No new Subdivisions or non-residential Development (Buildings, Parking Areas,

water retention, etc.) shall be permitted within proposed future County or State Road Right-of-Way corridors, as established in the Traffic Circulation Plan and Goals, Objectives & Policies of the St. Johns County Comprehensive Plan, unless approved by the Board of County Commissioners.

2. Prior to the Development of new Subdivisions or non-residential Development contiguous to existing County Collector Roadways, Right-of-Way shall be reserved or dedicated to St. Johns County in accordance with the Transportation Element of the St. Johns County Comprehensive Plan or other requirements specified within County approved plans, unless otherwise approved by the Board of County Commissioners. Impact fee credits or other incentives or valuable consideration including, but not limited to, additional density, flexible setbacks or accelerated timing and phasing of development, may be granted in consideration for such Right-of-Way dedication. Other incentives including but not limited to additional density, flexible setbacks or accelerated timing and phasing of development may be granted in consideration for Right-of-Way reservation. Such impact fees, incentives, or consideration shall be negotiated with the applicant for the Development.
3. No Development activity shall be permitted within existing County Right-of-Way, unless approved by the Board of County Commissioners.

#### **Sec. 6.04.05 Access Management**

##### **A. General**

1. St. Johns County has the authority to establish, control, and limit points of ingress and egress from County Roadways to ensure the safety and efficiency of its Roadway system. These standards are intended to implement Florida law. Consequently, this Code shall be consistent with the Florida Department of Transportation (FDOT) "Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways" (Green Book), FDOT "Roadway and Traffic Design Standards" (Standards), and the United States Department of Transportation "Manual on Uniform Traffic Control Devices" (MUTCD) unless specifically revised by this Code or the S&D Manual. References will be made to the FDOT "Standard Specifications for Road and Bridge Construction" (Specifications). No facilities for ingress or egress to County Roadways shall be constructed unless they comply with the standards set forth in this Part 6.04.00.
2. This Section adopts an access classification system and standards for regulation and control of vehicular ingress to, and egress from, Major Collectors on the County Roadway system. The implementation of the classification system and standards is intended to protect public safety and general welfare, provide for the mobility of people and goods, and preserve the functional integrity of the County Roadway system. All County Major Collectors shall be assigned an access classification and standard. The standards shall be the basis for connection permitting and the planning and development of County and Developer construction projects.
3. All Non-Residential Developments generating 300 or more p.m. peak hour trip ends shall provide a detailed site access and operational analysis to include the nearest non-site access intersection(s) in all directions from the project site boundary if such intersection meets the standards for analysis established in

Section N of the Traffic Impact Study Methodology and Procedures, Appendix A of this Code. Such analysis to be submitted prior to Construction Plan approval for review and determination. The purpose of this analysis is to identify needed improvements within the immediate project impact area to provide for safe and efficient access to the proposed development. The following criteria shall be applicable to identified improvements:

- a. Site related improvements, including right-of-way to accommodate such improvements, shall not be eligible for road impact fee credit pursuant to the Road Impact Fee Ordinance (Ord. 87-57), as amended.
- b. Site related improvements, as defined in the Road Impact Fee Ordinance (Ord. 87-57), as amended, shall mean capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Direct access improvements include, but are not limited to, (1) access roads leading to the development; (2) driveways and roadways within the development; (3) acceleration and deceleration lanes, and right and left turn lanes leading to those roads and driveways; and (4) traffic control measures for those roads and driveways.
- c. Non-site related improvements deemed necessary shall be eligible for road impact fee credit.
- d. Traffic signals may be required if justified based on traffic signal warrants and will comply with St. Johns County and/or FDOT standards, as applicable.
- e. Existing facilities used for access may require upgrade as set forth in Section 6.04.07.M of this Code.

#### B. Location of Connections

1. Commercial (including commercial retail, office, industrial, and multi-family residential) driveway connections shall align with other driveways on the opposite side of undivided Roadways classified as Local Roads or Minor Collectors, or shall be offset a minimum of one hundred (100) feet. Offset requirements may be increased where auxiliary lanes are required. The location of commercial driveway connections on Roadways classified as Major Collectors shall conform to the access class standards contained in Section 6.04.05.K.
2. The location of commercial driveways should be compatible with the internal movement of traffic and the planned parking layout. The location of the driveway connection shall never allow Vehicles to back across the throat of a driveway or back into the "through" travel lane. Developments with thirty thousand (30,000) square feet gross Floor Area or more shall have a minimum of seventy-five (75) feet of storage lane at the entrance to avoid obstructing through traffic. The throat length shall be computed from the end of the radius point and extend seventy-five (75) feet into the site.
3. Single Family residential driveway connections shall be restricted to Local Roads unless otherwise approved by the County Administrator. Planned Developments shall incorporate design of the Roadway systems to alleviate residential driveway connections to Arterials and Major and Minor Collectors.

### C. Driveway Design

1. Driveway widths, spacing, radii, and minimum angles for residential and commercial driveways shall be based on the following guidelines (See Table 6.03 and Figure 6.02 for a depiction of the measurement criteria):
2. The maximum number of driveways allowed for projects other than Single Family residential units shall be as follows:
  - a. Property with two hundred (200) frontage feet or less - one (1) driveway
  - b. Property with more than two hundred (200) frontage feet - two (2) driveways

Developments shall not be allowed more than two (2) driveways on a single frontage without approval of the County Administrator. Two (2) one-way connections shall equate to one (1) driveway for the purposes of this requirement.

3. Single Family residential units shall generally be limited to one (1) driveway. Circular driveways with two connections may be permitted with a minimum one hundred fifty (150) foot frontage with roadside ditches, and one hundred (100) foot frontage with curb and gutter, with the approval of the County Administrator. The minimum frontage requirement for a circular drive shall include only the frontage along the road where the driveway will be constructed. Circular driveways shall not connect to a road within twenty (20) feet of the point of tangency for a corner or curve with a centerline radius of less than one hundred (100) feet.
4. Where driveways are constructed within the limits of existing curb and gutter Construction, the existing curb and gutter shall be removed either to the nearest joints or to the extent that no remaining section is less than five (5) feet long. If the curb is not removed to the nearest joint, the curb will be cleanly cut with a concrete saw. Driveway materials type should conform to the original Construction on a section unless otherwise specifically provided on the Permit.
5. Positive drainage shall be maintained at all times regardless of distance from property line.

TABLE 6.03

<b>RESIDENTIAL DRIVEWAYS</b>	<b>LOCAL ROADS</b>	<b>MINOR COLLECTORS*</b>	<b>MAJOR COLLECTORS*</b>
Single Family Driveway Widths			
One or two vehicle garages	12-18 feet	12-18 feet	14-18 feet
Three vehicle garages front facing			
Setback < 35 feet	18-26 feet	18-26 feet	20-26 feet
Setback > 35 feet	12-18 feet	12-18 feet	14-18 feet
Three vehicle garages side facing	12-18 feet	12-18 feet	14-18 feet
Required Radius (R)	5 feet	5 feet	10 feet
Minimum Spacing			
From Property Line (P)	5 feet	5 feet	15 feet
From Street Corner (C)	10 feet	10 feet	20 feet
Between Driveways (S)	10 feet	10 feet	10 feet
Minimum Angle (A)	80 degrees	80 degrees	80 degrees
Multi-family**			
Minimum width	10 feet	N/A	N/A
Minimum flare	3 feet	N/A	N/A
Minimum spacing			
From adjacent lot property line	N/A	N/A	N/A
From street corner	10 feet	N/A	N/A
Between driveways	N/A	N/A	N/A
Minimum Angle (A)	80 degrees	80 degrees	80 degrees

\*See Section 6.04.05.K(e) regarding access to Major Collectors

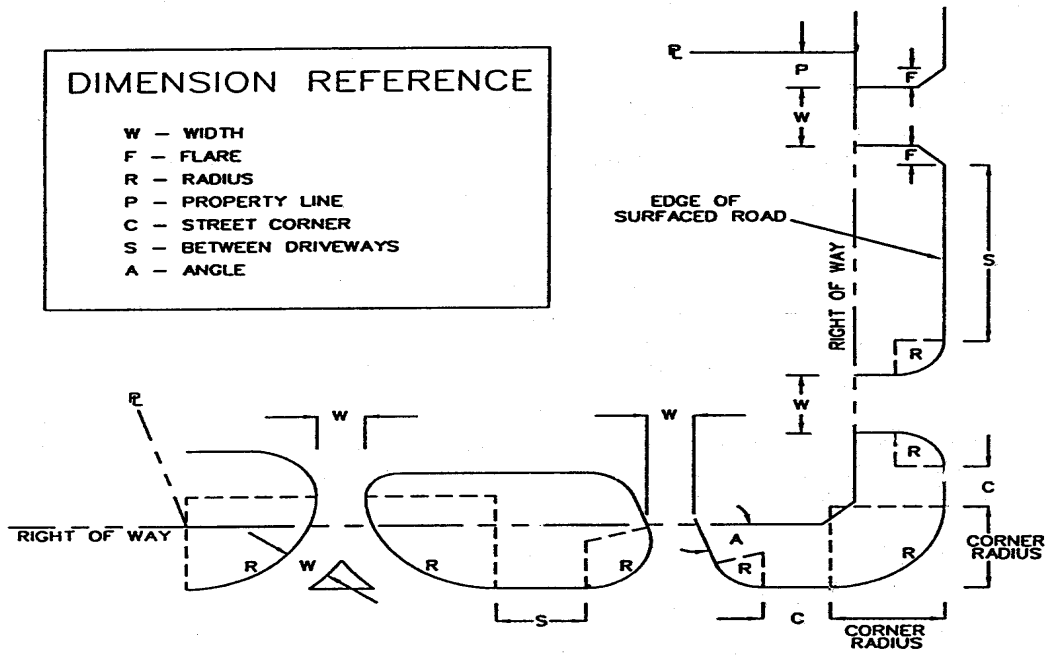
\*\*Includes townhouse and townhome

<b>COMMERCIAL DRIVEWAYS</b>	<b>LOCAL ROADS</b>	<b>MINOR COLLECTORS</b>	<b>MAJOR COLLECTORS</b>
Nominal Width			
One-Way (W)	16 feet	16 feet	16-20 feet
Two-Way (W)	24-30 feet	24-36 feet	24-36 feet
Required Radius (R)	25 feet	30 feet	35 feet
Minimum Spacing			
From Property Line (P)	25 feet	30 feet	*
From Street Corner (C)	25 feet	50 feet	*
Between Driveways (S)	10 feet	20 feet	*
Minimum Angle (A)	80 degrees	80 degrees	80 degrees

\* See Section 6.04.05.K. for minimum driveway spacing standards on Major Collectors



FIGURE 6.02



DRIVEWAY CONNECTION DIAGRAM

D. Driveway Grades

Figure 6.03 establishes maximum grade changes for driveways from the three classes of Roadways. For the values shown, no vertical curve connecting the tangents is necessary. For grade changes more abrupt than those in Figure 6.03, vertical curves at least ten (10) feet in length shall be used to connect tangents.

E. Connection Design

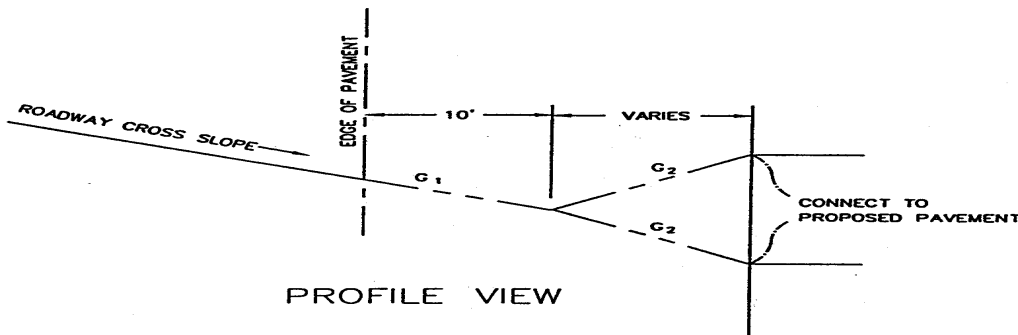
1. The plans submitted for review shall depict the proposed Improvements for driveway connections and driveway approaches. The plans shall provide the driveway size, width, return radii, angle to the Roadway, approach taper length, existing and proposed pavement marking, existing and proposed drainage pipes or other drains (including pipe size and type of material), and existing and proposed grades (including pavement design).
2. Proposed connections shall have no fences, walls, hedges, or other obstacles that will obstruct vision between a height of two and a half (2.5) feet and ten (10) feet above the centerline grade of the intersecting driveway, per FDOT Standards, Index No. 546.

3. All connections to paved Roadways shall be permanent type pavement, including Portland Cement Concrete or asphaltic concrete. Gravel, bituminous surface treatments, and other materials without a permanent surface are prohibited.
4. Pavement design requirements of commercial driveway connections, for the extent of permanent pavement required in Section 6.04.05.F. below, including stabilized subgrade, base course, and surface course, shall equal or exceed the requirements of the adjacent Roadway travel lane. Pavement design requirements of residential driveway connections, for the extent of permanent pavement required in Section 6.04.05.F. below, shall equal or exceed the requirements for Local Roads, with the exception of Portland Cement Concrete driveways which shall have a minimum pavement thickness of five (5) inches within the right-of-way.

F. Connection Limits

Permanent pavement for commercial driveways shall extend at least to the end of the driveway curb radius, or to the Right-of-Way line, whichever is greater. Permanent pavement for residential driveways shall extend a minimum of five (5) feet from the edge of travel lane.

FIGURE 6.03



MAXIMUM GRADE CHANGE FOR DRIVEWAY CONNECTIONS	
LOCAL ROADS	8.0%
MINOR COLLECTOR	4.0%
MAJOR COLLECTOR	3.0%
MAXIMUM GRADE CHANGE ( D ) = G <sub>1</sub> - G <sub>2</sub>	

G. Temporary Driveway Connections

1. Temporary driveway connections shall be permitted for activities which do not require a permanent driveway connection. Examples of activities that may obtain a temporary driveway connection may include, but are not limited to:
  - a. Temporary Construction driveways;
  - b. Silviculture operations;
  - c. Agricultural activities;

- d. Borrow pit and mining activities.
2. Right-of-Way Permits shall be obtained for all temporary driveway connections and shall meet the requirements of Section 6.04.04 of Part 6.04.00. Right-of-Way Permits for temporary connections shall expire after a six (6) month period and may be extended for additional six (6) month periods upon payment of the applicable Right-of-Way renewal fee.
  3. Temporary driveway connections shall be stabilized with limerock or other suitable material for a minimum of twenty-five (25) feet, or to the Right-of-Way, whichever is greater. Connections shall be paved for a minimum of five (5) feet from the edge of the travel lane or paved shoulder. If a roadside ditch or swale is present, a side drain is required which meets the requirements of Section 6.04.07.L.3. The temporary driveway connection shall be constructed to ensure that erosion will not occur that could affect the Roadway drainage system. The Applicant shall ensure that dirt or debris is not tracked into the Roadway travel lanes from the driveway connection or shall make provisions for its immediate removal. The location, width, turning radii, and other design elements of the driveway connection shall be consistent with all other provisions of this Code for a permanent driveway connection.
  4. Upon expiration of the temporary driveway connection Permit, the driveway connection shall be removed and the Right-of-Way shall be restored to its original condition. Any damage to the edges of pavement, shoulder, swale or any other feature within the Right-of-Way caused by the Construction, Use, or removal of the temporary driveway connection shall be repaired or restored to its original condition at no expense to the County within thirty (30) calendar days after written notice to the Applicant.

#### H. Auxiliary Lanes

1. Auxiliary turn lanes shall be required where safety and capacity considerations warrant their use for Vehicle deceleration and storage. The provision of auxiliary lanes shall be required under the following conditions or when there is a demonstrated need for public safety unless an engineering study can demonstrate that safety hazards or capacity deficiencies will not exist. Auxiliary turn lanes shall be required at connections to all Major and Minor Collectors under the following criteria:
  - a. Collector Roads With Posted Speed Limits of thirty-five (35) mph or Greater:
    - (1) Right Turn Lane
      - Development will generate two hundred fifty (250) Vehicles per day (VPD) on the intersecting Roadway or driveway connection; or,
      - Gross Floor Area of non-residential Development is twenty-five thousand (25,000) square feet; or,
      - Development will generate five (5) truck (WB-40 or larger or

any vehicle or combination of vehicles or towed vehicle with a Gross Vehicle Weight Rating (GVWR) of 26,000 pounds or more) trips per day.

(2) Left Turn Lane

- Development will generate five hundred (500) VPD on the intersecting Roadway or driveway connection; or,
- Gross Floor Area of non-residential Development is fifty thousand (50,000) square feet; or,
- Development will generate ten (10) truck (WB-40 or larger or any vehicle or combination of vehicles or towed vehicle with a Gross Vehicle Weight Rating (GVWR) of 26,000 pounds or more) trips per day.

b. Collector Roads With Posted Speed Limits of thirty (30) mph or Less:

(1) Right Turn Lane

- Development will generate five hundred (500) VPD on the intersecting Roadway or driveway connection; or,
- Gross Floor Area of non-residential Development is fifty thousand (50,000) square feet; or,
- Development will generate five (5) semitrailer truck (WB-40 or larger) trips per day.

(2) Left Turn Lane

- Development will generate one thousand (1,000) VPD on the intersecting Roadway or driveway connection; or,
- Gross Floor Area of non-residential Development is one hundred thousand (100,000) square feet; or,
- Development will generate ten (10) semitrailer truck (WB-40 or larger) trips per day.

2. The geometric design of the auxiliary lanes shall be in accordance with FDOT Standards. The Construction of auxiliary lanes shall meet other provisions of this Code. Pavement design requirements of the auxiliary lanes, including stabilized subgrade, base course, and surface course, shall be the same as the requirements of the adjacent Roadway travel lane. The entire width of the road surface must be overlaid for the total length of the auxiliary lanes with a surface course of similar type as the adjacent Roadway sections.

I. Access Along Acceleration/Deceleration Lanes

A driveway shall not be constructed along acceleration or deceleration tapers connecting to interchange ramp terminals, intersecting Roadways, bus bays or other driveways unless access would be unreasonably denied and the driveway can be made to function properly (i.e., safe and efficient traffic operation).

J. Miscellaneous

Signing and Pavement Marking, Traffic Signal, and Maintenance of Traffic criteria and specifications are provided in Section 6.04.07 Roadway Design.

K. Access Management Classifications for Major Collectors

1. General Guidelines

- a. Existing median openings, and signals are not required to meet the standards or the standards of the assigned classification. Such features will generally be allowed to remain in place. These features shall be brought into reasonable conformance with the standards of the assigned classification where new connection permits are granted for significant changes in property use, or as changes to the Roadway design allow. Existing median openings may be modified or closed by St. Johns County based on a demonstrated need for public safety.
- b. The minimum connection and median opening spacing specified in this Section may not be adequate in some cases. Greater distances between connections and median openings may be required by St. Johns County to provide sufficient site-specific traffic operations and safety requirements. In such instances, St. Johns County may require the applicant to document, as part of the response to an application submitted, a justification based on traffic engineering principles as to reasons greater distances are required.
- c. When a full median opening or non-restrictive median is constructed to allow for opposing left or U-turns only, these openings shall be considered as one opening.
- d. Adjacent properties under the same ownership shall not be considered as separate properties for the purpose of the standards associated with the access class of the Roadway segment and shall be deemed to be one parcel. Applicants requesting connections for one or more adjacent properties under the same ownership may as a part of the permit application process, request the properties be considered individually for connection permit purposes. Such requests shall be included as part of the permit application and shall provide specific analysis and justification of potential safety and operational hazards, associated with the compatibility of the volume, type or characteristics of the traffic using the connection. The total number of connections permitted will be the minimum number necessary to provide reasonable access to the property.
- e. If a property fronts a County Major Collector and does not have access to a Minor Collector, Local Road or other side street, the County shall grant at least one access to such property. The County will attempt to govern the

placement of the proposed spacing to conform as close as possible to the assigned access classification of the Roadway. In any case, the County will not deny access due inadequate frontage or inability to meet access management criteria. Should a property have access to another Roadway other than the Major Collector, the applicant may be denied access to the Major Collector and be required to connect to the other Roadway.

## 2. Access Class Definitions

- a. Access Class 2. These are highly controlled access facilities distinguished by the ability to serve high speed and high volume traffic over long distances in a safe and efficient manner. These Roadways are distinguished by a system of existing or planned service roads. This access class is distinguished by a highly controlled limited number of connections, median openings, and infrequent traffic signals.
- b. Access Class 3. These facilities are controlled access Roadways where direct access to abutting land will be controlled to maximize the operation of the through traffic movement. This class will be used where existing or near future land and Roadway use is high. Existing or planned restrictive medians and maximum distance between traffic signals and driveway connections will distinguish these Roadways. These Roadways will be distinguished by existing or planned restrictive medians.
- c. Access Class 4. These facilities are controlled access Roadways where direct access to abutting land will be controlled to maximize the operation of the through movement. This class will be used where existing land use and Roadway sections have not completely built out to the maximum land use or Roadway capacity or where the probability of significant land use change in the near future is high. These Roadways will be distinguished by existing or planned non-restrictive median treatments.
- d. Access Class 5. This class will be used where existing land use and Roadway sections have been built out to a greater extent than those Roadway segments classified as Access Classes 3 and 4 and where the probability of major land use change is not as high as those Roadway segments classified Access Classes 3 and 4. These Roadways will be distinguished by existing or planned restrictive medians.
- e. Access Class 6. This class will be used where existing land use and Roadway sections have been built out to a greater extent than those Roadway segments classified as Access Classes 3 and 4 and where the probability of major land use change is not as high as those Roadway segments classified Access Classes 3 and 4. Existing or planned non-restrictive medians or centers will distinguish these Roadways.
- f. Access Class 7. This class shall only be used in an urbanized area where existing land use and Roadway sections are built out to the maximum feasible intensity and where significant land use or Roadway widening will be limited. This class shall be assigned only to Roadway segments where there is little intended purpose of providing for high speed travel. Access needs, though generally high in those Roadway segments, will not compromise the public health, welfare, or safety. Exceptions to standards

in this access class will be considered if the applicant's design changes substantially reduce the number of connections compared to existing conditions. These Roadways can have either restrictive or non-restrictive medians

### 3. Assignment of Access Classification

All County Major Collectors shall be assigned to one of the Access Management Classes 2 through 7. The assignment of a classification to a specific segment of the County Roadway system shall be the responsibility of the Board of County Commissioners. This classification decision shall take into consideration the potential for the desired access management classification and standards to be achieved based on existing land use, probability for land use change, adopted future Roadway improvements and on the ultimate cross-section of the Roadway identified in adopted plans. The assignment of a classification shall specifically take into consideration the following factors:

- a. The current and potential functional classification of the road,
- b. Existing and projected future traffic volumes,
- c. Existing and projected County, State, and Metropolitan Planning Organization transportation plans and needs (including a consideration of new or improved parallel facilities),
- d. Drainage requirements,
- e. The character of the lands adjoining the Roadway (existing and projected),
- f. Land use, zoning and Land Development Regulations as set forth in the Comprehensive Plan and Land Development Code,
- g. The type and volume of traffic requiring access,
- h. Other operational aspects of access, including corridor accident history,
- i. The availability of reasonable access to the Major Collector by way of other State, County or municipal roads or streets,
- j. The cumulative effect of existing and projected connections to provide for the safe and efficient movement of people and goods within the County.

### 4. Access Management Plan Approval

- a. The County shall establish access classifications for all County Major Collector Roadway segments. Until an access classification is established for a particular Roadway segment on the County Major Collector Roadway system, Access Class 7 shall be used in the interim.
- b. If an Applicant/Developer is multi-laning an existing County Major Collector that is not multi-laned, an Access Management Plan shall be submitted before approval of a development order.

- c. The Access Management Plan shall include all existing and proposed connections, median openings (full and directional) as well as any necessary traffic signals. Spacing of all connections shall be clearly depicted on the Access Management Plan. Proposed connections and median openings must be spaced from existing connections in accordance with the appropriate access classification in Table 6.03A. The Applicant/Developer should minimize the number of median openings, as much as practical, in order to maintain an acceptable level of service and operation of the Roadway. Every effort should be made to locate major connections or entrances with similar connections or entrances for full median openings.
- d. Minor deviations to the Access Management Plan may be allowed, during the plan approval process, as long as they are in conformance with Section 6.04.05.K.5. (Deviations to Access Spacing)

TABLE 6.03A

<b>Major Collector Access Management Classifications &amp; Standards</b>						
Access Class	Medians	Connection Spacing (Feet)		Median Opening Spacing (Feet)		Signal Spacing (Feet)
		> 45 MPH	<= 45 MPH	Directional	Full	
2	Restrictive with service roads	1320	660	1320	2640	2640
3	Restrictive	660	440	1320	2640	2640
4	Non-Restrictive	660	440			2640
5	Restrictive	440	245	660	*2640/1320	*2640/1320
6	Non-Restrictive	440	245			1320
7	Both Median Types	125		330	660	1320

\* 2640 Feet for Speed Limit > 45 MPH  
 1320 Feet for Speed Limit <= 45 MPH

Notes: The table shows minimum spacing requirements  
 Restrictive Median means physically prevent vehicle crossing  
 Non-Restrictive Median means allow turns across a point

5. Deviations to Access Spacing

- a. During the development of the Access Management Plan, certain connections may have to be moved due to site conditions, such as but not limited to sight distance, intersection safety and operation, existing connections, utilities, etc. Deviations of up to ten percent (10%) of the respective connection spacing will be allowed. (As an example, on an Access Class 5 Roadway, the distance between full median openings is two thousand, six hundred forty (2,640) feet. A ten percent (10%) deviation would allow two thousand, three hundred seventy six (2,376) feet between connections, i.e., 2,640 ft. – 264 (10% of 2,640) = 2,376 feet).
- b. Deviations greater than ten percent (10%) of the required connection spacing shall require approval of the County Administrator upon showing



of good cause. Such deviations may require the following from the Applicant/Developer:

- (1) Provide the County with documentation of unique or special conditions based upon established engineering principles that make strict application of the spacing standards impractical or unsafe; and
- (2) Provide documentation how the deviation would affect the traffic efficiency and safety of the transportation facility and;
- (3) Be signed and sealed by a licensed Florida Professional Engineer knowledgeable in traffic engineering; and
- (4) Be clearly beneficial or justifiable to the County Administrator.

#### L. Traffic Signals

Traffic signals may be required if justified based upon traffic signal warrants contained in the MUTCD and the signal location is approved by the County Administrator. All expenses, including signal warrant study, design, materials, and installation shall be the responsibility of the applicant at no cost to the County. Traffic signals shall be designed to comply with the MUTCD and FDOT Standards and Specifications, and the signal equipment shall meet County Specifications. Mast arms shall be used for signal supports. The traffic signal shall become the property of St. Johns County upon acceptance by the County of the signal installation following a ninety (90) day burn-in time period to ensure that all equipment is functioning properly.

### Sec. 6.04.06 Stormwater Management

#### A. Objectives

1. This Section shall govern the design and Construction or alteration of all drainage systems, natural or man-made, within the unincorporated areas of St. Johns County. The following objectives are hereby established in order to protect, maintain and enhance both the immediate and the long term health, safety, and welfare of the citizens of St. Johns County, while allowing landowners reasonable use of their property:
  - a. To prevent loss of life and property due to Flooding;
  - b. To reduce the capital expenditures associated with Flood control and the installation and maintenance of storm drainage systems;
  - c. To minimize the adverse impact of land Development and related Construction activities on property, environmentally sensitive areas, water and other natural resources.
2. Legally the Applicant shall respect the rights of other landowners with regard to volume, rate, and quality of Stormwater runoff leaving a Project site; and, shall mitigate in accordance with the requirements of this Code, the predicted impacts of the proposed activity on other lands through the use of a properly designed,

constructed and maintained Stormwater Management System. In mitigating impacts the following shall be addressed:

- a. Impacts to adjacent and downstream collection, storage, and conveyance systems due to increased volume and rate of Stormwater runoff leaving a Project site;
  - b. Impacts to adjacent and upstream runoff contributing areas which may be hydrologically or hydraulically connected to the Project;
  - c. Impacts to adjacent and downstream property due to sediments and other pollutants carried by Stormwater runoff during and after Construction of the Project;
  - d. Impacts to "Special Flood Hazard Areas" due to earthwork activities associated with the Project which may result in reduced Flood storage or conveyance capacity;
  - e. Impacts to "Volume Sensitive" areas which are Flood prone due to being land-locked or closed areas having either no drainage outlet or limited outlet capacity.
3. St. Johns County acknowledges that under certain circumstances, it may not be possible or practical to meet all of the objectives of Section 6.04.06.A. above. Projects will be evaluated to determine the methods by which the Applicant proposes to mitigate undesirable effects resulting from an inability to meet all the objectives herein. A Project that meets all of the minimum design standards and permitting requirements established by this Section shall be presumed to adequately mitigate for Stormwater runoff impacts identified above.
  4. Compliance with Part 6.04.00 shall not, by itself, relieve the designer, the contractor, or the Owner of his or her liability to others affected by the drainage work.

#### B. Activities Requiring a Permit

1. Unless exempted under Section 6.04.06.C. below, the following activities will require prior approval through the St. Johns County Development Review Process:
  - a. Alteration, restriction, or removal of existing natural drainage collection, storage and conveyance systems;
  - b. Alteration, restriction, removal, reconstruction, or abandonment of existing man-made collection, storage, and conveyance systems;
  - c. Any activity which alters or disrupts the natural flow patterns of Stormwater runoff, or would result in an increase in Stormwater discharge volume and/or rate. These activities include, but are not limited to: Land Clearing, draining, compacting, filling, excavating, diverting or otherwise altering the natural flow patterns of Stormwater runoff;
  - d. Changing the Use of land and/or the Construction of a Structure or change in the size of one or more Structures;

- e. The Development of recorded and unrecorded Subdivisions or the replatting of recorded Subdivisions, residential or non-residential.

C. Exemptions

1. Except as noted, the following Projects shall be exempted from the Stormwater permitting requirements of this Code:
  - a. Agricultural activities (Silvicultural activities shall meet requirements of Section 6.04.09.C.);
  - b. Maintenance work performed on existing mosquito control drainage canals;
  - c. Maintenance work performed on existing Stormwater Management Systems provided that such maintenance work does not alter the purpose and intent of the system as constructed;
  - d. Maintenance or renewal of existing pavement or Buildings;
  - e. Single Family Dwelling Units and Two Family Dwelling Units which are not a part of a larger common plan of Development or sale;
2. Projects meeting the provisions of Section 3.C.1.e. above shall be subject to the requirements of Section 6.04.06.F.8., (Special Flood Hazard Areas and Flood Prone Areas), and Section 6.04.06.H., (Finished Floor Elevations and Lot Grading Plans).
3. The following Projects shall be considered minor in nature and shall be exempted from the Stormwater discharge requirements of Section 6.04.06.F.3.a. only. However, depending on soil types and hydrologic conditions, Projects exempted under this provision shall at a minimum provide retention of Stormwater runoff generated from the first one inch of rainfall resulting from the developed or redeveloped area. In cases where soil types and groundwater table conditions are not conducive to retention systems, a Stormwater detention system shall be provided with the above required Stormwater volume released over a period of twenty-four (24) to seventy-two (72) hours following the storm event.
  - a. Single triplexes and quadraplexes provided that Lot coverage including the Building, driveways, and Parking Area does not exceed thirty-five percent (35%) of the total developable Lot area and the Lot is not part of a larger common plan of Development or sale.
  - b. Expansions or modifications to existing Projects provided that all of the following requirements are met:
    - (1) The site is currently served by an existing and maintained Stormwater Management System;
    - (2) The existing site Improvements plus the proposed expansion does not exceed seventy percent (70%) total site impervious coverage;

- (3) The expansion consists of no more than two thousand, eight hundred (2800) square feet of Building, sidewalks, and associated Parking Area. This requirement is based on a one-time only expansion or a cumulative expansion up to the two thousand, eight hundred (2800) square feet. Any further expansions shall be non-exempt and shall meet all the Stormwater management requirements of this Section;
  - (4) The existing Stormwater Management System can be enlarged to collect and retain or detain, as required above, Stormwater runoff from the developed or redeveloped area;
  - (5) The proposed Improvements and alterations to the Project site will not cause unreasonable impacts to adjacent properties;
  - (6) All other applicable Land Development Regulations have been met.
- c. New Projects which are less than or equal to thirty-five percent (35%) impervious Lot coverage up to a maximum of nine thousand (9,000) square feet of impervious Lot coverage including Building, sidewalks, driveway, and Parking Area and provided that all of the following are met:
- (1) No more than fifteen thousand (15,000) square feet of the Project site is altered, including clearing and earthwork;
  - (2) Retention or detention of Stormwater runoff as required above can be provided;
  - (3) The proposed Improvements and Alterations to the Project site will not cause unreasonable drainage impacts to adjacent properties;
  - (4) All other applicable Land Development Regulations have been met.
4. Projects meeting the requirements of Section 6.04.06.C.3.c.(3) above shall be required to submit a drainage plan meeting the requirements referenced in Section 6.04.06.G. below and are subject to "As-Built" inspection and certification.
  5. The County Administrator shall have the right to exempt any Project from the drainage requirements herein, where, in the judgment of the County Administrator, the proposed Improvements will result in less than a five percent (5%) increase in volume and/or rate of Stormwater runoff from the project site; impacts to adjacent and downstream properties are negligible; and, there is no history of Flooding problems.
  6. Exemption of any Project under the provisions of Section 6.04.06.C. does not relieve the Applicant from obtaining Permits from other local, state or federal agencies which may have jurisdiction over the Project or from meeting all other applicable Land Development Regulations.

D. Certifications

1. Professional Certification

- a. Stormwater management plans, drawings, details, calculations, and related documents, as independently submitted or as contained in the set of Construction Plans shall be prepared by an Engineer or other Registered Professional as defined herein, who is competent in the fields of hydrology; drainage and Flood control; erosion and sediment control; and, Stormwater pollution control. All final drawings, specifications, plans, reports, or documents prepared or issued by the Registered Professional shall be signed, dated, and sealed in accordance with Florida Statutes. Each sheet or page of the final drawings of record shall bear the signature, date and embossed seal of the Registered Professional. All drawings of record shall clearly identify in a legible manner the name and registration number of the Registered Professional.
- b. The registered professional shall certify to St. Johns County, either on the drainage plan or by separate document, that the drainage facilities shown on the final drawings of record were designed in conformance with the St. Johns County Land Development Code. A standard form meeting this requirement is provided in the Development Review Manual.
- c. The drainage calculations shall be submitted in a report form, and shall include a summary section which will address all the requirements of this Section specifically Section 6.04.06.F.
- d. All survey plans, (including but not limited to: boundary, topographic, as-built, wetland, mean high water, specific purpose and associated reports) shall be prepared by a Florida Registered Professional Surveyor and Mapper (PSM). All survey plans and related reports prepared or issued by the PSM shall be signed, dated and sealed in accordance with Florida Statutes.

## 2. Operation and Maintenance

Projects which do not otherwise require establishment of operation and maintenance responsibility in public records shall be required to designate the entity responsible for operation and maintenance prior to approval for Construction. A standard form meeting this requirement is provided in the Development Review Manual.

## 3. Maintenance of Drainage Facilities after Construction

All privately owned drainage facilities shall be continuously maintained by the Homeowners Association, the Developer, or other entity approved by the County and designated in the Construction application. Failure to adequately maintain the facilities shall be in violation of this Code.

## 4. As-Built Certification

"As-Built" survey requirements and related certification shall be provided in accordance with the requirements of Section 6.04.01. A standard form meeting this requirement is provided in the Development Review Manual.

## E. Legal Positive Outfall

1. All Stormwater discharges from a Project shall be directed to a point of Legal Positive Outfall from the point of discharge to the receiving body of water without unreasonably impacting Flood levels of any upstream, downstream, or adjacent property relative to the minimum design standards of Section 6.04.06.F. and the design considerations for mitigating unreasonable impacts set forth in Section 6.04.06.A.2. No diversions of surface waters will be permitted if properties downstream of the diversion would be unreasonably impacted by such diversion for storm events up to and including the one hundred (100) year storm. Any Improvements or increase in capacity of downstream facilities necessary to serve the Project shall be the responsibility of the Applicant and shall be constructed in conjunction and prior to the Project Construction unless otherwise approved or provided by the County Administrator. Financial assurances meeting the requirements of Section 6.04.08 may be required prior to approval by St. Johns County.
2. County approval of a Project does not result in the grant of any Easements or property rights or authorize encroachment upon or use of the property by others. As a result, the County will assume that the Applicant and the Project Engineer have verified the existence of a legal right to discharge Stormwater from the Project outfall. However, in the event St Johns County has substantial doubts concerning such legal rights, the County may require additional information be submitted to verify the legal right to discharge prior to commencement of Construction.

## F. Minimum Design Standards

1. General
  - a. In meeting the objectives of Section 6.04.06.A. above, storage of Stormwater runoff shall be provided to meet the minimum design standards below. Required storage shall meet the volume requirements for water quality and attenuation of peak discharge rate and/or volume (for volume sensitive areas), whichever is greater. In the event another local, state, or federal regulation is more restrictive, the more restrictive standards shall prevail.
  - b. Projects which are to be constructed in phases shall provide drainage Improvements meeting the minimum design standards for each phase. No phase shall be dependent upon the ultimate installation of a future phase.
  - c. Stormwater retention ponds shall have a top of bank elevation no less than six (6) inches above the twenty-five (25) year maximum water surface elevation.
2. Geotechnical Evaluation
 

The United States Department of Agriculture (USDA), Natural Resource Conservation Service "Soil Survey of St. Johns County, Florida" shall be used as a planning guide only. Soil profiles using the USDA soil classification method shall be performed on sufficient areas throughout the site to verify soil types and hydrological conditions.

- a. A geotechnical report from a licensed engineer or other professional authorized under Florida Statutes to do such work shall be submitted for any Stormwater storage facility, system or open channel (swale, ditch or canal) proposed as a "dry" facility; designed to contain standing or flowing water for less than seventy-two (72) hours after a rainfall event or which uses infiltration for sizing of the facility. The report shall include soil boring logs, estimated seasonal high water table, locations of confining layers, results of hydraulic conductivity tests, and any other parameters which may affect the design or recovery of the facility. Soil borings shall extend a sufficient distance below the proposed bottom elevation of the Stormwater storage facility to identify any constraints that may affect the design or recovery of the system. Guidelines pertaining to the depth and number of borings and hydraulic conductivity tests may be obtained from the County Administrator. In areas where it is evident that a seasonal high water table or a confining or impermeable soil layer is within four (4) feet of the bottom elevation of the proposed retention area, a "mounding analysis" is required to substantiate the design and recovery of the system.

b. Soil Investigation – Roadways

A soil investigation report shall be submitted with the Construction Plans and shall include:

- (1) Test borings to a depth (minimum four (4) feet below proposed edge of pavement) and spacing maximum five hundred (500) feet along centerline) showing existing water table and estimated water table during periods of normal rainfall and without drainage Improvements that may lower the groundwater.
- (2) In special cases additional borings to determine the soil classifications predominant to the area may be required by the County Administrator.
- (3) Soil borings for pond designs shall be in accordance with Section 6.04.06. F.2.c. below.

c. Soil Investigation – Retention/Detention Areas

- (1) At a minimum, soil borings for wet detention systems shall be made to a depth equal to the design low water. For dry retention systems, soil borings shall be of sufficient depth to determine the wet season high water table and the permeability of the soils.
- (2) Soil types and the wet season high water table elevation shall be included and illustrated as a part of the detailed lake Construction Plans.
- (3) For wet detention systems, a minimum of one (1) boring (to a minimum depth of the design low water) shall be taken per acre of lake surface. Fractions of acres of lake surface shall be rounded to the next whole acre for purposes of determining the number of borings.

- (4) If the analysis of the basin utilizes infiltration to achieve either peak flow attenuation or recovery time, a double ring infiltrometer test shall be performed at the bottom of the proposed basin.

### 3. Specific Design and Performance Criteria

- a. Except for those Projects which are exempted under Section 6.04.06.C. above, allowable Stormwater discharge rate and discharge volume from a project shall be based on the following design and performance criteria unless otherwise indicated below:
  - (1) Projects which discharge or contribute runoff to downstream areas which are not volume sensitive and have adequate capacity to accept and convey Stormwater runoff from the Project site without increasing Flood levels shall limit peak rates of discharge for developed conditions to pre-developed or existing conditions for the five (5) and twenty-five (25) year design storm event.
  - (2) Projects which discharge or contribute runoff to downstream areas which are volume sensitive and/or do not have adequate capacity to accept and convey Stormwater runoff from the Project site without increasing Flood levels shall provide detention of the twenty-five (25) year discharge volume for developed conditions such that the volume released from the Project during the critical time period is no greater than the volume released under pre-developed or existing conditions during the same time period. For the purposes of this requirement the critical time period shall be the storm duration as indicated in Section 6.04.06.F.3.g. below unless a detailed hydrologic study of the contributing watershed demonstrates otherwise.
  - (3) Unless exempt, all projects shall meet state water quality discharge standards as regulated by the St. Johns River Water Management District. The County Administrator shall presume that this requirement is met upon submittal of a copy of a valid St. Johns River Water Management District Permit prior to commencement of construction.
- b. The County Administrator shall have the right to exempt any project from the discharge requirements of Section 6.04.06.F.3.a.(1) which borders on and discharges directly into the St Johns River; the Intracoastal Waterway, or the Atlantic Ocean.
- c. Stormwater discharge analysis shall consist of generating pre-Development and post-Development runoff hydrographs; routing the post-Development runoff hydrographs through the Stormwater storage system; and, sizing the storage system and discharge control Structure(s) to limit post-Development discharge rate and/or volume to pre-Development or existing conditions for the storm events indicated in Section 6.04.06.F.3.a above. Stormwater discharge computations shall include the storm frequency, storm duration, rainfall amount, rainfall distribution, hydrologic soil conditions, surface storage, changes in land Use cover and slope conditions, off-site runoff contributing areas, time of concentration, tailwater



conditions, and any other changes in topographic and hydrologic characteristics. Where applicable, projects will be divided into sub-basins according to the drainage divides to allow for more accurate hydrologic simulations. Interconnected pond systems shall be modeled as such.

- d. Depending on soil types and hydrologic conditions, infiltration may be utilized in conjunction with Flood routing procedures to satisfy the requirements of Section 6.04.06.F.3.a.(1) and 6.04.06.F.3.a.(2) where soil and groundwater table conditions are conducive to such practices, such as NRCS Hydrologic Group "A" soils.
- e. All Stormwater storage facilities shall be designed to recover sufficient volume to satisfy state water quality discharge standards with total volume recovery within seven (7) to fourteen (14) days following the design storm event.
- f. Rainfall data shall be based on the twenty-four (24) hour precipitation amounts contained in the SJRWMD Technical Publication SJ 91-3 entitled "24-Hour Rainfall Distributions for Surface Water Basins Within the St. Johns River Water Management District, Northeast Florida."
- g. Rainfall distributions shall be based on the twenty-four (24) hour duration rainfall event utilizing the NRCS Type II Florida Modified rainfall distribution or an applicable basin specific storm frequency distribution contained in the SJRWMD Technical Publication SJ 91-3 entitled "24-Hour Rainfall Distributions for Surface Water Basins Within the St. Johns River Water Management District, Northeast Florida."
- h. Except as indicated in Section 6.04.06.F.3.i. hydrographs for Flood routing procedures shall use the U.S. Department of Agriculture, Natural Resource Conservation Service (NRCS) runoff curve number method. Ultimate land usage shall be utilized for post-Development design and analysis using average antecedent moisture conditions (AMC II). Selection of appropriate runoff curve numbers shall be based on values contained in the latest edition of the NRCS Technical Release 55 entitled, "Urban Hydrology for Small Watersheds." With prior approval of County Administrator, other methods may be accepted based on applicability to site conditions, soil and hydrologic conditions, and demonstration that results are comparable to the NRCS runoff curve number method.
- i. The following methods are accepted for generating runoff hydrographs for Flood routing procedures:
  - (1) NRCS Unit Hydrograph Method
  - (2) Santa Barbara Urban Hydrograph Method
  - (3) Modified Rational Method \*

\* Use of the Modified Rational Method for Flood routing procedures shall be limited to small projects less than five (5) acres.

#### 4. Collection and Conveyance Facilities

Unless otherwise approved by the County Administrator, the following standards shall apply to all collection, storage, and conveyance facilities:

- a. Temporary Roadway Flooding for the storm events indicated below may be permissible during the design storm event only if full recovery and use of the Roadway is available at the end of the design storm event. Flood routing analysis shall show that Flood elevations at no time will exceed the following:
  - (1) Exceed an elevation that would permit Flood water encroachment of more than one-half of a travel lane at the lowest elevation on the centerline profile of a Roadway for a twenty-five (25) year storm event;
  - (2) Exceed a depth of one (1.0) foot (12 inches) above the lowest elevation on the centerline profile of a Roadway located within a Special Flood Hazard Area or exceed the finished floor elevation of any Structure within the Project for the one hundred (100) year storm event whether located in a Special Flood Hazard Area or not.
- b. Roadway Stormwater systems shall be designed to transport Stormwater runoff resulting from a five (5) year frequency storm event using the FDOT Zone 5 intensity-duration-frequency curves. Time of concentration shall be based on standard accepted engineering practice and should consider, where applicable, overland sheet flow, shallow concentrated flow, open channel flow, or a combination of these conditions. For systems with time of concentrations less than ten (10) minutes, the minimum time of concentration of ten (10) minutes may be used.
- c. Stormwater systems serving parking lots or other non-residential Projects shall be designed to collect and handle all Stormwater flows into and through the system without creating unreasonable impacts to adjacent properties. Temporary ponding in parking lots is permissible if of shallow depth and if full recovery and use of the Parking Area is available at the end of the storm event. At a minimum, the Stormwater system shall be designed to convey the five (5) year storm event using the FDOT Zone 5 intensity-duration-frequency curves.
- d. Friction losses shall be considered in the computation of the design hydraulic gradient for all Stormwater systems. Energy losses associated with special pollution control Structures (weirs, baffles, etc.) and losses due to Utility conflict Structures shall also be included when present in the system. When hydraulic calculations do not consider all minor energy losses, the elevation of the hydraulic gradient for design storm conditions shall be at least one (1.0) foot below the gutter elevation. If all energy losses are calculated, the hydraulic gradient shall be allowed to reach the Roadway gutter elevation. Minor energy losses shall include those losses associated with entrance, exit, expansion, contraction, bends, and junction/manhole losses.
- e. Determination of hydraulic gradient and sizing of the Stormwater system shall be based on the highest tailwater which can be reasonably expected

to occur coincident with the applicable design storm event. Standard design tailwater conditions for the design of Stormwater systems are as follows:

- (1) Systems which discharge into ponds, lakes, and other wet facilities shall use the stage occurring at peak flow conditions for the design storm event used. Where no outlet exists, the seasonal high water elevation shall be used at the beginning of the storm event;
  - (2) Systems discharging into tidal areas such as the Atlantic Ocean, the Intracoastal Waterway, and the St. Johns River shall use the Mean High Tide elevation plus twelve (12) inches;
  - (3) Systems discharging into Regulatory Floodways shall use a tailwater elevation derived by use of the Federal Emergency Management Agency (FEMA) Flood profile data contained in the FEMA Flood Insurance Rate Study or other approved water surface profile study;
  - (4) Systems discharging into ditches shall use the normal depth flow in the ditch or if downstream control exists, the greater of the normal depth flow or the stage due to backwater from the downstream control;
  - (5) Systems which connect to existing Stormwater systems shall use the hydraulic grade line of the existing system at the connection.
- f. All manual calculations shall be submitted in standard FDOT stormwater tabulation format. Printouts from commercially available computer software developed specifically for analysis and design of Stormwater systems is permissible.
- g. The minimum design velocity for Stormwater systems shall be two and one-half (2.5) feet per second. Energy dissipation will be required at the point of discharge for velocities greater than six (6) feet per second. Submergence of the pipe outlet by at least two-thirds (2/3) of the pipe diameter below normal water level may be considered as energy dissipation.
- h. Unless otherwise approved by the County Administrator, the minimum allowable pipe size for Stormwater systems, within Roadway Right-of-Way, shall be fifteen (15) inches. The maximum pipe lengths without maintenance access Structures shall be based on the following:

TABLE 6.04

PIPE SIZE	MAXIMUM PIPE LENGTH
15 inches	200 feet
18 inches	300 feet
24 inches to 36 inches	400 feet
42 inches and larger	500 feet
Box Culverts	500 feet

- i. Open channels (swales, ditches and canals) shall be designed to convey, without damage, Stormwater flow from design storm frequencies as follows:
    - (1) Outfall ditches and canals - twenty-five (25) year
    - (2) Collector Road swales and ditches - ten (10) year
    - (3) Local Road swales and ditches - five (5) year
  - j. Unless site specific factors warrant the use of larger design storm events, Local Road cross-drains shall be designed to convey, without damage, the five (5) year storm event based on open channel flow conditions and the ten (10) year storm event utilizing available head at the entrance. Collector road cross-drains shall be designed to convey, without damage, the ten (10) year storm event based on open channel flow conditions and the twenty-five (25) year storm event utilizing available head at the entrance.
  - k. Unless site specific factors warrant the use of larger design storm events, Roadway side drains shall be designed to convey, without damage, the five (5) year storm event.
- 5. Erosion and Sediment Control
  - a. Erosion and sediment control best management practices shall be used as required during Construction to retain sediment on-site. These management practices shall be designed according to Minimum FDOT standards and shall be shown and noted on the "Grading and Drainage Plan" or on a separate "Erosion and Sediment Control Plan". Information pertaining to the Construction, operation and maintenance of the erosion and sediment control practice shall be included. Sediment accumulations in the system from Construction activities shall be removed to prevent loss of storage volume. Sedimentation occurring to off-site areas shall be halted and the area immediately restored to conditions prior to sedimentation.
  - b. All side slopes and other areas disturbed by Construction shall be stabilized by sodding, hydro-mulching or other appropriate vegetative or non-vegetative erosion control measures. Grass shall be fully established prior to scheduling for final inspection of the Project and/or acceptance by the County Administrator. Banks or berms having a 3:1 slope or steeper shall be sodded.

- c. Erosion and sediment control best management practices shall be in conformance with St. Johns County Ordinance No. 2006-62 regarding pollutant discharges to the Municipal Separate Storm Sewer System (MS4) in conjunction with participation in the National Pollutant Discharge Elimination System (NPDES).

6. Public Safety

Normally dry basins designed to impound more than two (2) feet of water or permanently wet basins shall be designed with side slopes no steeper than four (4) feet horizontal to one (1) foot vertical (4:1) out to a depth of two (2) feet below the surface control elevation. As an alternative, the basins may be fenced or otherwise restricted from public access if the slopes must be steeper due to space limitations or other constraints. A fence shall be a minimum four (4) foot high and prevent passage of a four (4) inch sphere.

7. Access and Maintenance Easements

- a. Stormwater storage, collection and conveyance facilities shall be designed and constructed to permit adequate equipment access. Facilities designed and constructed to serve more than one property Owner, such as residential and non-residential Subdivisions shall provide an access and maintenance area contained within a dedicated tract or Easement designated for the Stormwater storage facility adequate to provide for future maintenance. Except where existing septic systems or wells are present on adjacent property, an access and maintenance Easement of width meeting the requirements below shall be provided landward of the top of bank elevation of all Stormwater storage, collection and conveyance facilities. Where existing septic systems or wells are present on the adjacent property, a buffer of sufficient width to meet separation requirements between the Stormwater storage facility and the well or septic system shall be provided as approved by the State Health Department or, in the case of public water wells, as approved by the St. Johns River Water Management District. Minimum Easement widths shall be based on the following unless the Applicant can demonstrate lesser widths will be adequate to provide maintenance of the Stormwater storage, collection and conveyance facility:

TABLE 6.05

STORAGE FACILITY SIZE	MINIMUM EASEMENT WIDTH
Less than 1/4 acre 1/4 acre or greater	5 feet 8 feet
MAXIMUM SLOPE 10 feet horizontal to 1 foot vertical (10:1)	

- b. Building and Accessory Structures such as, but not limited to, decks, concrete pads, must be a minimum of three (3) feet from side and rear property lines except as provided in Section 2.02.04.B. Positive drainage

shall be maintained at all times regardless of distance from the property line.

- c. Minimum drainage Easement widths for conveyance facilities other than those within a road Right-of-Way shall be based on the following:

(1) Piped Systems

Fifteen (15) feet or the pipe width plus two (2) times the average depth to the pipe invert rounded up to the nearest five (5) foot increment, whichever is greater.

(2) Open Channels

Thirty (30) feet or the width to convey the required design flows plus twenty (20) feet unobstructed area for access and maintenance measured from the top of the bank.

Lesser widths may be approved for minor conveyance systems such as Rear Yard or Side Yard swales upon demonstration that these minor systems are adequate to convey the design flows from the contributing drainage area; are capable of being effectively maintained by the property Owner; and, are not crucial to the master Stormwater conveyance system.

- d. Unless otherwise approved by the County Administrator, no permanent Structure shall be allowed within any public or private drainage or utility Easement. For the purpose of this Code, examples of permanent Structures shall include, but are not limited to: Buildings, footings, fixed mechanical equipment, electrical transformers and emergency generators, decks, screened enclosures, Patios, swimming pools, and swimming pool decks and any other vertical encroachment.
- e. The County Administrator may require a "Drainage Right-of-Way" in lieu of a drainage Easement where necessitated by maintenance requirements and functional importance to the contributing drainage basin. The width of the Drainage Right-of-Way shall be based on the same requirements as drainage Easements. No Structures, whether temporary or permanent, shall be allowed within an area designated as a Drainage Right-of-Way.

8. Special Flood Hazard Areas and Flood Prone Areas (A Zones) and Regulatory Floodways

- a. Construction occurring in "Special Flood Hazard Areas" as identified by the Flood Insurance Rate Maps and/or the Flood Hazard Boundary Maps shall meet the requirements of the Federal Emergency Management Agency National Flood Insurance Program as referenced in Part 3.03.00.
- b. Filling of "Flood Prone Areas" will be prohibited unless the Applicant can mitigate for the lost storage volume by providing other drainage Improvements to compensate for the lost storage volume elsewhere within the Flood prone area. Other drainage Improvements shall include compensating storage, downstream conveyance Improvements, or, a

combination of compensating storage and downstream conveyance Improvements. No filling shall be allowed within land-locked or closed type basins unless the Engineer can demonstrate that the filling activities will not adversely impact other properties within the Flood prone area. Raised drainfields are not to be considered fill areas.

#### G. Submittal Requirements

The Applicant is responsible for including in the Stormwater management review submittal sufficient information for the County Administrator to evaluate the environmental characteristics of the affected areas, the potential and predicted adverse impacts of the proposed activity on other lands, and the effectiveness of reducing adverse impacts. The County Administrator will establish submittal criteria relating to the contents of all Development review submittals. The criteria for submittals shall establish minimum requirements for the contents of Construction Plans and related design documents to assure requirements herein have been met. Other information may be requested if the County Administrator believes the information is reasonably necessary for support of the drainage analysis including maps, charts, graphs, tables, photographs, narrative descriptions, calculations, explanations, and citations to supporting references as appropriate to communicate the required information for responsible evaluation of the site. Topographic data shall extend off-site a minimum distance of twenty-five feet on all sides to support review of submittals.

#### H. Finished Floor Elevations and Lot Grading Plans

1. Finished floor elevations shall be constructed at a minimum one (1) foot above the FEMA one hundred (100) year minimum elevations in any Special Flood Hazard Area, as referenced in Section 6.04.06.F.8.a. above. In addition, on any sites developed under County approved Subdivision Lot Grading plans, the minimum floor elevations shall be as specified in those plans and the maximum floor elevation shall not exceed six (6) inches more than specified.
2. All Buildings except those on one acre or more of upland area will require a Lot Grading Plan (Note: For any lot over one (1) acre that proposes to add fill within ten (10) feet of any property line will not be exempted). The design shall meet the County approved master drainage plan if applicable or meet the HUD "A", "B" or "C" Lot grading configuration type (see S&D Manual). Such plans shall be approved prior to any Lot grading. On all sites, the Yard slope shall be at least one foot per hundred feet from the perimeter of the new Structure downward to the point of site drainage discharge (edge of pavement or top of swale) on paved Roadways or two feet per hundred feet for sites on unpaved roads. Floor elevations above the Yard elevation at the Building perimeter shall be no less than as required by adopted County Building codes, in addition to any aforesaid minimum specific elevations. At a minimum, the Lot Grading Plan shall be drawn to a scale of one (1) inch equals fifty (50) feet or larger and shall include the following information:
  - a. Property boundary lines;
  - b. Existing drainage patterns on the site including points of entry of off-site drainage contributing areas, points of exit of Stormwater runoff and if necessary, existing elevations and/or elevation contours;

- c. Proposed limits of filling or grading of the site including fill depth, slopes, finished floor elevations, and if necessary, final elevations and/or elevation contours of the site;
  - d. Location of swales and drains to convey Stormwater runoff from the site and any off-site contributing drainage areas to an appropriate point of disposal without adversely impacting adjacent and downstream properties;
  - e. Any other pertinent information as may be required by the County Administrator as appropriate for responsible evaluation of the grading plan.
  - f. In addition, the Lot Grading Plan shall demonstrate that the fill will not block natural flow of Stormwater runoff from adjacent properties and will not divert or direct additional Stormwater runoff onto adjacent properties. Any additional Stormwater runoff shall be directed to the Roadway drainage system or other approved drainage facility.
3. The County Administrator may require Construction of retaining walls, roof gutters, underdrains, swales, or any other facility deemed necessary to provide adequate drainage.

### **Sec. 6.04.07 Roadway Design**

#### **A. General**

1. All new Roadways shall be paved in accordance with approved design and Construction Plans prepared to equal or exceed the design standards established in this Section.
2. To prevent unnecessary damage on newly constructed roadways, temporary access for construction traffic shall be provided to each phase of a development project in such a manner as to prohibit construction traffic on any phase until after the application of the second lift of asphalt has been completed in all phases as required in Section 6.05.07.F.3.
3. Previously platted Roadways which have not been constructed are subject to the requirements of Part 6.04.00, unless Bonds have been received and accepted on Construction of such Roadways.
4. The design and specifications for Major and Minor Collectors shall comply, at a minimum, with the Florida Department of Transportation (FDOT) "Roadway and Traffic Design Standards" (Standards), "Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways" (Green Book), and the "Manual of Uniform Traffic Control Devices" (MUTCD), unless specifically revised by this Code or the S&D Manual. Material specifications and Construction procedures shall comply to the FDOT "Standard Specifications for Road and Bridge Construction" (Specifications). Certain FDOT details may be required to be incorporated into the Construction Plans at the request of the County Administrator.
5. The Standards and Detail (S&D) Manual graphically depict the Roadway and drainage design details for Construction within unincorporated St. Johns County and are consistent with the objectives and standards contained within this Code.



The County Administrator shall be authorized to amend the S&D Manual from time to time when necessary for the benefit of the citizens of St. Johns County. Variations to the S&D Manual shall be permitted consistent with the provisions of the Code. The S&D Manual shall not be incorporated into Construction Plans by reference.

## B. Easement Requirements

A recorded Easement, as provided in Section 6.02.01.B.3, may be allowed for access to Development as follows:

1. Easements for access serving Multi-Family Dwelling Projects (except Townhomes), non-residential Projects, or easements serving ten (10) or more unplatted ) residential Dwelling Units:
  - a. Shall meet all requirements of Part 6.04.00 (Roadway, Drainage & Utilities Standards) for commercial driveway or local road or collector standards, as appropriate, and meet Part 6.03.00 Fire Protection Regulations.
2. Easements for access serving up to nine (9) unplatted residential Dwelling Units:
  - a. Minimum recorded thirty (30) foot wide Easement. Those lots that can meet the required frontage as determined by the Zoning District, exclusive of the easement, on an approved, maintained County or Private road shall not be considered as being served by the easement.
  - b. Up to five (5) homes accessing an easement: Minimum twenty (20) foot wide stabilized surface with eight (8) inch thick LBR 40 material. Stabilized width must include shoulders. Native materials below the stabilized surface shall not contain significant amounts of unsuitable materials (i.e. muck, clay, organics, etc.).
  - c. More than five (5) homes accessing an easement: The easement must be improved to local roadway pavement design standards under Section 6.04.07.F for one-hundred feet (100') from its intersection with the County-owned right-of-way
  - d. Forty (40) foot radius stabilized turnaround or equivalent.
  - e. Owner(s) shall provide a recorded maintenance agreement in a form acceptable to the County.
  - f. Easement must provide Emergency Vehicle access per Part 6.03.00.
3. Easements for access serving unmanned sites (e.g. Antenna Towers, relay stations and similar facilities):
  - a. Minimum recorded twenty (20) foot wide Easement.
  - b. Minimum sixteen (16) foot wide stabilized surface capable of supporting eighty thousand (80,000) pounds.
  - c. Thirty-five (35) foot radius stabilized turnaround or equivalent.

4. Shared residential driveways are permitted in platted Subdivisions, are not considered easements for purposes of this part, and must meet Section 6.04.05 Access Management

C. Right-of-Way Requirements

1. Minimum Right-of-Way Widths shall be as listed in Table 6.06. These minimum widths may be increased to allow sufficient width for drainage facilities, utilities, sidewalks, bicycle paths, or other appurtenances within the Right-of-Way.

TABLE 6.06

MINIMUM RIGHT-OF-WAY-WIDTHS						
ROADWAY CLASSIFICATION	CURB/GUTTER			SWALE SECTION		
	2-LANE	4-LANE	6 LANE	2-LANE	4-LANE	6 LANE
LOCAL ROADS	60 feet*	N/A	N/A	60 feet**	N/A	N/A
MINOR COLLECTORS	80 feet	110 feet	N/A	80 feet	130 feet	N/A
MAJOR COLLECTORS	80 feet	130 feet	155 feet	100 feet	150 feet	250 feet

\* Right-of-Way Widths for Local Road curb and gutter sections may be reduced to fifty (50) feet upon demonstration that an electric Utility Easement five (5) feet in width or greater is provided outside of the Right-of-Way on each side.

\*\* See all of Section 6.04.07.C for various requirements related to swale design

2. Swale sections on Local Roads may be permitted in public Rights-of-Way only under the following conditions:
  - a. Existing platted Subdivisions where the adjoining Rights-of-Way are predominantly existing swaled system, or
  - b. Proposed platted Subdivisions where the minimum lot size is one (1) acre or greater.
3. If pavement within a Roadway is divided, or if the centerline of the Roadway deviates from the centerline of the Right-of-Way, such as to allow for preservation of Trees within the Right-of-Way, the width for the remaining portion of the Right-of-Way outside of the travel lanes shall comply with the Roadway Typical Section for the designated Roadway classification. Design of the Roadway must be adequate to assure that the Tree root system will not adversely affect the integrity of the Roadway in the future or impact the proper location of the Utility placement. Utility installation must be in accordance with the S&D Manual.
4. All intersecting Roadways shall require additional Right-of-Way at the corners. The corner clip shall connect the two points which are twenty (20) feet from the intersecting Right-of-Way lines or a twenty-five (25) foot radius return (refer to the S&D Manual).
5. Reduction of the minimum Right-of-Way Widths listed in Table 6.06 above may be permitted if documentation demonstrates sufficient width to safely accommodate all planned or required drainage facilities, utilities, sidewalks, bicycle paths, or other appurtenances within the Right-of-Way or separate Easements.

Requirements of this Code shall not prohibit the County from undertaking, or permitting, expansion of existing travel lanes within Right-of-Way not meeting the minimum widths in Table 6.06 above if environmental, legal, or physical constraints prevent expansion of such Right-of-Way to the minimum widths so long as public safety is not jeopardized.

D. Minimum Lane & Shoulder Widths

1. Minimum travel lane widths shall be as follows:

TABLE 6.07

ROADWAY CLASSIFICATION	MINIMUM LANE WIDTHS	
	VEHICLE	BICYCLE
LOCAL ROADS	10 feet	0 feet
MINOR COLLECTORS	12 feet	5 feet
MAJOR COLLECTORS	12 feet	5 feet

*Note: See Section 6.04.05, ACCESS MANAGEMENT for details on driveway connections.*

2. If pavement within a Roadway is divided, such as to allow for preservation of Trees, the minimum pavement width shall be sixteen (16) feet. The minimum pavement width of sixteen (16) feet shall be measured from the edge of pavement. Right-of-Way Widths for the divided section shall be in accordance with Section 6.04.07.C. above.

E. Cul-de-Sacs

1. All Roadways without a paved outlet shall be terminated with a cul-de-sac (see S&D Manual).
2. The minimum Right-of-Way Width for a cul-de-sac bulb with curb and gutter sections shall be a sixty-two (62) foot radius. For a swale section, the minimum Right-of-Way Width shall be a sixty-two (62) foot radius. These widths may be increased to allow sufficient width for drainage facilities, utilities, sidewalks, bicycle paths, or other appurtenances within the Right-of-Way.
3. The minimum pavement radii for cul-de-sacs shall be forty-two (42) feet with the pavement design for the cul-de-sac bulb consistent with the Roadway.
4. Other variation or shapes of cul-de-sacs may be allowed if the design conforms to American Association of State Highway and Transportation Officials (AASHTO) criteria contained in "A Policy on Geometric Design of Highways and Streets".
5. Any Local Road which exceeds one thousand, eight hundred (1800) feet shall have an intersecting Street, cul-de-sac or eyebrow designed turn around.

F. Pavement Design

1. Stabilized Subgrade

- a. All Roadway and driveway subgrades shall have a minimum width as shown in the Roadway Typical Sections. Minimum depth and bearing values shall be as follows:

TABLE 6.08

ROADWAY CLASSIFICATION	STABILIZED DEPTH	LIMEROCK BEARING RATIO (L.B.R.)
LOCAL ROADS	12 inches	40
MINOR COLLECTORS	12 inches	40
MAJOR COLLECTORS	12 inches	40

- b. Where the existing soils to be used in the Roadway subgrade have the required bearing value, no additional stabilizing material will be required. The stabilizing material, if required, shall be high-bearing value soil, sand-clay, limerock, shell or other materials which meet the standards established in the FDOT Specifications.
- c. The Construction of the stabilized roadbed shall meet the criteria as set forth in the FDOT Specifications. Minimum density shall be ninety-eight percent (98%) (Modified Proctor Method).
- d. Tests for the subgrade bearing capacity shall be located no more than five hundred (500) feet apart or every soil change, and tests for compaction shall be located no more than three hundred (300) feet apart. Tests shall be staggered to the left, right, and on the centerline of the Roadway with no less than two (2) tests conducted per Roadway section. When conditions warrant, in the judgment of the County Administrator, additional tests may be required to assure compliance with FDOT Specifications. The Contractor/Project Engineer will be advised in writing that additional tests will be required and the extent of such additional tests. Special attention shall be given to the need for any compaction retests in subgrade areas disturbed by underground utilities or other Construction, especially under curb areas.
- e. The bottom of the stabilized subgrade shall be a minimum of one (1) foot above the Seasonal High Groundwater Level (SHGL) as identified by an Engineer or other Registered Professional. Alternatively, the local roadways with less than 2,000 Average Annual Daily Trips (AADT) could be designed by a Registered Professional in accordance with Section 5.2.2. of the Florida Department of Transportation’s (FDOT) January 2020 Flexible Pavement Design Manual.

2. Base Course

- a. Base course materials shall be limerock or material with an equivalent structural value. The minimum thickness and density for limerock shall be as follows:

TABLE 6.09

ROADWAY CLASSIFICATION	MINIMUM THICKNESS	LIMEROCK BEARING RATIO (L.B.R.)
LOCAL ROADS	6 inches	100
MINOR COLLECTORS	8 inches	100
MAJOR COLLECTORS	10 inches	100
MAJOR COLLECTORS – SIX LANE DESIGN	12 inches	100

- b. The base course width shall be a minimum of twelve (12) inches greater than the finished surface course (see Roadway Typical Sections in the S&D Manual). Limerock and coquina shell shall conform to FDOT Specifications for base course material and Construction methods. Under special conditions where base material may be subjected to greater than normal moisture, soil cement, crushed concrete, or asphaltic base may be used after approval by the County Administrator. In such instances, the applicant shall submit the justification, test data to be used to determine mix, the Contractor's experience record, and quality control procedures. The Engineer of Record shall state whether a fabric or other method will be used in the system to minimize surface cracking.
  - c. All bases shall be primed in accordance with the Specifications. A tack coat will not be required on primed bases except on areas which have become excessively dirty and cannot be cleaned, or in areas where the prime has cured and lost all bonding effect. Tack coat material and Construction methods shall conform to FDOT Specifications.
  - d. The Construction of the base shall meet the criteria as set forth in the FDOT Specifications. Minimum density shall be ninety-eight percent (98%) (Modified Proctor Method).
  - e. Testing for the base thickness and compaction shall be located no more than three hundred (300) feet apart and staggered to the left, right, and on the centerline of the Roadway with no less than two (2) tests conducted per Roadway section. When conditions warrant, in the judgment of the County Administrator, additional testing may be required to assure compliance with FDOT Specifications, the Contractor/Project Engineer will be advised in writing that additional tests will be required and the extent of such additional tests.
3. Asphaltic Concrete Wearing Surface Course

The County requires a two-lift pavement system with regard to application of the Wearing Surface. All infrastructure and the base course shall be constructed in accordance with applicable Land Development Code regulations; however, the Wearing Surface Course application is delayed until such time as outlined in Section 6.04.08 (Bonding). Tack (prime) coat shall be required for multiple lifts.

Surface courses for flexible pavements shall meet the following minimum thickness requirements:

TABLE 6.10

ROADWAY CLASSIFICATION	STRUCTURAL COURSE		WEARING SURFACE COURSE	
	MINIMUM THICKNESS	TYPE	MINIMUM THICKNESS	TYPE
LOCAL ROADS	1 inch	S-I*	3/4 inches	S-III*
MINOR COLLECTORS	1-1/2 inches	S-I*	1 inch	S-III*
MAJOR COLLECTORS	2 inches	S-I*	1-1/2 inches	S-III**
MAJOR COLLECTORS - SIX-LANE SECTION	3 inches	S-I*	1 1/2 inches	S-III**

\* S-I and S-III may be substituted with SP-12.5 and SP-9.5, respectively.

\*\* The FDOT downside one-quarter (1/4) inch tolerance for pavement thickness does not apply.

- a. Asphaltic concrete types or equivalent structural courses shall conform to the FDOT Standards and Specifications for design, materials, and method of Construction.
  - b. Asphalt cores for thickness shall be located no more than two hundred (200) feet apart and staggered to the left, right, and on the centerline of the Roadway with no less than two (2) cores taken per Roadway section.
  - c. Surface course shall be 1/4-inch higher than the edge of gutter section.
4. Portland Cement Concrete Pavement
- a. Stabilized subgrade requirements for Portland Cement Concrete Pavements shall be the same as those for flexible pavements.
  - b. Minimum pavement thickness requirements shall be as follows:

TABLE 6.11

ROADWAY CLASSIFICATION	MINIMUM THICKNESS
LOCAL ROADS	8 inches
MINOR COLLECTORS	8 inches
MAJOR COLLECTORS	10 inches

- c. Portland Cement Concrete Pavement, including joints, shall conform to FDOT Specifications for materials and method of Construction.

G. Roadway Alignment

Roadways shall be designed with the following minimum radii for the centerline of curves:

TABLE 6.12

ROADWAY CLASSIFICATION	MINIMUM CENTERLINE RADIUS
LOCAL ROADS MINOR COLLECTORS MAJOR COLLECTORS	100 feet 325 feet * 500 feet *

\* Minimum centerline radius may be increased based upon design speed of Roadway.

H. Sidewalks

1. Sidewalks shall be required on all roads that are classified as County Major or Minor Collectors. Sidewalks shall be constructed on each side of the Roadway to be developed unless otherwise provided through an approved pedestrian circulation plan. On all new County Major or Minor Collectors, sidewalks shall be required on both sides.
2. The County may grant an Administrative Waiver for the Construction of sidewalks within its Right-of-Way. However, the Developer shall be required to provide funds for the cost of sidewalk to the County. The unit price for sidewalk shall be established by the County Administrator.
3. Sidewalks shall be designed and constructed in accordance with FDOT Standards except as modified herein. The finished grade of sidewalk shall be constructed to conform to the master drainage plan, if applicable, to prevent ponding.
4. The minimum sidewalk width shall be five (5) feet on Major and Minor Collectors, with six (6) feet provided in areas of high pedestrian travel such as near schools, parking facilities, shopping centers, and transportation facilities. Sidewalks provided on Local Roads shall be a minimum of four (4) feet in width and shall be placed three (3) feet inside the Right-of-Way line, unless otherwise approved by the County Administrator. Handicap ramps, meeting Florida Accessibility Code specifications, are required on all curb and gutter sections. If an obstruction is unavoidable, the sidewalk shall be widened to compensate for the obstruction.
5. Sidewalks should be placed as far as possible from the Roadway travel lane as practical. If Right-of-Way constraints require the sidewalk to abut curb and gutter, the minimum sidewalk width shall be six (6) feet. Utility strips should be considered in determining the location of the sidewalk to better serve the needs of the pedestrian traffic as well as the Utility companies and to increase Roadway safety. Location of Roadway Signs and signal poles should also be a consideration in establishing sidewalk location.

I. Shoulder Treatment

1. Construction areas within County Right-of-Way and Easements shall be treated with seed and mulch, at a minimum, to protect the Right-of-Way against erosion, siltation and rivulets caused by surface run-off.
2. All Roadway work shall require a minimum of sixteen (16) inches of sod adjacent to the edge of pavement (see Roadway Typical Sections in the S&D Manual).

Grasses shall be Argentine Bahia or an approved alternative. Winter Rye and/or Millet may be mixed for protection until germination. Grasses shall be fully established and free of disease and damaging insects prior to County approval of the Project. All soil preparation, grassing, mulching, sod and watering shall meet FDOT Specifications for material and method of Construction.

#### J. Signing and Pavement Marking

1. All Roadways shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) for signing and pavement markings. Signing and pavement marking plans shall be submitted on all Development Plans and shall require approval from the County Administrator. All traffic control Signs and pavement markings for new Developments shall be furnished and installed at no cost to the County.
2. County Roads shall require Thermoplastic material be used for all pavement markings, including turn lanes, stop bars, crosswalks, and other areas as designated by the County Administrator. New asphalt shall be allowed a thirty (30) day curing period before placement of thermoplastic materials. Temporary pavement markings shall be applied where necessary to control traffic on existing Roadways during the curing period.
3. All Major and Minor Collectors shall be delineated with Roadway pavement markings according to FDOT Standards and Specifications. The approach leg of a Local Road with a Major or Minor Collector shall be delineated with a stop bar and a double yellow centerline for a minimum length of one hundred (100) feet from the stop bar.
4. All Major and Minor Collectors shall be delineated with Reflective Pavement Markers (RPM) according to FDOT Standards and Specifications. Variances may be granted for roads where highway lighting exists, or when, in the judgment of the County Administrator, the need for Reflective Pavement Markers does not exist.
5. All Signs installed shall conform to the criteria in the MUTCD and FDOT Standards and Specifications. When access is to a Major Collector, the stop Sign shall be thirty-six (36) inches wide. The back side of each Sign is required to have the date of installation stenciled on it (month/year), in one (1) inch figures using a long lasting flat black paint or decal.
6. Street name Signs on Public and Private Roadways shall have white lettering on green background. All Street name Signs shall conform to County specifications for size, shape, lettering style, and other requirements.
7. All Signs shall be manufactured with high-intensity sheeting material unless otherwise specified by the County Administrator.

#### K. Traffic Signals

Traffic signals may be required if justified based upon traffic signal warrants contained in the MUTCD and the signal location is approved by the County Administrator. All expenses, including signal warrant study, design, materials, and installation shall be the responsibility of the applicant at no cost to the County. Traffic signals shall be designed to comply with the MUTCD and FDOT Standards and Specifications, and the signal equipment shall meet County Specifications. Mast arms shall be used for signal supports. The traffic signal shall



become the property of St. Johns County upon acceptance by the County of the signal installation following a ninety (90) day burn-in time period to ensure that all equipment is functioning properly.

L. Roadway Drainage

1. Open Channels

- a. The design of open channels shall be based on design and performance criteria contained in Section 6.04.06.F.4., entitled "Collection and Conveyance Facilities."
- b. The design of open channels shall consider the need for channel linings. Standard treatment for roadside swales shall be grass with mulch and/or hydro-mulching where flow velocities are less than velocities permitted for bare soil conditions. Sodding shall be used when the design flow velocity exceeds values permitted for bare soil conditions, but do not exceed four (4) feet per second or where side slopes exceed a steepness of three (3) feet horizontal to one (1) foot vertical (3:1). Sodding shall be staggered, to avoid continuous seams in the direction of flow. For flow velocities greater than four (4) feet per second, flexible or rigid linings shall be used. Flexible linings may include use of geotextile grids, rock rip-rap, and interlocking concrete grids. Rigid linings shall include concrete pavement. The following table sets forth guidelines for lining types based on various design factors which include open channel gradient, side slopes, and velocity ranges. Subject to applicability to site conditions, manufacturer's recommendations and approval from the County Administrator, alternative channel linings may be acceptable.

TABLE 6.13

GRADIENT (%)	SIDE SLOPES	VELOCITY RANGE (fps)	PROTECTIVE LINING
0.75% and Less 0.75% to 2.00% Greater than 2.00%	Flatter than 3:1 3:1 to 2:1 Steeper than 2:1	Less than 2.0 2.0 to 4.0 Greater than 4.0	Grass with Mulch Sod Flexible/Rigid Lining

*Note: Channel velocities greater than 6 feet per second shall require energy dissipation.*

- c. For open channels where positive flow conditions are required, a minimum physical slope of 0.1 foot per 100 feet (0.1 percent) or the slope to provide for conveyance of the design flow, whichever is greater, shall be used.
- d. The design of all open channels and roadside swales shall consider ease of maintenance and accessibility. Side slopes for roadside swales shall be in general conformance with the Roadway Typical Sections. Side slopes for other facilities requiring regular maintenance shall not be greater than three (3) feet horizontal to one (1) foot vertical (3:1).

2. Cross-Drains

- a. Cross-drains shall be sized based on design and performance criteria contained in Section 6.04.06.F.4., entitled "Collection and Conveyance Facilities."
  - b. The minimum allowable pipe diameter for cross drains shall be fifteen (15) inches or the equivalent section for arch or elliptical pipe.
  - c. The minimum length of pipe to be used, including the end treatment, shall be the length necessary to provide for the required Roadway shoulder width and adequate clear zone requirements.
  - d. Unless otherwise approved, minimum pipe cover shall be twelve (12) inches measured from the outside top of pipe to the top of the Roadway base at any point in the Roadway cross-section.
  - e. Culverts under intersecting side roads shall be considered as cross drains and shall be designed using cross drain criteria.
  - f. Cross-drains shall be installed with County approved end treatments. End treatments shall include mitered ends and "U" type mitered end walls. Headwalls may be allowed where placement meets clear zone requirements. Mitered ends shall be required on all Roadways with speed limits greater than thirty (30) miles per hour.
3. Side-Drains (Driveway Culverts)
- a. Side-drains shall be sized based on design and performance criteria contained in Section 6.04.06.F.4., entitled "Collection and Conveyance Facilities."
  - b. Unless otherwise approved by the County Administrator, the minimum allowable pipe diameter for side drains shall be fifteen (15) inches or the equivalent section for arch or elliptical pipe.
  - c. All Construction drawings submitted for review shall include a schedule showing the size, type, and invert elevation of the side-drain needed to provide access to each subdivided Lot.
  - d. Side-drains shall be installed with County approved end treatments. End treatments shall include mitered ends and "U" type mitered end walls. Headwalls may be allowed where placement meets clear zone requirements. Mitered ends shall be required on all Roadways with speed limits greater than thirty (30) miles per hour.
  - e. Pipe length including shoulder for side-drains shall be based on the following:

TABLE 6.14

DRIVEWAY TYPE	MAXIMUM PIPE LENGTH *	MINIMUM PIPE LENGTH *
Residential Driveways	Driveway Width PLUS 4 feet each side	Driveway width PLUS 2 feet each side
Non-Residential Driveways	Driveway Width PLUS 8 feet each side	Driveway width PLUS 4 feet each side

\* *Pipe length does not include the length of end treatment*

4. Curb, Gutter and Inlets

- a. The FDOT Standards shall be used as a guideline for selection of drainage Structure types and hydraulic capacities.
- b. Selection of curb, gutter, and inlet type, location, and spacing shall consider Roadway geometry; width of spread (flow); inlet geometry and intake capacity; maximum pipe length without maintenance access; potential for Flooding of off-site property; and pedestrian and bicycle safety. Maximum spacing for curb inlets shall be based on the width of spread. Width of spread shall not exceed one-half of the travel lane adjacent to the gutter for a rainfall intensity of four (4) inches per hour. In general, maximum spacing for inlets shall be five hundred (500) feet. Longer spacing may be allowed upon demonstration that the width of spread meets requirements set forth above.
- c. Inlets shall be placed at all low points in the gutter grade, and as appropriate at intersections, median breaks, and on side Streets where drainage could adversely affect the safety of vehicular or pedestrian movements within the Roadway intersection.
- d. Curb inlets shall not be located within drop curb locations.
- e. The minimum allowable gutter grade shall be 0.3 percent.

5. Pipe Material and Specifications

- a. The Florida Department of Transportation Standard Specifications for Road and Bridge Construction shall be used as a guideline for specifications on pipe material, placement, bedding, and backfill requirements.
- b. Pipe material shall be selected based on durability, structural capacity, and hydraulic capacity. The design service life of the facility shall be based on the following:

TABLE 6.15

FACILITY TYPE	SERVICE LIFE
Stormwater Systems Cross-Drains Side-Drains	100 years 50 or 100 years 25 years

*Note: Where more than one service life is given, the lower value shall be used for locations on Local Roadways and the higher value shall be used for locations on Minor/Major Collectors and higher road classifications and in urban areas.*

- c. In estimating the projected durability of a material, consideration shall be given to actual performance of the material in nearby similar environmental conditions, its theoretical corrosion rate, the potential for abrasion, and other appropriate site factors. To avoid unnecessary site specific testing, generalized soil maps such as the NRCS Soil Survey for St Johns County may be used to delete unsuitable materials from consideration. In the event testing is necessary, tests shall be based on FDOT approved test procedures. The potential for future land Use changes which may change soil and water corrosion indicators shall also be considered to the extent practical. Backfill material shall not be more corrosive than that which is required to provide the design service life.
- d. All gravity flow pipe installations shall have a soil tight joint performance unless site specific factors warrant watertight joint performance.
- e. The pipe materials and cross-sections identified in Table 6.16 are classified as standard and alternative pipe materials and may be accepted for use by the County Administrator.
- f. Alternative Pipe Material may be accepted for use by the County Administrator on a case by case basis, based on the Engineer-of-Record for the particular project submitting a written request, signed and sealed, stating that the use of these alternative pipe materials are appropriate and that these materials meet all of the requirements and specifications of the County.
- g. All drainage pipes installed within roadway rights-of-way/easements (public or private) shall be televised by a company or individual certified to perform such work. This televising of the drainage line shall be done in color and shall be of such quality as to visually identify the proper construction of all joints and pipe alignment. A video tape shall be provided to the County upon completion. The televising of the drainage lines shall be performed after the placement of the base material and prior to the final wearing surface of the roadway. The approval, by the County, of the televising shall be required prior to the placement of the final wearing surface of the roadway. Televised record shall be reviewed and certified by the Engineer of Record (EOR).
- h. When flexible pipe is laid, the interior shall be reasonably uniform and as nearly circular as practical. Structure shape shall be checked regularly during back-filling to verify acceptability of the construction method used. Pipe shall not deflect more than 5 percent in any direction. Upon completion of installation, the Contractor shall test flexible pipe for deflection. Pipe deflection shall not exceed 5 percent. Testing equipment and test

supervision will be provided by the contractor. Testing will be done using a mandrel having a diameter equal to 95 percent of the inside diameter of the pipe. The test shall be performed without mechanical pulling devices or re-rounders. Any device for measuring deflection shall be approved by the County Engineer. Deflection test shall be required for pipe diameters 12 inches or greater. The mandrel testing of the drainage lines shall be performed after the placement of the base material and prior to the final wearing surface of the roadway.

TABLE 6.16

<b>STANDARD PIPE MATERIAL</b>
Reinforced (Steel) Concrete Pipe Reinforced Concrete (Steel) Elliptical Pipe Concrete Box Culvert
<b>ALTERNATIVE PIPE MATERIAL</b>
Aluminum Pipe * Corrugated Steel Pipe Fiber Reinforced Concrete Pipe (FRCP) (Maximum Diameter of 48 inches) Corrugated Polyethylene Pipe (Maximum Diameter of 48 inches) High Density Polyethylene Pipe (HDPE) (Maximum Diameter of 36 inches) Polyvinyl Chloride (PVC) Pipe (Maximum diameter of 36 inches)

\* Prior to any aluminum pipe installation, test reports on the soil pH shall be submitted with a certification that the material furnished will provide sufficient resistance to corrosion to maintain the design service life.

6. Other Drainage Structures

- a. The Florida Department of Transportation Roadway and Traffic Design Standards shall be used as a guideline for selection and Construction of all drainage Structures, including but not limited to: manholes, inlets, and pipe end treatment.
- b. Bulkhead and/or retaining walls will be designed by a Registered Engineer.

M. Existing Facilities

- 1. Existing non-paved and stabilized base (e.g. soil cement, fast track, open graded emulsion mix, etc.) or other non-paved County-maintained Roadways used for Project access shall be required to be improved to meet the requirements of this Code from the Development’s point of access on the non-paved Roadway to the terminus with the closest paved Roadway for approval of:
  - a. New Subdivision resulting in more than two (2) residential Lots, or
  - b. New multi-family residential Development, Manufactured/Mobile Home Park, or non-residential Development, or

- c. More than two (2) residential Dwelling Units per Lot of Record.

Further, it shall be demonstrated that access to the Project described in subparagraphs a. through c. above can be obtained from an existing paved Collector or Arterial Roadway to the Development's point of access via paved Roadway(s).

- 2. Existing non-paved and stabilized base (e.g. soil cement, fast track, open graded emulsion mix, etc.) or other non-paved Private Roadways used for Project access shall be required to be improved to meet the requirements of this Code from the Development's point of access on the non-paved Roadway to the terminus with the closest paved Roadway for approval of:
  - a. New Subdivision resulting in more than two (2) residential Lots, or
  - b. New multi-family residential Development, Manufactured/Mobile Home Park, or non-residential Development, or
  - c. More than two (2) residential Dwelling Units per Lot of Record, or
  - d. More than a total of ten (10) residential Dwelling Units on existing Lots of Record accessing the Private Roadway. More than ten (10) residential Dwelling Units on existing Lots of Record may be allowed with approval of a maintenance agreement in a form acceptable to the County for the continual maintenance of the Private Roadway.

Further, it shall be demonstrated that access to the Project described in subparagraphs a. through d. above can be obtained from an existing paved Collector or Arterial Roadway to the Development's point of access via paved Roadway(s).

- 3. Any new Subdivision, multi-family residential Development, or non-residential Development described in Section 6.04.07.M.1. above, that will cause a change to the functional classification of an existing Roadway used for Project access (e.g. Local Road to Minor Collector) shall be required to improve the Roadway to the requirements of this Code for the new functional classification.
- 4. Any new Subdivision, multi-family residential Development, or non-residential Development described in Section 6.04.07.M.1. above, that will not cause a change to the functional classification of an existing Roadway used for Project access must demonstrate that all existing and proposed Right-of-Way infrastructure necessary to serve the existing and proposed Development are, or will be, located within the road Right-of-Way. Notwithstanding the above, in no case shall the new Subdivision or non-residential Development be approved by the County if the existing paved portion of the Roadway used to access the Subdivision or non-residential Development is less than eighteen (18) feet in width for a Local Road or twenty-two (22) feet in width for a Collector Road.

#### N. Bridges and Box Culverts

- 1. Introduction and Purpose— This section is intended to provide guidance to County officials, Developers, engineers, etc. in the design of bridges on St. Johns County roadways.

2. Reference standards for bridges and box culverts – FDOT Structures Design Guidelines, FDOT Plans Prep Manual, FDOT Standards and Specifications for Road and Bridge Construction, AASHTO LFRD Bridge Design Specifications.
3. Design – Bridges and Box Culverts shall be designed by a Professional Engineer registered in the State of Florida and who specializes or has experience in structural engineering.

The Developer shall submit a bridge hydraulic report (BHR) to the County. As part of this report the engineer shall show that the new structure will be above the 100 year floodplain including the approaches. The report will recommend at least one or more types of structures, bridge or box culvert and show a conceptual design including typical section. The County shall have the final approval of the type of structure proposed. This report shall be submitted prior to any design of the structure.

In the case a bridge with piling is the approved structure, the developer will submit a geotechnical report, prepared by a Florida licensed Geotechnical Engineer. The report shall provide the recommended pile type, size and length. This report should be submitted with the first design submittal.

Bridges shall be designed for a minimum 75 year life and HL-93 live load.

- a. Bridges, or Box Culverts, that are constructed, retrofitted or rehabilitated on a County maintained roadway shall be given a Structure number assigned by FDOT. The Engineer of Record is responsible to obtain the number from FDOT. The bridge name, structure number and date shall be affixed to the structure as shown in FDOT Design Standards Index 420.
  - b. Existing bridges or box culverts to be replaced shall have a new number assigned by FDOT.
  - c. Markers – Elevation Markers shall be placed on the top of the Traffic Railings at the end bents. On bridges longer than 100 ft one marker shall be placed on each opposing end of the bridge for a maximum of two markers. On bridges 100 ft or less one marker shall be placed at one end of the bridge only.
4. Bridges and Box Culverts – Vehicular
    - a. Allowable materials – Concrete, Steel and Pre-stressed Concrete are the only allowable materials for vehicular bridges. Timber bridges shall not be permitted. Box culverts can be concrete and steel, or pre-cast concrete. Weathering steel shall not be allowed.
    - b. Substructure – Piling, Footers, Piers and Bents
      - 1) Piling shall be prestressed concrete.
      - 2) Sheet Piling shall be concrete, steel or vinyl.
      - 3) Piers, Bents and Footers shall be concrete.

- 4) End Bents shall be protected by either rip-rap (sized appropriately), Concrete slope pavement, mechanically stabilized earth wall, or sheet piling as allowed above. The end bent treatment used will depend on the bridge location and aesthetics. If Steel sheet piling is selected a rust inhibiting coating shall be applied to all areas which are exposed to water or air. The coating can be coal tar epoxy or other approved material.

c. Superstructure – Beams, Decks

- 1) Typical section of roadways on decks. Use Chapter 2 of the FDOT Plans Preparation Manual for guidelines on design geometry for bridge decks.
- 2) Steel beams shall either be galvanized (preferred) or painted to resist corrosion. In no case shall weathering steel be permitted.

d. Approaches- Bridges shall have an appropriate length concrete approach slab. The approach slabs shall be overlaid with asphalt and tapered to the deck elevation.

e. Pedestrian accommodation on vehicular bridges – Sidewalks must be provided along new structures that have sidewalks on one or both sides of the existing roadway. Sidewalks shall be constructed in accordance with Section 6.04.07.H and be ADA compliant.

The following table shows the bridge type and its corresponding sidewalk:

Bridge Location	Sidewalk
Local Roads	6 ft. wide on one side of structure
Minor & Major Collectors	6 ft. minimum on both sides of structure.

The County administrator or designee may waive the sidewalk requirement on bridges/box culverts with limited right of way or where no sidewalks currently exist. The waiver may require that the Developer pay in the County's Sidewalk Fund.

f. County acceptance of newly constructed bridges

As-Builts and Pile driving logs – The developer shall submit at least 2 sets of pile driving logs to the County with the As-Builts. The pile driving logs, must indicate the pile location, size, date and time driven, minimum tip elevation, final tip elevation, cutoff elevation, blows per foot, set checks (if any), pile re-drive, pile cushion changes, and hammer type.

5. Bridges – Pedestrian, Bicycle and Golf Cart

Reference the Florida Department of Transportation Plan Preparation Manual Section 8.7 Bridges, Overpasses and Underpasses and FDOT Structures Design Guidelines- Chapter 10

a. General – All pedestrian bridges shall be:



- 1) Fully designed and detailed in the plans.
- 2) Proprietary designs may be considered as long as it meets St. Johns County, FDOT and AASHTO guidelines.
- 3) Designed for a 75 year life, minimum.

b. Overpasses and Underpasses – Overpasses are preferred to Underpasses.

Underpasses are undesirable and will not be allowed unless approved by the County Administrator or designee. Such approval may require the applicant to prove that an underpass is better suited to the location geometry. Lighting of the underpass shall be required as well. Other features such as but not limited to public safety, emergency accessibility and drainage must be addressed.

c. Allowable materials - Engineered Steel and concrete pedestrian bridge superstructures including trusses and associated substructures, ramps, etc. Weathering steel shall not be allowed. Steel structures must be galvanized or coated with some other rust retardant material to inhibit oxidation.

Timber structures may be considered as docks, fishing piers or pedestrian/bicycle pathways parallel to the roadway. Timber structures shall not be allowed if it crosses over a County maintained roadway.

Fencing, if used, shall be galvanized.

Aluminum or Steel is allowed for railings.

d. Minimum widths

<u>Structure Type</u>	<u>Clear Width</u>
Pedestrian Bridge	8 feet
Shared Use path on Bridge	12 feet (includes cyclists)
Golf Cart Bridge	12 feet

If the approach sidewalk or path is wider than these minimums, the clear width of the structure should match the approach width. The desirable clear width should include additional 2-foot wide clear area on each side.

e. Railings/Enclosures

- 1) Provide pedestrian railings in accordance with AASHTO LRFD. The clear opening between elements shall be such that a 4 inch sphere shall not pass through. Fencing shall be in accordance with FDOT Design Standards Indexes 810, 811 and 812. Railings shall be in accordance with FDOT Design Standards Indexes 821, 822, 851 and 861.

2) Railing Size

<u>Railing Type</u>	<u>Railing Height</u>
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Pedestrian	42 inches	
Bicycle	54 inches	(Must be used on Shared Pathways)

The height of railings for bicyclists are generally the same as the minimum pedestrian railing height of 42 inches, except a minimum 54 inch railing or fence should be considered on bridges and retaining walls for special circumstances as identified in the commentary of the **AASHTO LRFD Bridge Design Specifications Section 13.9**.

- 3) Other acceptable fence/railing types: The County may require an open top fence /railing combination or, Full enclosure fence/ railing combination.

The County may require Full enclosure of Pedestrian Bridges over Major Collectors and/or Arterials or other County maintained roadways or where the County deems it to be implemented for safety purposes.

f. Ramps

- 1) Comply with ADA requirements. See the Florida Department of Transportation. *Production Support Office - Accessibility Issues (ADA) Website:*

<https://www.fdot.gov/roadway/ada/adastandardplans.shtm>

- 2) Ramps (routes with grades>5%) should be provided at all pedestrian separation structures. When possible, stairways should be provided in addition to ramps.
- 3) Design ramps with the least possible grade, but in no case more than 8.33% and with 5 feet long, intermediate level platforms at a maximum 30-inch rise. Provide level platforms 5 feet long at the top of the ramp and 6 feet long at the bottom.
- 4) Provide full-length pedestrian ADA grab handrails on both sides of pedestrian ramps.

g. Lighting

The County may require lighting to be provided.

**Sec. 6.04.08 Bonding**

A. General

1. Bonds shall be required for all Roadway, drainage, and water and wastewater Construction within a platted Subdivision or any Subdivision of more than two (2) Lots, for all Roadway and drainage Construction outside a Development's Project boundaries, and for all Construction within county or municipal service district Rights-of-Way. Such bonds shall be referred to hereinafter as Required Improvement Bonds.

2. The bonds referred to in this Section may be in the form of a certified or cashier's check, irrevocable letter of credit, escrow agreement, surety bond or three (3) party agreement under which an institutional lender providing Construction financing to the Owner binds itself to the County, the forms of which shall be subject to approval by St. Johns County. The Required Improvements Bond shall be issued with an automatic renewal clause. Each year sixty (60) days prior to the annual renewal date the owner or assign shall submit to the County an updated cost estimate to insure the adequacy of the existing Required Improvements Bond. The cost estimate shall be submitted in the same form as the original. To offset administrative cost for processing a fee as established by Resolution will be required in addition to the cost estimate.
3. Surety bonds referred to in this Section shall be payable to the order of St. Johns County Board of County Commissioners on a form acceptable to the County. Each bond shall include language covering all Improvements constructed on private or public Easements and Right-of-Way within the platted area, and any off-site Improvements if required.

**B. Required Improvements Bond**

1. No clearing or Construction of Roadway, drainage, underground utilities or any Improvements within County Rights-of-Way is authorized until such time as the Required Improvements Bond is submitted to the County Administrator for approval and acceptance by the Clerk of the Circuit Court. The Clerk, upon acceptance of the Required Improvements Bond shall forthwith provide a copy to the County Administrator.
2. A Required Improvements Bond shall be approved and on file or the Subdivision Improvements must be completed in accordance with the requirements for release of the Required Improvements Bond as stipulated in Section 6.04.01.C., prior to the time the Subdivision plat is accepted by the Clerk of the Court for recording. The bond amount shall be adequate to secure Construction of the approved Roadway (including the two-lift system outlined in Section 6.04.07.F.3), drainage, and water and wastewater Improvements.
3. A Required Improvements Bond must be provided to the County prior to Platting. The bond shall be payable to the County in a sum equal to one hundred percent (100%) of the cost of completing the Roadway (including the cost of the two-lift pavement system outlined in Section 6.04.07.F.3), drainage, and water and wastewater Improvements. Plus fifteen percent (15%) of the original value of all construction contracts for the project. At no time shall the bond be reduced to less than fifteen percent (15%) of the original value of all construction contracts for the project, as estimated by the Applicant's Engineer. Cost estimates for the Improvements shall be signed and sealed by the Applicant's Engineer and approved by the County Administrator. This bond requirement may be waived only by the Board of County Commissioners.
4. All requests for a bond reduction must be accompanied by a cost estimate signed and sealed by the Applicant's Engineer certifying that the amount of the amended bond is equal to one hundred percent (100%) of the cost to complete the Project, plus fifteen percent (15%) of the value of all construction contracts for the project. At no time shall the bond be reduced to less than fifteen percent (15%) of the value of all construction contracts for the project, as estimated by the Applicant's

Engineer.

5. At the discretion of the County Administrator, a Required Improvements Bond may not be required for minor work authorized by a Right-of-Way Permit or Construction Plans approved through the County Administrator.

C. Acceptance of Bonded Improvements

1. When the request is made for acceptance of the bonded Improvements, the person, firm or corporation seeking such acceptance shall first furnish a good and sufficient bond (known as the Required Improvements Bond) acceptable to the Clerk in an amount equal to fifteen percent (15%) of the total of all Construction contracts issued for Construction of Roadway, drainage, and water and wastewater Improvements. This bond may either be an amendment to the original Required Improvements Bond posted at time of Platting, or may be a new bond. If a new bond is posted, the original bond will be returned at the time of as-built drawing approval.
2. The Required Improvements Bond is to be furnished to secure the repair of the roads and Improvements as a guarantee against faulty workmanship, Construction and materials, third party damage to curb and gutter, asphalt pavement, drainage piping, Structures, sidewalks, and application of the final Wearing Surface Course, and other Improvements during the bonding period. The Required Improvements Bond shall also secure the application of the Wearing Surface Course as outlined in Section 6.04.04.F of this Article. Said bond shall be submitted by the Applicant for both public and private subdivisions to the County Administrator for approval and forwarding to the Clerk and shall remain in force until released as stipulated below, but in no case for less than twenty-six (26) months for County-owned or dedicated roadways. If the County elects to repair and take remedial action to correct deficiencies during the warranty period, the cost will be drawn from the bond.

D. Release of Required Improvements Bond

The Owner shall provide evidence annually that the Required Improvements Bond continues in force until such time that the County authorizes its release and return. Upon obtaining ninety (90) percent of the Certificates of Occupancy (CO) in the applicable phase of the subdivision, the County, upon request by the Owner or Assign, will re-inspect dedicated County roadways for corrective items and roadway improvements. For dedicated private roadways, only roadway improvements shall be re-inspected. Dedicated private roadways seeking As-Built Survey approval, may request the installation of the second lift prior to obtaining ninety (90) percent of the Certificates of Occupancy. The Owner will then correct all deficiencies to the satisfaction of the County prior to approval being granted for the application of the final Wearing Surface Course. Upon satisfactory inspection of the final Wearing Surface Course, the Required Improvements Bond shall be returned.

## **Sec. 6.04.09 Land Excavation and Borrow Areas and Silvicultural Operations**

### **A. General**

In addition to the requirements of the Special Use provisions in Section 2.03.10, the requirements of this Section shall apply to all Land Excavation and Borrow Areas and Silviculture Use activities. The following activities are exempt from the requirements of this Section:

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

### **B. Plan Requirements For Land Excavation and Borrow Areas**

1. A Site Plan for Land Excavation and Borrow Areas shall be prepared and submitted to the County Administrator by a Florida Registered Engineer or other professional allowed under State law which shall describe at a minimum:
  - a. Property boundary
  - b. Existing and proposed contours
  - c. Typical cross-section
  - d. Existing and proposed surface water drainage patterns
  - e. Erosion and sediment control measures

- f. Plans for any dewatering activities which discharge water off-site
  - g. Access to the project
  - h. Hours of operation
  - i. Fence detail, if side slopes are less than four (4) feet horizontal to one (1) foot vertical (4:1) down to two (2) feet below normal water level.
  - j. The Engineer shall submit as-builds as required in Section 6.04.01 C. and certify that the Project will not adversely affect the adjacent property.
2. The Applicant is required to obtain Permits from the St. Johns River Water Management District (SJRWMD) for Projects which exceed thresholds for Management and Storage of Surface Waters and Consumptive Use Permits. The Applicant is responsible for determining requirements of the SJRWMD.

C. Requirements for Silviculture Activities

- 1. The following standards shall be met:
  - a. Silviculture activities must meet all the guidelines of "Silviculture Best Management Practices, 1993", as updated, Florida Department of Agriculture and Consumer Services, Division of Forestry.
  - b. Shall comply with the requirements of Chapter 373 and 403, F.S., and Section 404 of the "Clean Water Act."
  - c. Shall comply with the SJRWMD Silviculture Rule, Chapter 40C-400.500, F.A.C.
  - d. Ensure that all proposed silviculture activity will not adversely impact adjacent property owners by meeting all applicable requirement of Section 6.04.06.A.

**Sec. 6.04.10 Special Exception**

- A. Variations to the standards and criteria of Part 6.04.00 may be allowed by the County Administrator or his designee upon showing of good cause, and where the Owner/Applicant proposes an alternative which conforms to the general intent and spirit of these regulations, and where the objectives of this Article have been substantially met. Notwithstanding the above, variations to the following provisions of this Code shall not be allowed:
- 1. Construction Plan and Drainage Calculation Submittals
  - 2. Handicap Accessible Parking Requirements
  - 3. Professional Certification
  - 4. Bonding

**Sec. 6.04.11 Connections With Central Water & Wastewater System Required With Certain Exceptions**

- A. The Owner of each new Improvement within the County that has, is required to have (under this Land Development Code, the County Comprehensive Plan or any other County Regulation), or uses potable water shall connect, or cause such Improvement to be connected to an approved central Water System. Such Improvements shall use the central Water System within ninety (90) days following notification to do so by the County Administrator or by any other person or County office that may from time to time be designated by the County Administrator to provide such notice. No connection shall be required under this paragraph A, unless required by the then current Comprehensive Plan, other Land Development Regulations or by Rule 64E-6, F.A.C. for water service where the nearest central Water Line is more than two hundred (200) feet from the property line on which the Improvement is located, or where the total length of the service line providing the connection (water main to main Structure exceeds five hundred (500) feet with the following exceptions:
1. All new Subdivisions that are approved after the initial effective date of this Code and all new Planned Unit Developments (PUD), Planned Rural Developments (PRD), and other rezonings which are approved by the Board of County Commissioners after the initial effective date of this Code shall have each Subdivision Lot or Development Parcel connected to, or prepared for connection to any Water Line located within two thousand, six hundred forty (2,640) feet (1/2 mile) that is either:
    - a. Existing or scheduled to be completed on the date of Subdivision, PUD/PRD, or rezoning approval; or
    - b. Scheduled to be constructed and operated by the County or other franchised Utility Provider within one (1) year after submission of plans for Construction Permit review.
  2. All existing Subdivisions and Development Projects approved prior to the initial effective date of this Code that have not completed the Development's horizontal infrastructure (e.g. Roadways, Stormwater Management Systems, Water or Wastewater Systems) shall have each Subdivision Lot or Development Parcel connected to or prepared for connection to any Water Line located within two thousand, six hundred forty (2,640) feet (1/2 mile) that is either:
    - a. Existing, or
    - b. Scheduled to be constructed and operated by the County or other franchised Utility Provider within one (1) year after submission of plans for Construction Permit review.
- B. The Applicant of each Improvement within the County that is currently using or required to use, Wastewater Systems, or from which Wastewater is discharged, shall connect, or cause such Improvement to be connected to central Wastewater Systems when such Improvement meets any of the following criteria:
1. The property line on which the Improvement is located is within one hundred (100) feet of a gravity line and the Improvement can be served by gravity flow; or

2. The property line on which the Improvement is located is within two hundred (200) feet of a central Wastewater Force Main System; or
3. Is located within a new Subdivision approved after the initial effective date of this Code, and all new Planned Unit Developments (PUD), Planned Rural Developments (PRD), and other rezonings which are approved by the Board of County Commissioners after the initial effective date of this Code shall have each Subdivision Lot or Development Parcel connected to, or prepared for connection to any Wastewater Line located within two thousand, six hundred forty (2,640) feet (1/2 mile) that is either:
  - a. Existing or scheduled to be completed on the date of Subdivision, PUD/PRD, or rezoning approval; or
  - b. Scheduled to be constructed and operated by the County or other franchised Utility Provider within one (1) year after submission of plans for Construction Permit review.
4. All existing Subdivisions and Development Projects approved prior to the initial effective date of this Code that have not completed the Development's horizontal infrastructure (e.g. Roadways, Stormwater Management Systems, Water or Wastewater Systems) shall have each Subdivision Lot or Development Parcel connected to or prepared for connection to any Wastewater Line located within two thousand, six hundred (2,640) feet (1/2 mile) that is either:
  - a. Existing, or
  - b. Scheduled to be constructed and operated by the County or other franchised Utility Provider within one (1) year after submission of plans for Construction Permit review.

Such Improvements shall use such central Wastewater System within ninety (90) days following notification to do so by the County Administrator or by any other person or County office that may from time to time be designated by the County Administrator to provide such notice.

5. Notwithstanding Section 6.04.11.A. and 6.04.11.B. above, unless required by the then current Comprehensive Plan, other Land Development Regulations, or by Rule 64E-6, F.A.C., water or Wastewater connection shall be based on the availability of such service. Availability, as applied to a publicly owned or investor-owned water and/or Wastewater System, means that the system is capable of being connected to the plumbing of an establishment or residence; the system is not under a Department of Environmental Protection moratorium; the system has adequate permitted capacity to provide the service, and the utility has all the necessary legal rights to provide such service in that area.
- C. Notwithstanding Section 6.04.11.A and 6.04.11.B. above, unless required by the then current Comprehensive Plan, other Land Development Regulations, or by Rule 64E-6, F.A.C., there is no mandatory requirement that an existing Improvement connect to a central Water and/or Wastewater System when, as part of its normal operations, such existing Improvement has been and is regularly operating, maintaining and using its own Water and/or Wastewater System immediately prior to the:



1. Installation or operation of Water and/or Wastewater Lines capable of serving such Improvement, and
2. Making central Water and/or Wastewater System service available to such existing Improvement.

Should an existing well casing require repair or replacement where a Permit is required for the work to be done and there is a Water Line within two hundred (200) feet from the property line, there shall be a mandatory connection required to the central Water System. Should a septic tank or other onsite Wastewater System require repair or replacement where a Permit is required for the work to be done and there is a gravity Wastewater Line within one hundred (100) feet from the property line or a central Wastewater Force Main System within two hundred (200) feet from the property line, there shall be a mandatory connection required to the central Wastewater System. In addition, existing Improvements must be demonstrated to be performing in accordance with Florida Department of Environmental Protection (FDEP) and St. Johns River Water Management District (SJRWMD) regulations, with no violations.

- D. This Code shall not be construed to require or entitle any person to cross the private property of another to make any Water or Wastewater Connection.

**Sec. 6.04.12 Regulation Of Water and Wastewater Connections for Improvements; Water Meters Required**

- A. Each Improvement whether occupying one (1) or more Lots and whether occupying any Lot or Parcel jointly with any other Improvement shall be considered a separate unit for the payment of the monthly user rates fixed by the Utility Provider, and separate connections and meters will be required for each such unit. Nothing herein shall be deemed to prevent the Utility Provider from establishing and charging wastewater rates based upon water consumption monitored by water meters.
- B. Every connection shall be made in accordance with the Water and Wastewater Design Standards and Specifications (W&WW Manual) adopted by the Board of County Commissioners.
- C. All service from a central Water main on County Right-of-Way or Drainage/Utilities Easement to the property line must be installed by the Utility Provider or by a Utility contractor licensed to operate within the State of Florida, in accordance with the W&WW Manual, at the expense of the Applicant.
- D. All persons and entities using a central Water and/or Wastewater System shall use water meters to monitor all water entering any Improvement using potable water and/or from which wastewater is discharged.
- E. Unauthorized usage prohibited

It shall be unlawful for any Person to disturb, use, alter, or make connection to a central Water or Wastewater System without prior written permission from the County Administrator or his designee for County owned systems, or the authorized agent for other central Utility Providers.

- F. Application and fees

The Applicant shall make application to the Utility Provider prior to making a connection to a central Water or Wastewater System. The application shall be supplemented by such plans, specifications, and other information considered pertinent by the Utility Provider. The appropriate fees shall be paid to the Utility Provider before such connection is approved.

G. Applicant's responsibilities

All costs and expense incident to the installations and connection of a Building Wastewater shall be borne by the Applicant. The Applicant's onsite Building Wastewater installation shall be subject to inspection and approval by the St. Johns County Building Department. The Development Services Department and/or an inspector from the Utility Provider shall inspect the off-site portion of the connection.

H. Separate Wastewater required

A separate and independent Building Wastewater shall be provided for every Building, except where one Building stands at the rear of another on an Interior Lot and no private Wastewater is available or can be constructed to the rear Building through an adjoining alley, court, Yard, Easement, or driveway. In that case, the Building Wastewater from the front Building may be extended to the rear Building and the whole considered as one Building Wastewater. However, independent Building Wastewater shall be required when the rear Building discharge is defined as a significant or categorical user by F.A.C. 62-625 and/or 40CFR 403.

I. Design and construction

The size, slope, alignment, and Construction materials of a Building Wastewater, and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench, shall conform to the manual of Design Standards and Specifications, Water and Wastewater (W&WW Manual) of St. Johns County.

J. Runoff connections prohibited.

It shall be unlawful for any Person to connect roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a Building Wastewater or Building drain which in turn is connected directly or indirectly to a central Wastewater System.

K. Interceptors required

Grease, oil, and sand interceptors shall be provided for the proper handling of liquid wastes containing excessive amounts of grease as defined in Ordinance 97-62, Section 42, flammable substances as defined in Ordinance 97-62, Section 42, sand or other harmful ingredients, except that such interceptors shall not be required for Single Family residences, Multi-Family residences, travel trailers, or Manufactured/Mobile Homes. All interceptors shall be of a type and capacity specified by the W&WW Manual and shall be regularly cleaned and maintained for adequate performance.

L. Connection requirements

The connection of the Building Wastewater to a central Wastewater System shall conform to the requirements of the Building and plumbing code and other applicable rules and regulations adopted by St. Johns County.

M. Public safety and property

All excavations for Building Wastewater installation shall be adequately guarded with barricades and lights in order to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the County Administrator or his designee.

**Sec. 6.04.13 Unlawful Connections and Interfering with Hydrants or Water or Wastewater Service are Prohibited**

- A. It shall be unlawful for any Person to connect to any central Water or Wastewater Line except as authorized by this Code. Once so connected, such Person shall not connect, or allow to be connected, to a Water Line any other Water Lines or sources of water consumption without the prior written consent of the Utility Provider. It shall be unlawful for any Person to discharge sewage or Wastewater into a central Wastewater System from a private Wastewater Line that serves additional Improvements unless such Person has the prior written consent of the Utility Provider and unless an approved water meter has been installed that monitors the water entering each Improvement that generates such sewage or Wastewater.
- B. It is unlawful for any Person to interfere, or in any way tamper with any central Utility owned fire hydrants, wells, reservoirs, basins, or with the water in the same, or with the water mains, pipes, plugs, meters or connections, or to make any connection therewith by tapping any of the pipes mains or firelines without the knowledge or written consent of the Utility Provider or to make any connection in violation of the provisions of this Code, or to knowingly permit such connection or tapping to be made on his or her premises, in his or her ownership, possession or control, or to knowingly use water from such unauthorized connection, unless he or she has received written consent to do so by the Utility Provider and after approval of plans and specifications in accordance with the W&WW Manual.

**Sec. 6.04.14 Maintenance of Plumbing Systems**

- A. The Owner of every Improvement, Lot or Parcel connected to a central Water and/or Wastewater System shall be responsible for maintaining and keeping clear and in good repair the Water and Wastewater pipes connecting the plumbing of Improvements thereon with the lines of the central Utility System, and for maintaining and keeping the meter site accessible to Utility personnel and free of debris, shrubbery, and overgrowth. Failure by the Owner to keep the meter site(s), pipe(s) and line(s) leading from the Owner's plumbing system to the central line(s) clean and maintained in a proper manner will give the Utility Provider the right to close or disconnect the central Water connection to the Owner's meter site, pipe(s) and/or line(s), which shall not be reconnected or reopened until the Owner's meter site, pipe(s) and/or line(s) are cleaned and maintained properly.
- B. In addition, the Owner is responsible for unstopping central Wastewater service Lines from the Improvement to the public Right-of-Way line. Upon request from a licensed plumber, the Utility Provider will make necessary repairs to a Wastewater service Line on public Right-of-Way or recorded Utility Easement.
- C. In those instances where the Owner has a private water supply, but uses a central Wastewater System, the Utility Provider shall have the right to close or disconnect the Owner's sewage pipe connection to the County Wastewater System, and the Owner shall have no right to reconnect until the Wastewater pipe or Line leading from the Owner's plumbing system to the central line has been maintained and cleaned and is in proper

condition. Any violation of this Section by reconnecting the Owner's Water Line(s) or Wastewater Line(s), before such Water and/or Wastewater pipes and Lines are cleaned and maintained properly, shall be considered a violation of Part 6.04.00, punishable as provided in Part 10.06.00.

#### **Sec. 6.04.15 Right of Entry for Purpose of Making Inspection**

The County Administrator and authorized representatives of St. Johns County or authorized Agent of other central Utility Providers, shall have the right to enter upon any property for the purposes of inspection, observation, measurement, sampling, testing review and/or photocopying of records, or investigation as are necessary or appropriate in the enforcement of this Code or any Wastewater discharge Permit or order issued hereunder. Entry shall be made during daylight or operating hours unless abnormal circumstances require otherwise. Notwithstanding the above, in the absence of abnormal circumstances, a one (1) hour notice shall be provided prior to entry.

- A. Where a User has security measures in force which require proper identification and clearance before entry onto its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the County Administrator will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The County Administrator shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The County Administrator may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated every two (2) years to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the County Administrator and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the County Administrator access to the User's premises shall be deemed a violation of this Code.
- F. If the County Administrator has been refused access to a Building, Structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Code, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the County designed to verify compliance with this Code or any Permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the County Administrator may seek issuance of a search warrant from a court of competent jurisdiction.

#### **Sec. 6.04.16 Regulation of Septic Tanks**

Installation of septic tanks within the County is regulated by the State of Florida Department of Health and shall be in accordance with Rule 64E-6, F.A.C. St. Johns County Ordinance 97-62, Section 3, paragraphs B and C, describe the County connection requirements.

#### **Sec. 6.04.17 Reserved**

#### **Sec. 6.04.18 Cross Connections Between Water Systems Prohibited; Installation of and Standards for Backflow Prevention Devices**

- A. Cross connections between the central Water System and other water sources, systems, or equipment (including private wells) are hereby prohibited except as provided in paragraph B below. As used herein, prohibited cross connection shall mean:
1. A physical connection through which a supply of potable water could be contaminated or polluted; or
  2. A connection between a supervised potable water supply and an unsupervised water supply of unknown potability.
- B. The central Utility Provider may, however, permit interconnection of a central Water System by other suppliers if:
1. Such other system is regularly examined as to its quality; and evidence is presented to the County Administrator or Utility Provider, on such schedule as may be reasonably required, that the water in its bacteriological and chemical quality conforms with all requirements of the ventral Water System, the FDEP and the U.S. Environmental Protection Agency;
  2. The interconnected systems meet all FDEP requirements; and
  3. Suitable protective devices, as hereinafter described, and installed in agreement with and under the supervision of the Utility Provider at the Account Holder's meter or at the property line of the Account Holder when a meter is not utilized or at a location designated by the Utility Provider. Suitable backflow protection devices consist of reduced pressure backflow preventers or devices approved by the Utility Provider, provided the device meets the specific design criteria of the Florida Administrative Code and has received the approval of the County Administrator.
- C. Backflow prevention devices must meet design and performance standards of the ASSE and/or AWWA and be approved by the Utility Provider and shall be installed on all multi-family, commercial and industrial water service lines, and any potential source of contamination that receives central potable water. Backflow preventers shall be installed between the meter and before any branch lines and shall be installed in the manner required by the W&WW Manual and Florida Administrative Code and shall also meet the requirements of the Standard Plumbing Code. There will be a valve at the Account Holder's side of the backflow prevention device. Installation and maintenance of the backflow preventer and valve are the responsibility of the property Owner. Backflow prevention devices are required to be tested and certified to meet minimum standards, in order to protect public health. The test shall be accomplished by a certified backflow technician approved by the Utility Provider. The device shall be tested at least annually and a written report submitted to the County Administrator. The Utility Department may

test or have tested the device at the Owner's cost, of labor, equipment and material plus twenty-five percent (25%) which shall be added to the Owner's water bill. In addition to the other penalties provided by this Code, failure of the Account Holder to comply with this Section, including the annual testing and reporting requirements, may result in termination of service after ten (10) days notice tagged to the front door, unless the backflow is determined to be a hazardous situation, then disconnection will be made immediately.

- D. Upon discovery of a prohibited cross-connection, the Account Holder shall eliminate the cross-connection by installation of an appropriate backflow prevention device acceptable to the Utility Provider.
- E. Any customer utilizing an irrigation system, or reuse water, must install a Utility Provider approved backflow preventer on the potable Water service Line.
- F. Installation, testing, and inspection standards must comply with the W&WW Manual.

#### **Sec. 6.04.19 Water and Wastewater Lines**

All Water and Wastewater Lines installed by the Developer and deeded to the central Utility Provider must meet the requirements outlined in the W&WW Manual. Deeds transferring Water and/or Wastewater Lines to the Utility Provider shall be recorded in the County's official public records at the Developer's expense.

#### **Sec. 6.04.20 Reserved**

#### **Sec. 6.04.21 Reserved**

#### **Sec. 6.04.22 Construction or Alteration of Wastewater Collection System Connected to the County Wastewater System**

No Person shall construct a new Wastewater collection system that is to be connected to the County Wastewater System or substantially alter or improve any Wastewater collection system that is connected to the County Wastewater System, until the County Administrator has first determined such Construction to be in conformance with this Code, the W&WW Manual, and is compatible with any long-range County Wastewater System infrastructure plans that have been approved by the Board of County Commissioners.

#### **Sec. 6.04.23 Pretreatment Measures**

##### **A. Pretreatment of Wastewater**

Users shall provide Wastewater treatment as necessary to comply with this Code and shall achieve compliance with all categorical pretreatment standards and local limits within the time limitations specified by EPA, the State, or the County Administrator, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the County Administrator for review, and shall be acceptable to the County Administrator before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the County under the provisions of this Code.

##### **B. Additional Pretreatment Measures**

Whenever it is deemed necessary, the County Administrator may require Users to implement additional pretreatment measures such as:

1. The County Administrator may require any person discharging into the POTW to install and maintain, on the Person's property and at his or her expense, a suitable storage and flow-control facility to ensure equalization of flow. A Wastewater Discharge Permit may be issued solely for flow equalization.
2. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

#### **Sec. 6.04.24 Industrial Wastewater Discharge Permitting**

Application for connection of an Industrial Waste Discharge into a central Wastewater System or any Connected System shall be obtained from the Utility Provider. The Utility Provider has set standards and requirements for Industrial Wastewater Discharge Permits, which may be obtained from the Utility Provider.

#### **Sec. 6.04.25 Public Information on Industrial Users**

Information and data concerning individual Industrial Users obtained from reports, questionnaires, Permit applications, Permits, monitoring programs, and inspections shall be available to the public to the extent permitted by Florida law upon request without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the County Administrator that such release is not required under the Florida Public Records Law and that the release would divulge information, processes, or methods of production entitled to protection as trade secrets of the User. Wastewater constituents and characteristics will not be recognized as confidential information.

St. Johns County shall publish annually in a daily newspaper with the largest circulation within the County, a list of Industrial Users which during the previous twelve (12) months were in Significant Noncompliance with applicable Pretreatment Requirements. This is consistent with requirements of Rule 62-625.500(2)(b)(8), F.A.C.

#### **Sec. 6.04.26 Discharge of Cooling or Condensing Water into the Storm Drainage System**

Cooling and/or condensing water may be discharged to the storm drainage system only if a NPDES Permit is obtained from the proper permitting agency.

## **PART 6.05.00 PARKING AND LOADING**

### **Sec. 6.05.01 Parking and Loading Review Procedures and Submission Requirements**

#### **A. Generally**

All off-street parking and loading and related facilities shall be provided in accordance with the requirements and standards of this Part.

No Off-Street Parking or Off-Street Loading Space, affected by these regulations, which meets all or part of the requirements of this Code for such space, shall be reduced or eliminated by private action, except where approved alternative Off-Street Parking or Off-Street Loading Space, meeting such requirements, is provided, unless no longer required by this Code.

#### **B. Parking and Loading Submission Requirements**

The Applicant shall submit written information and documentation as set forth in the Development Review Manual.

### **Sec. 6.05.02 Parking and Loading Standards**

#### **A. Off-Street Parking Required**

In all districts, in connection with every industrial, commercial, institutional, residential or any other use, there shall be provided, at the time any new Structure is erected, any use of a Structure or land is enlarged or increased in Density or Intensity or any other Use or change of Use established, Off-Street Parking Spaces for automobiles in accordance with requirements contained in this Part.

#### **B. Joint Use Facilities and Shared Parking**

Nothing in this Section shall be construed to prevent the joint use of Off-Street Parking or Off-Street Loading Space for two or more Structures or Uses, if the total of such spaces, when used together, will not be less than the sum of the requirements of the various individual Uses computed separately in accordance with the requirements of this Code and may require a Special Use Permit as provided in Section 2.03.15.

1. An agreement for such joint use, in the form of a reciprocal Easement acceptable to the Office of the County Attorney shall be filed with the County Administrator and recorded with the Clerk of the Circuit Court for St. Johns County, Florida.
2. No part of an off-street Parking Area or off-street loading area required for any Structure or Use for the purpose of complying with the provisions of this Code, shall be included as a part of an off-street Parking Area or off-street loading area similarly required for another Building or Use, unless the County Administrator determines that the periods of peak usage of such Buildings or Uses will not be simultaneous with each other.
3. An agreement, with St. Johns County as one of the parties with a right of enforcement, for such joint use, in the form of a reciprocal Easement acceptable to the Office of the County Attorney shall be filed with the County Administrator and recorded with the Clerk of the Circuit Court of St. Johns County, Florida.



4. All Development Orders or Permits covering such approval shall include the requirements that the order or Permit is valid only so long as the conditions described in the application for order or the Permit exist.

C. Compliance With Regulations

The requirements for Off-Street Parking Space and Off-Street Loading Space applicable to newly erected or substantially altered Structures, or changes in Use shall be a continuing obligation of the Owner of the real estate upon which any such Structure is located, so long as the Structure is in existence and its Use requiring parking or loading, or both, continues. It shall be unlawful for an Owner of any Structures affected by this Code to discontinue, change or dispense with, or cause the discontinuance or change of the required Vehicle Parking or loading space apart from the discontinuance of such Structure, without establishing alternative parking and loading space which meets the requirements of and is in compliance with this Code.

D. Methods of Providing Required Parking and Loading

1. All required parking shall be located on the same zoning Lot as the principal Use(s) it serves, except as provided below.
2. In lieu of actual Construction of required on-site Parking Spaces, all or any portion of the off-street parking required for a Use on a zoning Lot may be located on another zoning Lot, either by itself or combined as joint use or shared parking for other Uses, subject to approval of a Special Use Permit and certification by the County Administrator that the following requirements have been met:
  - a. The Use being served by the off-site parking shall be a permitted principal Use as established in Article II, in the zoning districts within which the zoning Lot containing such parking is located.
  - b. The off-site Parking Spaces shall be located within three hundred (300) feet walking distance of a public entrance to the Structure or land area containing the Use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the off-site parking and the Use being served.
  - c. The continued availability of off-site Parking Spaces, necessary to meet the requirements of this Section, shall be ensured by an appropriate reciprocal Easement, satisfactory to the Office of the County Attorney and recorded with the Clerk of the Circuit Court of St. Johns County, Florida.
  - d. For purposes of determining applicable minimum and maximum land Use intensities, the land area devoted to off-site parking shall be added to the land area of the zoning Lot containing the Use being served by such parking and shall be subtracted from the area of the zoning Lot containing the off-site parking.
  - e. The provision of off-site required off-street parking shall not occur in residential districts, except as provided in Section 2.03.15.
  - f. Off-site required off-street parking shall not be separated from the Use it serves by Arterial or Major Collector Roadways, or other similar physical barriers to convenient access between the parking and the Use.

3. Townhome development may provide off-site parking, subject to compliance with all other provisions of this Code.

E. Number of Required Off-Street Parking Spaces

The number of required Off-Street Parking Spaces is set forth in Table 6.17 below.

TABLE 6.17

<b>OFF STREET PARKING REQUIREMENTS</b>	
<b>Use</b>	<b>Parking Spaces Required</b>
Single and Two Family Dwellings	Two spaces per Dwelling Unit
Apartments	1.5 spaces per one/two bedroom dwelling unit. Two (2) spaces per three (3) or more bedroom dwelling unit. An additional guest parking space for each four individual dwelling units.
Condominiums	1.5 spaces per one/two bedroom dwelling unit. Two (2) spaces per three (3) or more bedroom dwelling unit. An additional guest parking space for each four individual dwelling units
Townhouses	1.5 spaces per one/two bedroom dwelling unit. Two (2) spaces per three (3) or more bedroom dwelling unit. An additional guest parking space for each four individual dwelling units
Rooming and Boarding Houses	One space for each two bedrooms
Mobile Home Parks and Subdivisions	Two spaces per Manufactured/Mobile Home
Institutional Uses such as sanitariums, rest homes, hospitals, and nursing homes	One space for each three beds
Place of public assembly such as auditoriums, theaters and Adult Arcade Amusement Center	One space for each four seats
Electronic Game Promotions or Sweepstakes	One space for each three seats
Schools	Two spaces for each classroom, office room, kitchen, and gymnasium and auditorium
Clubs, lodges, dances, art and music studios, vocational, trade and business school and other similar semi-public Uses	One space for each 300 square feet of gross Floor Area
Churches and funeral homes	One space for each four seats in sanctuary or chapel area
Art Gallery, library, museum	One space for each six hundred square feet of gross Floor Area
Motels and Hotels	One space for each sleeping room. Additional spaces necessary for Accessory Uses such as restaurants shall also be provided
Restaurant, night clubs, bar or tavern	One space for each three seats in public rooms
Theaters	Ten spaces for first one hundred seats plus one space for each additional five seats
Medical and dental office or clinic	One space for each 250 square feet of gross floor area
Professional and business offices (other than medical or dental)	One space for each three hundred square feet of gross floor area
Radio or television broadcasting office or studio	One space for each five hundred square feet of gross Floor Area
Business, commercial or personal service establishment (not otherwise listed)	One space for each five hundred square feet of gross Floor Area, plus where applicable, one space for each one thousand square feet of Lot or ground area outside Buildings used for any type of sales or display
Community Marinas, and Marinas	One space per two slips, plus one space per five dry storage spaces. Accessory commercial uses shall meet the parking requirements provided within the Code.
Boat Dock, Non-Commercial (Neighborhood Dock, Single Family Dock)	None, provided that the community or residence for which it serves has adequate off street parking. If none exists one space per two slips.
Bus, railroad or other transportation terminals	One space for each five hundred square feet of gross Floor Area
Commercial shopping centers	One space for each two hundred fifty (250) square feet of non-storage Floor Area

Industrial Uses	One space for each 3,000 square feet of gross Floor Area plus accessory commercial uses (e.g. office, showroom, etc) shall meet the parking requirements provided for within the Code.
Personal Property Mini-Warehouse Facilities	One Space for each 7,000 square feet of gross Floor Area plus accessory commercial uses (e.g. office). This parking requirement only applies to storage units with at least a 24 ft wide drive aisle for enhanced vehicular maneuverability.
Ports	Refer to Section 6.05.02.G Determination of Alternative Parking to address berth, docking space, and occupancy demands of vessels.

*Special Note: Where fractional spaces result in the foregoing Parking Space requirements, the Parking Space shall be the nearest whole number.*

*Editor's Note: Notes 1, 2, and 3 of Table 6.17 are repealed by implication through the Board's approval of the revised Table 6.17 on June 1, 2010.*

#### F. Calculation of Certain Parking Requirements

Where parking requirements relate to number of seats, and seating is in the form of undivided pews, benches, or the like, one (1) space per each three (3) permitted occupancy standard approved by the County Fire Marshall. Where parking requirements relate to movable seating in auditoriums and other assembly rooms, One (1) space per each three (3) permitted occupancy standard approved by the County Fire Marshall.

#### G. Determination for Unlisted Uses or Alternative Parking

1. For a Use not listed in the Table above in Section 6.05.02.E., the County Administrator shall make a determination based on a similar Use for the minimum required Off-Street Parking Spaces.
2. In reaching the determination, the County Administrator shall be guided by the requirements for similar Uses, the number and kind of Vehicles likely to be attracted to the proposed Use and studies of the parking requirements of such Uses in other jurisdictions.

#### H. Parking Area Design Standards

1. Except for Single Family and Two Family Dwellings, non-commercial boat docks and piers Agricultural and Related Uses, and those Uses listed under Section 6.08.42, every off-street Parking Area and Vehicular Use Area shall be surfaced with asphaltic or portland cement binder pavement or an equivalent Improvement, so as to provide a durable and dustless surface with adequate drainage and Stormwater management provisions as required by Section 6.04.06, unless a Special Use Permit has been approved, pursuant to Section 2.03.15 of this Code. In making a determination as to the suitability of an equivalent Improvement, the County Administrator or designee shall find that such Improvement:
  - a. Provides a safe and permanent surface, suitable for the quantity and quality of traffic expected to use it.
  - b. Provides a surface which will accept permanent delineation of Parking Spaces, aisles, Accessways and maneuvering areas.
  - c. Provides a surface that will not contribute to erosion or sedimentation, either on-site or off-site.

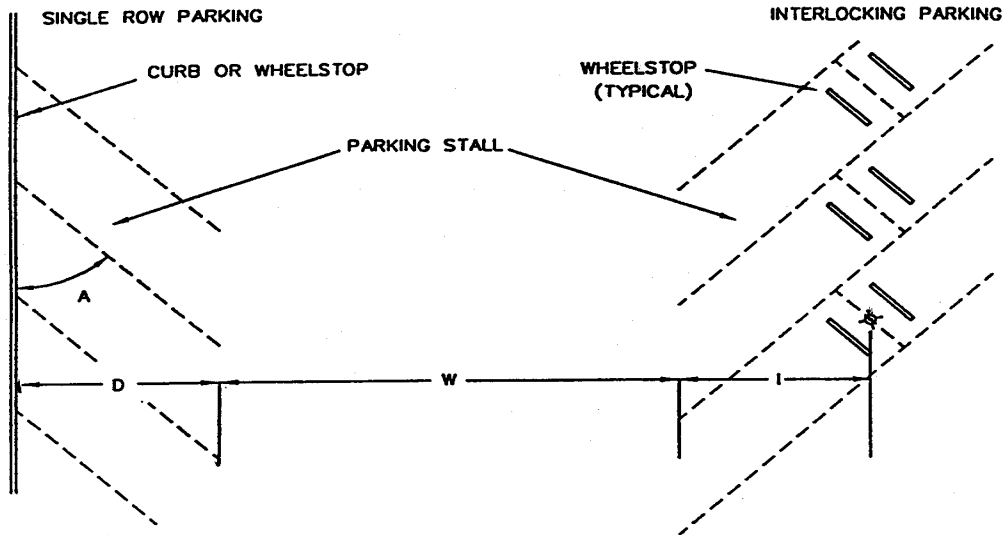
- d. Provides a surface that meets the design standards of the St. Johns County Administrator.
- 2. Parking for seasonal Uses or Special Events may be exempted from the paving requirements above if approved pursuant to a Temporary Use Permit as provided in Section 2.02.05. Such Uses shall provide for a safe surface and an adequate number of parking spaces suitable to accommodate traffic.
- 3. All Off-Street Parking Spaces shall be directly accessible from an aisle or driveway. Access to Parking Areas shall be designed so as not to obstruct free flow of traffic. Improvements shall be provided as necessary to prevent ingress and egress to Parking Areas at any point other than designated driveways.
- 4. Parking Spaces at the perimeter of parking lots shall be provided with curbing, individual wheel stops for each space, or other similar physical barrier to ensure that parked Vehicles do not come into contact with sidewalks, landscaping, walls, fences or Buildings. If a raised sidewalk is located immediately adjacent to the front overhang of the Parking Spaces, the parking stall depths may be decreased by two (2) feet, provided the four (4) foot sidewalk width is increased by the corresponding two (2) feet.
- 5. All paved Parking Spaces, except handicap accessible spaces, shall be marked with white paint four (4) inches in width or other striping material approved by the County Administrator. Marking and signing of handicapped accessible spaces shall be governed by provisions required by the Florida Accessibility Code for Building Construction, latest edition.
- 6. All Parking Spaces, except handicap accessible spaces and small car spaces, shall be a minimum of nine (9) feet in width. Other stall and aisle dimensions shall be based on the following standards (see Table 6.18 and Figure 6.04 for a depiction of the measurement criteria):

TABLE 6.18

<b>ANGLE (DEGREES)</b>	<b>STALL DEPTH TO WALL (D)</b>	<b>STALL DEPTH TO INTERLOCK (I)</b>	<b>AISLE WIDTH (W) *</b>
90 (2-WAY)	17.5 feet	17.5 feet	26.0 feet
60 (2-WAY)	18.0 feet	16.5 feet	26.0 feet
75 (1-WAY)	18.5 feet	17.5 feet	22.0 feet
60 (1-WAY)	18.0 feet	16.5 feet	18.0 feet
45 (1-WAY)	16.5 feet	14.5 feet	15.0 feet

\* Aisle width may be decreased by two (2) feet for one-sided parking modules where four (4) feet of clear, unobstructed area is provided adjacent to the parking aisle opposite the Parking Spaces.

FIGURE 6.04



### PARKING DIMENSION REFERENCES

- A = PARKING ANGLE
- D = STALL DEPTH TO WALL
- I = STALL DEPTH TO INTERLOCK
- W = AISLE WIDTH

7. Small car Parking Spaces shall be permitted in low turnover parking areas such as employee lots and residential parking sites. The small car Parking Spaces shall not exceed thirty percent (30%) of the total required spaces and shall be clearly designated with Signs. Small Parking Spaces shall be a minimum of eight (8) feet in width with stall depths a minimum of sixteen (16) feet. Small car spaces shall be considered only for ninety (90) degree layout.
8. Parking stall dimensions, access aisles, and curb ramps for handicap accessible spaces shall be designed to meet the standards of the Florida Accessibility Code for Building Construction.
9. Commercial facilities with drive-through windows shall provide adequate Vehicle storage area for queuing outside the road Right-of-Way.
10. Off-street loading facilities and maneuvering areas shall be separated from required off-street Parking Areas; however, access aisles may serve both parking and loading facilities. All loading facilities shall be designed with adequate maneuvering area for the expected size of truck using the loading facility and shall meet the requirements of Section 6.05.02.K. and Section 6.05.02.L of this Code. Corner radii at driveway connections, end aisles, and other areas within the vehicular path of the truck access to the loading facilities shall be adequate for the expected truck size.

I. Off-Street Parking Requirement Reduction

Where Protected Trees exist within a proposed Parking Area, the County Administrator may allow a reduction up to five percent (5%) of the number of required Parking Spaces to preserve existing Trees. In cases where less than ten (10) Parking Spaces are required, this provision shall not apply.

J. Off-Street Perimeter/Distant Parking Standards

1. Developers of commercial centers of one hundred thousand (100,000) square feet or larger may provide sodded grass Parking Spaces along the perimeter Parking Area or the area most distant from the entrance(s) to the Building of their off-street parking.
2. The sodded grass spaces shall be a maximum of ten (10) percent of the required number of spaces. In addition, all spaces provided in excess of the number required by this Code may be sodded.
3. The grass perimeter/distant Parking Spaces shall be stabilized using drought tolerant sod and shall include parking wheel stops and landscape barriers to protect landscaping within terminal/internal islands and landscaping within perimeter buffer areas.
4. The sodded grass perimeter/distant Parking Area shall be delineated on the commercial center's Site Plan.
5. Any other approved Uses with five hundred (500) or more Parking Spaces may provide sodded grass Parking Spaces along perimeter/distant Parking Areas provided that they meet Section 6.05.02.J.2 above.

K. Off-Street Loading Space, Required

1. Every Use requiring the receipt or distribution, by Vehicles, of materials and merchandise shall have one or more loading berths or other space for standing, loading and unloading on the same or adjoining premises in accordance with the requirements of the table below. Loading space shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served. Loading spaces shall not be used for the storage of Vehicles or materials, or to meet off-street parking requirements, or in conducting the Use.
2. The requirements in the table below shall apply to new Structures or additions to Structures, and shall not be considered to make any existing Structure non-conforming for lack of such off-street loading.
3. For any land Use which is not listed in the table below, the County Administrator, upon review of the proposed Use, shall specify the required number of loading spaces to be provided, using generally accepted traffic engineering practices and standards.

Off-Street Loading RequirementsLand Use ClassificationSpace Requirements

Hotel/Motel Uses

One loading berth for every one hundred thousand 100,000 square feet of Floor Area, up to a maximum of 5 berths.

Industrial and commercial Uses as follow

Minimum number of loading berths required

Under 8,000 square feet

1 berth

8,000 - 25,000 square feet

2 berths

25,000 - 50,000 square feet

3 berths

50,000 - 100,000 square feet

4 berths

100,000 - Over square feet

5 berths

L. Off-Street Loading Space Standards

All Off-Street Loading Spaces shall meet the following standards:

1. Off-Street Loading Spaces shall meet, be located and arranged so that a semi-trailer truck (WB 50 class) shall be able to gain access to and use such spaces by means of one continuous backing maneuver totally within the site.
2. Loading space shall observe the minimum Street and interior setback established for Structures.
3. All loading space and maneuvering space shall be surfaced with an all-weather material which shall be maintained in a safe, sanitary, and neat condition.
4. No loading space shall be located so that a Vehicle using such space intrudes on or hinders the use of travel lanes, walkways, Public or Private Roadways, or adjacent properties.
5. Each required Off-Street Loading Space shall have a minimum width of twelve (12) feet and a minimum vertical clearance of sixteen (16) feet above finished grade of the space. The length shall be a minimum thirty (30) feet for local delivery and sixty (60) feet for semitrailers. A maximum of two-thirds (2/3) of the required loading spaces can be used for local delivery Vehicles.

M. Bicycle Parking

1. All bicycle parking facilities shall be located on the same Building site as the Use for which such facilities serve and as close to the Building entrance as possible without interfering with the flow of pedestrian or motor Vehicle traffic. Bicycle and auto Parking Areas shall be separated by a physical barrier which shall be at a minimum a two (2) foot high wall, fence or berm; a ten (10) foot wide buffer; or a six (6) inch curb with four foot buffer to protect parked bicycles from damage by cars.
2. All bicycle parking facilities shall be clearly identified as bicycle parking. Where bicycle Parking Areas are not clearly visible to approaching cyclists, Signs shall clearly indicate the location of the facilities. When possible, this facility should protect the bike from inclement weather including wind-driven rain. Bike parking shall be located in an area of high visibility and shall be well lighted.



3. Design Standards

- a. Bicycle parking facilities shall include provisions for the secure storage and locking of bicycles in a stable position without damage to wheels, frames, or components. All required bicycle parking facilities shall be from an approved list of bicycle parking devices maintained by the County Administrator. Other devices may be used if it can be established by the County Administrator that they are equivalent to any device on the approved list in function, quality, and Construction.
- b. An aisle or space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least four feet to the front or rear of a standard six (6) foot bicycle parked in the facility.
- c. All bicycle Parking Spaces shall conform to the following minimum design standards:
  - Minimum width - two (2) feet
  - Minimum length - six (6) feet
- d. The County Administrator shall be authorized to modify these standards where the facilities will be used predominately by bicycles having different space needs such as adult tricycles, or when another design (such as the provision of bike lockers) could serve the needs to an equal or greater degree.

## **PART 6.06.00 LANDSCAPING AND BUFFERING REQUIREMENTS**

### **Sec. 6.06.01 Applicability and Exemptions**

- A. In St. Johns County, with the following exceptions, it shall be unlawful for any Person, firm, or corporation either individually or through Agents, employees or independent contractors, to construct any Building or off-street Parking Area on land within the unincorporated areas of St. Johns County without first having obtained a Development Permit from St. Johns County. The terms and provisions of this Part shall apply to all Development within the unincorporated areas of St. Johns County except for the following exceptions:
1. Land which is used for and has the corresponding property assessment as Bona Fide agricultural operations.
  2. Land within the boundaries of an airport, heliport, helistop or ultralight flight park, determined by the Federal Aviation Administration or the Florida Department of Transportation to be required for the ground or aerial maneuvering of aircraft.
  3. Construction of an addition to an existing Building or Construction of a minor or ancillary Building or off-street Vehicular Use Area with less than five (5) Parking Spaces.

### **Sec. 6.06.02 General Standards and Guidelines**

- A. Plant Species
1. These standards and guidelines shall be in accordance with Section 4.01.05 Trees and Other Vegetation. Section 4.01.05 contains regulations on the minimum number of Trees, Tree Inches, Historic and Specimen Trees, exemptions, Protected Trees, Land Clearing, Tree replacement requirements, Tree Permits, Permit application procedures, along with other regulations about Trees and vegetation in unincorporated St. Johns County. Plant species shall be appropriate for their designated use and environment.
  2. The use of Xeriscape or Florida Friendly landscaping techniques and the use of native plants as part of the overall landscaping plan shall be required, as specified in these regulations.
  3. A minimum of fifty (50) percent of the required plant materials shall be native species, or hybrids or cultivars of native species. Species listed by the Florida Exotic Pest Plant Council or on the Exempt Tree list (except slash or longleaf pines) shall not be used to meet this standard. The fifty (50) percent requirement for plant materials shall be met individually for trees and shrubs.
  4. Vegetation that exceeds twenty-five (25) feet in height at maturity should not be planted closer than fifteen (15) feet of the vertical plane of an existing power line, excluding service wires.
  5. Non-living ground cover, such as rocks, gravel, and mulch, may be used in combination with living plant material. The use of artificial plants shall not be permitted to meet any of the landscaping requirements.
  6. All plantings shall be selected based on the principles of Florida Friendly

landscaping including planting the right plant in the right place and providing for efficient watering. Exempt from this requirement are golf courses, sports fields, Agriculture and Silviculture.

B. Tree Inch requirements and scoring procedures are in Section 4.01.05.E, represented in whole inch increments.

C. Landscaping Material

The following plant material standards shall be considered the minimum requirements for complying with the Landscaping Regulations, unless specified differently elsewhere in these regulations.

1. Quality

Plant material shall conform to the standards for Grade #1 or better as given in the latest "Grades and Standards for Nursery Plants, Parts I and II," Florida Department of Agriculture and Consumer Services or to the standards as given in the latest "American Standard for Nursery Stock," American National Standards Institute. They shall be appropriate for St. Johns County annual weather and temperature patterns.

2. Installation

All landscaping shall be installed according to sound nursery practices and shall follow ANSI A300 Transplanting Standards. Plants grown in containers prior to installation shall be removed from their containers before they are planted in the ground. Balled and burlapped strapping wire shall be cut back away from the trunk, and any synthetic material shall be removed at time of final inspection.

a. Mulch shall be provided a minimum of two (2) to three (3) inches in depth around all newly planted landscaping.

b. A mulch ring for all newly planted Trees shall be provided at least five (5) feet in diameter and spaced at least six (6) inches away from the tree trunk.

3. Trees

At the time of planting, a Tree shall have a minimum height of eight (8) to ten (10) feet and two (2) inch of caliper. The use of exempted Tree species to meet the requirements of the landscaping regulations shall be prohibited with the exception of slash or longleaf pines.

4. Palms

Where palms are used, only palms up to thirty percent (30%) of total required Trees will receive Tree Inches, unless otherwise reasonably determined by the County Administrator based upon Site conditions.

## 5. Shrubs

When used for screening purposes, shrubs shall be cold tolerant and non-deciduous and have a minimum height of twenty-four (24) inches at the time of planting and shall be spaced a maximum of three (3) feet on center.

## 6. Ground Cover Plants

Ground cover plants shall be spaced so as to present a finished appearance and have reasonably complete coverage within one (1) year after planting. The use of any non-living ground cover such as mulch, gravel, rocks, etc. shall be in conjunction with living plants so as to cover exposed soil.

## D. Maintenance and Protection of Landscaping

1. The property Owner shall be responsible for the establishment and maintenance of all landscaped areas which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, free of refuse, debris and weeds.
2. All required plant material that is newly-planted shall be watered by temporary or permanent irrigation systems consistent with 3a below until such time as they are established. Required plant material that fails establishment shall be replaced within thirty (30) days of written notification, or as reasonable determined by the County Administrator.
3. Irrigation in Site Development Projects.
  - a. High Volume irrigation shall be limited to no more than fifty percent (50%) of the total irrigated landscape area. All plantings shall be grouped according to similar water needs for efficient irrigation zones. Exempt from this requirement are golf courses, sports fields, Agriculture, Silviculture or systems using Reclaimed water.
  - b. Irrigation systems may consist of an automatic or manual underground systems, drip systems, quick coupling valves, or hose bibs located within fifty (50) feet of all landscaping plant material or other systems as approved by the County Administrator.
  - c. A low volume irrigation system should be used wherever possible to minimize evaporation.
  - d. The irrigation system shall use the lowest quality water available.
  - e. The irrigation system shall be designed to minimize adverse impacts to existing Trees and other vegetation to be preserved on the site. No irrigation shall be required within areas where existing vegetation is preserved.
  - f. Where Xericape or Florida Friendly is used to meet all the landscaping requirements, the County Administrator may waive the requirement for a permanent irrigation system as long as establishment of the planted materials is provided.

- g. Irrigation systems shall be designed as to prevent spraying of water onto paved areas.
  - h. A functioning rain shutoff device or soil moisture sensor shall be utilized in automatic irrigation systems.
- 4. Where necessary to prevent encroachment by parked or moving Vehicles into landscaped areas, wheel stops or curbs shall be used and shall measure a minimum of six (6) inches in height and six (6) inches in width.
  - 5. Paving, treating or covering a required landscaped area in a way that renders it impervious is prohibited.

E. Road Right-of-Way

- 1. Public and private road Right-of-Way may only contain Trees and other landscaping material after approved by the County Administrator in accordance with Part 6.04.00 Roadway, Drainage, & Utilities Standards. Provided their location does not present a traffic hazard, impede drainage, or adversely interfere with the use of the Right-of-Way by Utilities.
- 2. Written approval from the Florida Department of Transportation shall be required for all landscaping materials proposed for placement on State Highway System Rights-of-Way.

F. Scenic Highways and Scenic Roadways

- 1. Notwithstanding the provisions of the landscaping regulations of this Code, other landscaping standards shall apply to any Scenic Highway or Scenic Roadway designated in Appendix B of this Code to protect its special visual character.
- 2. Upon designation of any Scenic Highway or Scenic Roadway, all new Development, Permits, Improvements, including maintenance thereon, excluding individual single-family Lots created before September 15, 1999, shall be in accordance with the following standards and any other Roadway-specific, Board of County Commission approved plan for the designated Scenic Highway or Scenic Roadway.

a. Rural Scenic Highways or Roadways

Outside the Development Area Boundaries on the Future Land Use Map, a forty (40) foot minimum undisturbed scenic buffer shall be provided adjoining the Right-of-Way which shall be left in a natural state, unless actively used for agricultural purposes. Land in Agricultural Use may continue in Agricultural Use.

b. Residential Scenic Highways or Roadways

Within the Development Area Boundaries on the Future Land Use Map, a thirty (30) foot scenic buffer shall be provided with four (4) Canopy Trees and four (4) understory Trees per one hundred (100) linear feet. If street Trees do not exist in the undeveloped existing Right-of-Way, the Developer shall provide one (1) street Tree for every fifty (50) linear feet. Where the existing vegetation meets or exceeds the buffer requirements stated above

in the Right-of-Way or thirty (30) foot scenic buffer, the existing vegetation shall remain undisturbed.

3. If the property has sufficient area for the scenic buffer, no Building Permits shall be issued that would result in encroachment of the buffer area. If the property does not have sufficient area for the scenic buffer, any Use permitted in the zoning district shall be allowed to encroach into this area the minimum amount necessary to meet other setback requirements subject to approval of a Non-Zoning Variance in accordance with the provisions of Section 10.04.03 of this Code.

G. Northwest Sector Scenic Edges

1. Scenic Edges shall be provided to preserve the rural character and preserve and enhance scenic view sheds, such as, scenic vistas, the St. Johns River, natural areas, and agricultural areas within the Sector. The primary purpose of scenic edges is to screen development and designed in a way that creates a natural edge between development and the roadway through the preservation of existing trees and vegetation and/or the use of a variety of native canopy trees, understory trees, bushes, shrubs and ground cover.
2. Within the Community Commercial Future Land Use Map designation located at SR13 and Racetrack Road, and within any commercially zoned property or the commercial component of a planned development, or where the lot depth of a development parcel, or portion thereof, measured from the property line or reserved right-of-way is less than 500 feet, the scenic edge shall be allowed a reduction to the required 75 foot buffer requirement to a minimum of 30 feet through the application of enhanced performance standards that will provide sufficient landscaping where little or no natural vegetation exists in order to preserve or enhance the rural character along the roadway. Any request for a reduction to the 75 foot scenic edge shall adhere to the following enhanced performance standards:
  - a. Shall consist of all native evergreen canopy trees planted every twenty (20) to thirty (30) foot on center.
  - b. All native non-canopy trees shall be planted every ten (10) to twenty (20) foot on center.
  - c. Shrubs shall be of native species and be planted between every five (5) to fifteen (15) foot on center and appropriately staggered.
  - d. Native groundcover shall be planted every three (3) to five (5) foot on center.
  - e. Breaks in the scenic edge may be allowed in otherwise continuous edges to allow for access and associated entrance features, and provide view corridors to parks, scenic areas and other publicly accessible areas. The spacing may also be modified through the clustering of the required trees provided the same number of trees is planted and the gap between the trees cannot exceed 30 feet.
  - f. Commercial properties located adjacent to the scenic edge shall be allowed to maintain visibility to commercial structures, signage and entrance features.

## H. Northwest Sector Development Edges

1. Development edges and recreational trail systems provide a foundation of the Northwest Overlay. Development edges and recreational trails provide natural corridors, recreational opportunities, aesthetics, habitat protection and open space, maintain rural character and provide screening from roadways and adjacent development. Development edges shall be a minimum of 35 feet in width and located along the edge of the development boundary. Deviations to the 35 foot minimum development edge shall only be allowed where there are practical difficulties in the meeting of the development edge requirement, due to exceptional shallowness or unusual shape of a specific piece of property, where connectivity to adjacent development makes a logical pattern or other extraordinary condition of such property. The development edge shall be allowed to be reduced to a minimum of 20 feet with the approval of a non-zoning variance or waiver and through the application of performance standards. Where little or no native vegetation exists, buffers should be supplemented as follows:
  - a. Shall consist of all native evergreen canopy trees planted every twenty (20) to thirty (30) foot on center.
  - b. All native non-canopy trees shall be planted every ten (10) to twenty (20) foot on center.
  - c. Shrubs shall be of native species and be planted between every five (5) to fifteen (15) foot on center and appropriately staggered.
  - d. Native groundcover shall be planted every three (3) to five (5) foot on center.
  - e. Breaks in the development edge may be allowed in otherwise continuous edges to allow for access and associated entrance features, and provide view corridors to parks, scenic areas and other publicly accessible areas. The spacing may also be modified through the clustering of the required trees provided the same number of trees is planted and the gap between the trees cannot exceed 30 feet.
  - f. Commercial properties located adjacent to the development edge shall be allowed to maintain visibility to commercial structures, signage and entrance features.
2. Deviations not addressed above shall be subject to a non-zoning variance or waiver review (if associated with a Planned Development) and approval in accordance with the provisions established in the Land Development Code. Additional buffer and screening requirements may be imposed as a condition of approval of the non-zoning variance or waiver to minimize the effect of the reduced development edge and ensure the intent of the Northwest Sector. In no case shall the development edge be less than 20 feet, except where a non-residential property line abuts another nonresidential property line in which case a narrower development edge may be allowed with approval of a non-zoning variance or waiver review.

## I. Wet Retention or Detention Pond

1. Wet Retention/Detention ponds or stormwater systems developed within a scenic edge or development edge shall be designed as an amenity to the neighborhood

and should be permanently protected from development. Any area of the wet retention/detention pond or stormwater system lying within the scenic or development edge shall be required to vegetate along the entire perimeter of the banks of the wet retention/detention pond or stormwater system. Vegetation shall include native grasses and understory plantings.

### **Sec. 6.06.03 Off-Street Vehicular Use Areas**

#### **A. Canopy Trees**

Seventy percent (70%) of the required Trees shall be Canopy Trees. This provision does not exclude the use of existing Tree species for which Tree Inches is received in accordance with Section 4.01.05.E.

#### **B. Existing Trees**

Existing Trees shall be credited toward the number of required Tree Inches in accordance with Section 4.01.05.E., if the reduction does not subvert the intent of Section 6.06.03 to provide shaded areas throughout a parking lot.

#### **C. Perimeter Buffer Adjacent to Road Right-of-Way**

On any Parcel of land providing an off-street Vehicular Use Area, where such area is not entirely screened from an abutting Right-of-Way by an intervening Building or other Structure, a landscaped buffer a minimum of eight (8) feet in width and containing an opaque screen of living landscape at least three (3) feet in height, of which the three (3) foot height may be obtained in one (1) year, and shall be twenty-four (24) inches at the time of planting, shall be provided between the off-street Vehicular Use Area and the Right-of-Way (Figure 6.05), unless the buffer or screening requirements of Section 6.06.04 are more stringent, in which case the more stringent requirements shall apply. The landscape buffer shall be planted within eight (8) feet of the Vehicle Use Area.

#### **D. Perimeter Buffer Adjacent to Parking Area Driveway**

A driveway into a Parking Area shall be bordered by a landscaped buffer a minimum of eight (8) feet in width and three (3) feet in height (Figure 6.06) containing an opaque screen of living landscape at least three (3) feet in height, of which the three (3) feet may be achieved within one (1) year, and shall be twenty-four (24) inches at the time of planting.

#### **E. Other Perimeter Buffer**

1. A landscaped buffer a minimum of six (6) feet in width shall be required between the off-street Vehicular Use Area and any property boundary not fronted by a road Right-of-Way, containing an opaque screen of living landscape at least three (3) feet in height or provide such landscape that is at least two (2) feet in height and capable of obtaining a height of three (3) feet within one (1) year from the time of planting unless the buffer or screening requirements of Section 6.06.04 are more stringent, in which case the more stringent requirements shall apply. The landscaped buffer shall not be required if such a buffer and required screening are provided on the adjacent property along said boundary.
2. A landscaped buffer a minimum of six (6) feet in width shall be provided between the off-street Parking Area and another Use on the property, e.g., Building,



Stormwater retention or detention pond, open space. As an alternative to providing this perimeter buffer adjacent to a Building, landscaped islands may be provided in accordance with Section 6.06.03.G.2.

3. A perimeter buffer is optional along the phase boundary of phased Construction where the off-street Vehicular Use Area does not front on road Right-of-Way.

#### F. Perimeter Landscaping

1. At least one (1) Tree shall be planted for each fifty (50) linear feet of property perimeter shall be required. Where a six (6) or eight (8) foot buffer is required, newly planted Trees shall be located within the buffer so as to maximize shading of the Parking Area.
2. Wherever Off-Street Parking Spaces for ten or more automobiles are located closer than forty (40) feet to a Lot zoned residential and when such Parking Spaces are not entirely screened visually from such a Lot by an intervening Building or Structure, there shall be provided along the Lot line, a continuous screen with a minimum height of six (6) feet. Such screen shall consist of a solid wall, fence or compact permanent shrubbery.
3. The remainder of a perimeter buffer shall be landscaped; and the landscaping material may include grass, ground cover, mulch, shrubs, Trees or other landscaping treatment, excluding sand or pavement.

#### G. Interior Requirements

##### 1. Terminal Islands

A row of Parking Spaces not abutting perimeter landscaped areas shall be terminated on each end by a terminal island. When an Interior Tree Island is not required as a terminal island in accordance with the subsection below, an island no less than fifteen (15) feet in width, measured from back of curbs, and extending the required length of the Parking Space shall be provided. At least one Tree shall be planted in the island. When an Interior Tree Island is required as a terminal island in abutting rows of Parking Spaces, the island abutting the terminal Tree island shall be no less than fifteen (15) feet in width, measured from back of curbs, and shall extend the required length of the Parking Space. Terminal islands shall be landscaped and the landscaping material may include grass, other vegetative ground cover, mulch, shrubs, or other landscaping treatment, excluding sand or pavement. The soil in the islands shall have at least twelve (12) inches of suitable soil for tree plantings, and be void of any construction debris or unsuitable materials.

##### 2. Interior Tree Islands

Interior Tree Islands shall be provided as indicated below:

All Parking Areas and other paved ground surface areas used shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.

- a. Within each Vehicular Use Area of nine thousand (9,000) square feet or more, there shall be a minimum of five percent (5%) of landscape area

which shall be reasonably distributed within each nine thousand (9,000) square foot area. Interior landscape areas shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of one hundred (100) feet. Each landscape Tree island shall be a minimum of fifteen (15) feet wide and extend the entire length of the Parking Space, unless technically infeasible as reasonably determined by the County Administrator. The soil in the islands shall have at least twelve (12) inches of suitable soil for tree plantings, and be void of construction debris. A Tree shall be planted in each island.

- b. Landscape islands may be relocated and exceed the one hundred (100) foot distance requirement to preserve existing Trees and meet the requirements of Part 4.01.00.

### 3. Divider Medians

As an alternative to providing Interior Tree Islands within abutting rows of Parking Spaces, a landscaped divider median between abutting rows of Parking Spaces shall be provided. The minimum width of a divider median shall be ten (10) feet measured from inside of curb to inside of curb. At least one (1) Canopy Tree spaced no closer than twenty (20) feet from another canopy Tree shall be planted in the median with Trees located along the median to maximize shading of the Parking Area. The remainder of the divider median shall be landscaped; and the landscaping material may include grass, ground cover, mulch, shrubs, Trees or other landscaping treatment, excluding sand or pavement. When this alternative is chosen, the minimum width of the terminal islands shall be fifteen (15) feet, measured inside of curb.

## H. Public Takings

1. Where a lawful public taking or an action pursuant to court order results in a reduction of the required perimeter buffer and associated landscaping, this reduction shall not result in a violation of the landscaping requirements of this Code, provided the property Owner clearly demonstrates that reasonable alternatives are not available to retain or provide the buffer and landscaping material in a manner consistent with County regulations and zoning conditions if applicable.
2. In the event Improvements are made to the property subsequent to a lawful public taking or an action pursuant to court order, only those areas within the limits of the improved area shall be required to meet the current perimeter buffer and landscaping requirements.

## I. Variations

Variations to the standards and criteria of Part 6.06.03 may be allowed by the County Administrator or his designee upon showing of good cause, and where the Owner/Applicant proposes an alternative which conforms to the general intent and spirit of these regulations, and where the objectives of the Article have been substantially met.

## **Sec. 6.06.04 Buffering and Screening Requirements**

### A. Buffers Between Incompatible Land Uses

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

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

TABLE 6.19

<b>Table of Intensity for Buffers and Screening</b>	
Group	Land Use Classification
1	Residential - Single-Family
2	Residential - Multi-Family less than or equal to six (6) units/acre (u/a)
3	Residential - Multi-Family greater than or equal to six (6) u/a Cultural/Institutional Office and Professional Services
4	Neighborhood Business and Commercial General Business and Commercial Rural Commercial Town Center Mixed Use
5	High Intensity Commercial Highway Commercial Public Service/Emergency Service
6	Light Industrial Heavy Industrial Mining and Extractive Regional Business and Commercial Regional Cultural and Entertainment Solid Waste & Correctional Facilities Correctional Institutions
7	Outdoor/Passive Agricultural (Except Bona Fide Agricultural and Silvicultural Uses)

TABLE 6.20

<b>Minimum Buffer Screening Matrix</b>							
Proposed Use Intensity Group	Abutting Use Intensity Group						
	1	2	3	4	5	6	7
1	None	10/A	20/B	20/B	20/B	30/C	10/A
2	10/A	None	10/A	20/B	20/B	30/C	10/A
3	20/B	10/A	None	10/A	20/B	30/C	20/B
4	20/B	20/B	10/A	None	10/A	20/B	20/B
5	20/B	20/B	20/B	10/A	None	10/A	25/B
6	30/C	30/C	30/C	20/B	10/A	None	30/B
7	10/A	10/A	20/B	20/B	25/B	30/B	None

Legend

Buffer Width in Feet/Screening Standard

## B. Screening

1. Screening shall be installed within the buffers required above. Screening shall meet specified height requirements except in those Front Yard areas that are Street access frontages, and except those areas for which the intersection sight distance requirements contained in Section 6.04.04.G. supercede. In Front yard areas that are Street access frontages, screening shall not exceed four (4) feet in height. In meeting the screening standards, it is recommended that staggered hedge row plantings be installed on three (3) foot centers to achieve the opacity indicated.
2. The required height of screening material and/or a fence when required for the purpose of screening is measured from the finished grade at the minimum required setback or buffer line of the property requiring the fence.

### 3. Screening Standard "A"

Minimum required screening shall consist of the following:

- a. Evergreen plants, at the time of planting, shall be six (6) feet in height and provide an overall screening opacity of seventy-five percent (75%); or
- b. A masonry wall six (6) feet in height, located within the required buffer; architecturally finished on all sides, and if a block wall, shall be painted on all sides; or
- c. A solid wooden fence six (6) feet in height (finished side out); or
- d. A berm not steeper than two to one (2:1) in combination with 1, 2, or 3 above, to achieve a minimum height of six (6) feet and seventy-five percent (75%) opacity at the time of installation; and
- e. Lawn, low growing evergreen plants, evergreen ground cover, or rock mulch covering the balance of the buffer.

### 4. Screening Standard "B"

Minimum required screening shall consist of the following:

- a. The requirements of Screening Standard "A"; and
- b. A row of evergreen Canopy Trees which are not less than ten (10) feet high at the time of planting, a minimum of two (2) inch caliper, and are spaced not more than twenty (20) feet apart. The Trees are to be planted within ten (10) feet of the property line.

### 5. Screening Standard "C"

Minimum required screening shall consist of the following:

- a. A row of evergreen Canopy Trees which are not less than ten (10) feet high at the time of planting, a minimum of two (2) inch caliper, and are spaced not more than twenty (20) feet apart. The Trees are to be planted within ten (10) feet of the property line; and

- b. A masonry wall, architecturally finished on all sides, located within the required buffer; such wall shall be a minimum height of six (6) feet and, if a block wall, shall be painted on all sides; and
- c. Lawn, low growing evergreen plants, evergreen ground cover, or rock mulch covering the balance of the buffer.

#### 6. Areas Adjacent to Arterials and Major Collectors

If proposed residential Development is adjacent to Arterials or Major Collectors, screening shall consist of the landscaping required per Screening Standard "B" above or a berm/planting combination, with the berm an average height of four (4) feet and dense plantings which will, when combined with the berm, achieve a minimum height of eight (8) feet and seventy-five percent (75%) opacity within two (2) years of planting. If demonstrated that screening has been or will be provided by another entity to an equivalent or higher degree, the Board of County Commissioners may waive any portion or all of these requirements.

#### 7. Open Storage

- a. Open storage which constitutes the principal Use of a site shall be buffered in accordance with screening standard "C".
- b. Open storage areas which are accessory to a principal Use shall be screened from view of any Street and from residentially zoned land as follows:
  - (1) Where an open storage area is in view from a Street, the method of screening shall consist of solid masonry walls or solid wooden fences at least six (6) feet in height, or evergreen shrubs which at the time of installation shall be six (6) feet in height and seventy-five percent (75%) opaque and shall grow to form a continuous hedge, with access from the Street only through solid gates which shall be closed except when in use. Said screening shall extend interior to the site a minimum of one hundred (100) feet from the Street property line or the entire depth of the open storage area, whichever is less, unless an existing permanent Structure shields the storage area from public view.
  - (2) Where an open storage area is in view from a residentially zoned district within two hundred (200) feet, the method of screening shall consist of solid wooden fences or painted solid masonry walls at least six (6) feet in height, or evergreen shrubs which at the time of installation shall be six (6) feet in height and seventy-five percent (75%) opaque and shall grow to form a continuous hedge. Said screening shall be installed along all boundaries of the storage area including internal boundaries, that are in view from the residential districts.

## 8. Solid Waste Storage

All new Buildings and Uses, except for Single Family and Two Family Dwellings, shall provide facilities for the central storage of solid waste within the Lot.

### a. Shopping Centers or other Commercial Buildings with mixed uses.

Where a Building is divided into units for several businesses, or a group of buildings, each business space/unit shall demonstrate that adequate capacity exists whether within the building or on the lot.

### b. Single use Commercial Businesses

Commercial Buildings not part of a Shopping Center or mixed use building, shall demonstrate adequate capacity whether within the building or on the lot. Curb side pick-up may be allowed by the County Administrator for those businesses generating not more than 100 pounds of solid waste per week.

### c. Residential uses, except for Single Family and Two Family Dwellings.

Multi Family uses shall demonstrate that adequate capacity exists whether within the building or on the lot.

### d. Where such facilities are provided outside of a Building, they shall be screened from public Rights-of-Way and adjacent property by an enclosure constructed of materials compatible color and style with the materials on the walls of the Building the facility serves and must be located on a concrete pad. In addition when the location is abutting or within 25 feet of a residentially zoned property or property with residential uses, the screening shall include screening at a minimum in accordance with Screening Standard B of Section 6.06.04.B.4 between the proposed site and the residential lot line.

For the purpose of this section “adequate capacity” is an industry standard solid waste container capable of internally storing solid waste for up to one week with no overflow or unsightly accumulation of waste above the rim of the container. Collection schedules may be established to empty containers more frequently than once per week; however all containers with the exception of fully enclosed solid waste compactors, must be emptied at a minimum of once weekly.

All locations shall provide for adequate maneuverability, vehicle loading and unloading and adequate overhead clearance free of overhead obstruction such as electrical lines or building overhangs.

All locations shall adhere to the requirements of Ordinance 94-49 as amended.

9. Mechanical Equipment

All non-residential and non-Agricultural Uses shall screen all mechanical equipment, including rooftop equipment, such as but not limited to air conditioners, or pumps, from view from public places and neighboring properties. Ground level equipment shall be screened through the use of features such as berms, fences, false facades or dense landscaping. Rooftop equipment shall be screened through the use of a parapet wall or false facade that is an integral part of the Structure.

10. Recreational Vehicle/Boat Storage

Where Recreational Vehicle/Boat Storage constitutes the Principal Use for a Site the storage areas shall be screened from public view and from all streets or Roadways and residentially zoned property. Screening shall be provided with Evergreen plants six (6) feet in height at the time of planting and an overall screening opacity of seventy-five percent (75%) or greater, or a solid wooden, polyvinyl chloride or similar material fence, or masonry or concrete block wall at least six (6) feet in height. If masonry or block wall is provided, it shall be painted and architecturally finished on the outside.

11. A solid screening fence or wall, a minimum of six (6) feet in height, shall be required to be placed between any property used for a drive-through facility and any abutting property zoned residential. The intent of this solid screening is to screen vehicular headlight glare from adjacent residential property.

**Sec. 6.06.05 Review, Permitting, and Compliance Procedures**

A. Landscape Plan

1. Whenever the provisions in accordance with this Part apply, a Landscaping Plan prepared by a Landscape Architect registered to practice in the State of Florida, or other authorized individuals as set forth in Chapter 481, Part II, F.S. shall be submitted to the County Administrator for review upon application for Site Plan review.
2. The Landscaping Plan shall include information as set forth in the Development Review Manual.

B. General Procedure

Except as modified below, a Landscaping Plan or Master Subdivision Landscaping Plan shall be submitted and reviewed in accord with the procedures for issuance of Development Permits contained in Part 9.01.00.

C. Modifications to General Procedure

1. A copy of the Landscaping Plan shall be available onsite during installation of the landscaping.
2. No Certificate of Occupancy or Certificate of Completion shall be issued until the County Administrator has performed a final inspection and determined compliance with the minimum landscaping requirements according to the approved plan and the Construction Permit, if required.



3. Periodic reinspections may be performed by the County Administrator to ensure the healthy survival of required landscaping material according to the approved plan. Landscaping material identified as deficient shall be replaced by the Owner of the property within thirty (30) days of written notification by the County Administrator.

## **PART 6.07.00 HEIGHT REGULATION**

### **Sec. 6.07.01 Generally**

- A. The maximum height of a Structure shall be measured as the vertical distance from the lowest point of the established grade surrounding the perimeter of the Structure to the highest point of the Structure, except as may be excluded in Section 6.07.02.
- B. For a new Single Family or Two Family Dwelling Unit or Manufactured/Mobile Home constructed or placed on a Lot less than or equal to one (1) acre in size, the maximum height of fill allowed to be placed on the Lot to create the established grade shall not exceed the lesser of:
  - 1. Three (3) feet above the highest existing natural grade on the Lot prior to the placement of any fill, or
  - 2. Three (3) feet above the finished floor elevation of adjoining Lot(s).

Variations to these requirements may be approved by the County Administrator to meet the Flood Damage Control Regulations of this Code or Federal Emergency Management Agency (FEMA) regulations for Areas of Special Flood Hazards. A Zoning Variance to these requirements may be granted by the Board of County Commissioners for other unusual or unique topographic features of a Lot.

### **Sec. 6.07.02 Excluded Portions of Structures**

Except as specifically provided herein, the height limitations of this Code shall not apply to the following:

- (a) any usable or habitable roof area or any roof Structures such as housing elevators, stairways, tanks, ventilating fans, solar energy collectors, or similar equipment required to operate and maintain the Building, provided the following are met:
  - 1) the combination of usable or habitable roof area and such roof Structures shall not cover more than twenty percent (20%) of roof area;
  - 2) walls, parapet walls, guard railings surrounding the area or structures may not extend more than five (5) feet above the roof; and,
  - 3) roof structures may not extend over ten (10) feet in height above the roof.
- (b) Church spires, steeples, belfries, cupolas, domes, monuments, or similar non-habitable architectural features;
- (c) Water towers, skylights, flag poles, vents, Construction or mining cranes or draglines, or similar Structures;
- (d) Firewalls or parapet walls along the perimeter of the roof of all non single-family structures, provided such walls do not exceed five (5) feet above the roof.

### **Sec. 6.07.03 Aviation Hazards**

No Building or other Structure (regardless of exclusions set forth above) shall be located in a manner or built to a height which constitutes a hazard to aviation or creates hazards to persons

or property by reason of unusual exposure to aviation hazards. In any area within the unincorporated portion of St. Johns County, in addition to height limitations established by this code, limitations established by lawful Federal, State, and St. Johns County ordinances, rules, and regulations, shall apply to heights of Buildings, Structures, and natural vegetation. Refer to Section 3.04.00 for additional requirements.

#### **Sec. 6.07.04 Amateur Radio Antenna Support Structures**

Section 125.0185, Florida Statutes (1991), and Federal Communications Commission "Amateur Radio Preemption", 101 FCC 2d 952 (1985) require County regulations to reasonably accommodate amateur communication, and to represent the minimum practicable regulation to accomplish the local authority's legitimate purpose. Under these federal and state preemption provisions, Amateur Radio Antenna Support Structures are excluded from regulation under the provisions of this Code.

#### **Sec. 6.07.05 Unusually Tall Structures**

Unless specifically stated otherwise elsewhere in this Code concerning height, towers that are principal Structures in themselves, such as high voltage transmission line towers, telephone or electronic relay or transmission towers; grain elevators, silos and other such Agricultural Uses; and similar principal Structures, may only exceed the height limitations established for the district wherein they are proposed for relocation following review by the County Administrator who may only grant the Permit where he finds:

- A. That the proposed Structure would not result in restriction or interference with air traffic or air travel to or from any existing or proposed Airport;
- B. That the proposed Structure is consistent with the existing surrounding Uses, and is compatible with the existing neighborhood Development;
- C. That the proposed Structure is consistent with any adopted or projected Development Plan for the area;
- D. That the proposed Structure is not detrimental to the existing or proposed Use of any neighboring property, and does not unreasonably restrict the free flow of light, sunlight and air to those properties.

## **PART 6.08.00 SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES**

### **Sec. 6.08.01 Generally**

The following Uses have been determined to require additional design standards to ensure compatibility with adjacent Uses and the surrounding neighborhood. The standards described for each Use below shall supplement and be in addition to the standards and criteria otherwise required within this Code. Compliance with these supplemental standards shall be determined during Development review and shall not require any additional procedural steps or review processes. Unless stated differently below the following Uses shall be allowed only in the appropriate zoning district as provided in Article II of this Code.

### **Sec. 6.08.02 Adult Care Center**

- A. Adult Care Center shall be permitted without regard to subsequent standards set forth in this Section if such Uses are accessory to the following permitted Uses: churches, social service agencies, health care facilities, community centers, or elderly housing Developments. Said adult care center Uses may be on a Lot with the aforementioned permitted Uses, or on an adjoining Lot, may be a part of the principal Structure, or may be housed in a second Structure on such Lots.
- B. The location and extent of the center shall not adversely affect the character of the existing neighborhood. The Adult Care Center not governed by Section 6.08.02.A. shall be located in a Building that is in scale with the Buildings located within two hundred (200) feet of said Building. Said Adult Care Center Buildings shall not deviate by more than thirty percent (30%) from the median scale of neighboring Buildings as determined by site volume ratio and total Building volume.
- C. No overnight lodging shall be permitted for any type of Adult Care Center.
- D. Adult Care Center with a capacity of ten (10) or less individual may be requested in specified zoning districts per Section 2.03.04. Those Adult Care Centers with a capacity of more than ten (10) individuals shall be allowed only in a non-residential district. Those Adult Care Centers with a capacity of more than twenty-five (25) individuals shall access from an Arterial or Major or Minor Collector.
- E. Required patron parking shall be adjacent to the center and clearly designated by raised directional signage and pavement or wheel stop markings. Each Parking Space shall be fronted with wheel stops set two (2) feet from a continuous five (5) foot wide sidewalk leading to the Building entrance, or a raised curb and a continuous seven (7) foot wide sidewalk leading to the Building entrance.
- F. If a circular driveway is provided for pick-up/drop-off of individuals, the following shall be required in addition to Paragraph A above; a paved circular driveway, twelve (12) feet in width with a minimum inside turning radius of twenty (20) feet, and an area a minimum of fifteen (15) feet from the designated discharge point where the individuals are picked up or dropped off, into which cars shall not park or back. If fire regulations require the designation of a fire lane, then the width of the circular driveway shall be at least twenty (20) feet.
- G. Employee and van parking shall be designated by raised directional signage and pavement or wheel stop markings.

### **Sec. 6.08.03 Agricultural Equipment Storage**

- A. This Use shall be allowable in the OR zoning district.
- B. Agricultural equipment storage is an Accessory Use and shall be located only on a Lot with a permitted principal Use.
- C. Equipment storage shall be located a minimum of two hundred (200) feet from the zoning Lot boundaries.
- D. Agricultural equipment shall not include junk or inoperable equipment.
- E. Agricultural equipment storage shall not include equipment sales.

### **Sec. 6.08.04 Veterinary Office, Animal Hospital**

- A. All activities, with the exception of Animal exercise yards and confinement areas, shall be conducted within an enclosed and soundproofed Building.
- B. Enclosed Buildings: If completely enclosed with four solid walls, Buildings housing Veterinary Offices or Animal Hospitals shall be located no closer than fifty (50) feet from any property zoned or used for residential purposes.
- C. Non-enclosed Buildings: Buildings housing Veterinary Offices or Animal Hospitals, which are not fully enclosed, shall be located no closer than three hundred (300) feet from any property zoned or used for residential purposes.
- D. Outdoor exercise areas: Outdoor exercise areas shall be not less than one hundred (100) feet from any Dwelling Unit on adjacent property and seventy-five (75) feet from any property zoned or used for residential purposes with the exception of farm Animal grazing areas containing a density of less than three farm Animals per acre. Such grazing areas may be located anywhere on the Lot.
- E. Confinement yards: The confinement yard shall not be less than three hundred (300) feet from any Dwelling Unit on adjacent property and three hundred (300) feet from any property zoned or used for residential purposes with the above exception for farm Animals. The operator of the Veterinary Office/Animal Hospital shall be responsible for using good management practices to discourage undesirable odors, insects, and excessive noise.
- F. Overnight accommodation: Overnight accommodation (boarding) of animals receiving medical or surgical treatment is allowed. Total boarding, including that ancillary to veterinary service, may not exceed more than 20% of total Building square footage.

### **Sec. 6.08.05 Boarding House**

- A. In each boarding house, for the purposes of calculating Density, every two and a half (2.5) residents shall constitute one (1) Dwelling Unit. Therefore, the facility must be located on a Lot large enough to meet the Density requirements of the Comprehensive Plan for the equivalent number of Dwelling Units or the minimum requirements of the zoning district in which it is located, whichever is more restrictive.
- B. All boarding houses containing more than fifteen (15) residents shall have direct access to an Arterial or Major or Minor Collector.

- C. Where boarding houses shall be located within two (2) Lots, or one hundred (100) feet, from the boundary of a Single Family residential zoning district of lesser Density than permitted in the zoning district in which said boarding house is located, then said boarding house shall be in scale with the Building located within two hundred (200) feet of said boarding house. Said boarding house shall not deviate by more than thirty (30) percent from the median scale of such neighboring Buildings as determined by site volume ratio and total Building volume.

**Sec. 6.08.06 Bus Terminal**

- A. Such Use shall not adjoin a residential zoning district of less than six (6) Dwelling Units per acre.
- B. Such Uses shall be separated from any residentially zoned property by a minimum thirty (30) foot buffer.

**Sec. 6.08.07 Canopies and Gasoline Pump Islands as Accessory Uses**

The canopies provided over the pump islands at gas stations, service stations and convenience stores, and the pump islands themselves shall meet the Yard requirements of a principal Structure. However, if the following requirements can be met, the canopy and pump islands may intrude a limited amount into a Front Yard:

- A. The outside edge of the canopy may intrude up to ten (10) feet into the required Front Yard as measured from the rear of the required Front Yard.
- B. Pump islands, their surrounding Structures and the canopy support Structures may encroach up to ten (10) feet into the required Front Yard provided that traffic movements between the pump island and the road Right-of-Way are restricted to one-way.
- C. Neither the canopy nor the pump islands shall block visibility at intersections of Rights-of-Way or drives.
- D. Underground fuel storage tanks over one-thousand (1,000) gallons shall maintain a three-hundred (300) foot setback from: (1) all properties that maintain a residential zoning designation provided in LDC section 2.01.02.B.; and (2) platted residential Lots in Planned Unit Developments. A setback is not required from unplatted residential portions of PUDs or from Open Rural properties.
- E. Existing underground storage tanks (USTs) of more than 1,000 gallons that do not comply with, but pre-date the effective date of, the 300 ft. setback in sub-section 6.08.07.D or USTs that become non-conforming due to subsequent residential rezoning or platting of residential lots are considered legal non-conforming uses and structures pursuant to Part 10.03.00 of this Code and will not be a basis of discontinuing the use of the structure. However, retrofitting, maintenance, replacement, and repairs of the existing legal non-conforming UST shall be allowed by right without any limitation under Part 10.03.00 and without need for a variance so long as (1) the location of the UST remains unchanged and within the same footprint; or, (2) the retrofitting or upgrade is mandated by the state or federal authority so long as it does not increase the size or capacity and so long as it does not affect an additional platted lot.

#### **Sec. 6.08.08 Cemeteries, Human**

- A. A Minimum Lot Area for the entire cemetery site shall be eighty-five thousand (85,000) square feet.
- B. There shall be adequate space within the site for the parking and maneuvering of funeral corteges.
- C. No interment shall take place within thirty (30) feet of any adjoining Lot line.
- D. All Structures shall be set back a minimum of twenty (25) feet from any boundary line of the cemetery property.
- E. All Structures over twenty-five (25) feet in height must be set back from any boundary line of the cemetery a minimum of twenty-five (25) feet plus two (2) feet for each one (1) foot of height over twenty-five (25) feet to the maximum height permitted by the zoning district in which it is located or fifty (50) feet, whichever is more restrictive.

#### **Sec. 6.08.09 Cemeteries, Pet**

- A. A Minimum Lot Area of one (1) acre is provided for the entire cemetery property.
- B. No interment shall take place within thirty (30) feet of any adjoining Lot line.
- C. All Structures shall be set back a minimum of twenty-five (25) feet from any boundary line of the cemetery property.
- D. All Structures over twenty-five (25) feet in height must be set back a minimum of twenty-five (25) feet plus two (2) feet for each one (1) foot of height over twenty-five (25) feet to the maximum height permitted by the zoning district in which it is located or fifty (50) feet whichever is more restrictive.

#### **Sec. 6.08.10 Child Care Center**

- A. Child Care Centers with a capacity of ten (10) or less children may be requested in specified zoning districts per Section 2.03.04. Those Child Care Centers with a capacity of more than ten (10) children shall be allowed only in a non-residential district and shall access from an Arterial or Major or Minor Collector.
- B. Required patron parking shall be adjacent to the center and clearly designated by raised directional signage and pavement or wheel stop markings. Each Parking Space shall be fronted with wheel stops set two (2) feet from a continuous five (5) foot wide sidewalk leading to the Building entrance, or a raised curb and a continuous seven (7) foot wide sidewalk leading to the Building entrance.
- C. If a circular driveway is provided for pick-up/drop-off of children, the following shall be required in addition to Paragraph A above; a paved circular driveway, twelve (12) feet in width with a minimum inside turning radius of twenty (20) feet, and an area a minimum of fifteen (15) feet from the designated discharge point where the children are picked up or dropped off, into which cars shall not park or back. If fire regulations require the designation of a fire lane, then the width of the circular driveway shall be at least twenty (20) feet.

- D. Employee and van parking shall be designated by raised directional signage and pavement or wheel stop markings.
- E. A fenced outdoor play area for the children shall be provided. The Use of the play yard shall be limited to between 8:00 a.m. and 6:00 p.m. if the fenced play area is within one hundred (100) feet of a residential zoning district unless otherwise specifically approved by the Board of County Commissioners.
- F. The location and extent of the facility shall not adversely affect the character of the existing neighborhood.
- G. The Child Care Center shall be of a design, intensity and scale to serve the surrounding neighborhood and to be compatible with the surrounding land Uses and zoning.

**Sec. 6.08.11 Colleges/Community Colleges/Universities**

- A. The site shall have a Minimum Lot Area of ten (10) acres.
- B. The Use shall qualify for accreditation by the Southern Associations of Colleges and Schools.

**Sec. 6.08.12 Communication Antenna Towers**

A. Intent and Purpose

- 1. It is the intent of this Section to promote the health, safety and general welfare of the citizens of St. Johns County by regulating the siting of Antenna Towers to accomplish the following purposes:
  - a. To provide uniform standards for the placement and construction of Antenna Towers within the County;
  - b. To protect the natural features and aesthetic character of the County by regulating the location and design of Antenna Towers, providing special attention to residential neighborhoods, public parks, scenic corridors, historic districts, historic landmarks and environmentally sensitive lands;
  - c. To minimize adverse visual and aesthetic impacts of Antenna Towers through innovative design, siting, landscaping standards, including incentives to promote the use of Camouflaged Structures, co-location of new antennas on existing communication towers and the placement of antennas on roofs, walls, existing towers and other suitable existing structures;
  - d. To accommodate the growing demand for wireless communication services, consistent with the Federal Telecommunications Act of 1996 and the Florida Wireless Emergency Communications Act, and facilitating efficient and high-quality wireless communications networks; and
  - e. To avoid or minimize potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

B. Applicability



1. All new Antenna Towers in St. Johns County shall be subject to these zoning regulations and all other applicable Building and Construction codes. In the event of any conflict between the zoning district regulations and the regulations contained in this Section, the provisions of this Section shall override and supersede such other regulations unless otherwise specifically set forth herein.
2. The provisions of this Section shall not apply to air traffic control towers and Antenna Towers associated with aviation use constructed on property zoned Airport Development District or to Antenna Towers and Antennas built for St. Johns County government use.
3. All Antenna Towers lawfully existing on the initial effective date of this Code shall be allowed to continue to be used as they presently exist. Routine maintenance shall be permitted on such existing towers. New Construction, other than routine maintenance and modifications to accommodate Collocation on an existing Antenna Tower shall comply with the requirements of this Section. Replacement of an operational tower which lawfully existed and was lawfully permitted shall be permitted with a new tower of similar Construction or replacement with a monopole or Alternative Tower Structure in substantially the same location as the tower being replaced. Construction of such replacement tower may proceed while allowing continuous service from the existing tower until such replacement tower is constructed, providing such existing tower shall be removed within one hundred twenty (120) days, from issuance of Building Permit for the replacement tower. Such replacement towers shall be the same or less height as the existing tower and shall be designed and constructed with modifications to accommodate the Collocation of an additional user or users. The provisions of this Section, other than Section 6.08.12.S. shall not apply to replacement towers, as provided herein.
4. For the purposes of this Section, an Antenna Tower that has received final approval in the form of either a Special Use, Variance or Building Permit, but has not yet been constructed, shall be considered an existing Structure so long as such approval is valid and unexpired.
5. No rezoning, Special Use or Variance shall be required to locate an Antenna on an existing Structure, provided however, that the Antenna does not extend more than twenty (20) feet above the existing Structure. Such Structures may include, but are not limited to, Buildings, water towers, existing Antenna Towers, recreational Light Fixtures and other essential public service Structures.
6. Structures supporting only Ham/CB/TV Antennas that are under seventy (70) feet in height, or with a setback greater than one hundred percent (100%) of the Structure height shall be exempt from this Section provided those Structures meet applicable Building Codes, manufacturer's specifications and recommendations. Applicants proposing Ham/CB/TV Antennas greater than seventy (70) feet with a setback of less than one hundred percent (100%) shall provide documentation showing compliance with the Structural Maintenance and RF radiation standards of this Section.

C. Location on Lot

An Antenna Tower may be located on a Lot utilized for other principal Uses on a Parcel or portion of a Parcel smaller than the Minimum Lot Area required in the zoning district. This area for the Antenna Tower and related equipment shall be considered as the "Tower

Site." The Tower Site, but not the entire Lot, shall be subject to all of the requirements of this Section, except as specifically provided herein.

D. Antenna Towers In or Near Residential Zoning Districts

1. Regardless of the zoning district in which the Antenna Tower is located, any tower proposed to be within two hundred, fifty (250) feet of the nearest Lot line of any residential zoning district or Open Rural (OR) district shall be reviewed as a Special Use.
2. The distances shall be measured from the center of the base of the Antenna Tower to the Lot line of the applicable residential zoning district or Parcel, as the case may be.
3. Notwithstanding anything to the contrary in this Code, except as provided in Section 6.08.12.B. above, no Antenna Tower other than an unguyed monopole tower or Alternative Tower Structure shall be located in any residential zoning district.

E. Maximum Height

The maximum height of Antenna Towers shall be:

1. In all residential districts:
  - a. If constructed for a single user, up to ninety (90) feet in height; or
  - b. If constructed for two or more users, up to one hundred fifty (150) feet in height.

If located in a residential district, the Antenna Tower shall not exceed the minimum height requiring lighting as designated by the FAA and shall not be lighted.

2. In all other zoning districts:
  - a. If constructed for a single user, up to one hundred fifty (150) feet in height;
  - b. If constructed for two users, up to two hundred fifty (250) feet in height;
  - c. If constructed for three or more users, up to three hundred (300) feet in height.
3. An Antenna Tower shall be considered to be constructed for more than one user if it is constructed so as to provide sufficient excess capacity over the initial single user loading for one or more additional comparable users.
4. Measurement of Antenna Tower height shall include, base pad, and other all appurtenances and shall be measured from the finished grade of the Tower Site to the top of the tower or the top of the highest appurtenance whichever is higher.

F. Collapse Zone Distance Requirements

The distance of an Antenna Tower from the closest Residential Dwelling, school, or emergency evacuation shelter, measured radially from the Antenna Tower, shall be equal

to or greater than the designed Collapse Zone. The Collapse Zone shall be certified by a registered engineer. If the designed Collapse Zone extends beyond the Tower Site, covenants and restrictions or other legal document acceptable to the County, granted by the fee Owner(s) of all residential and OR property within the radius from an Antenna Tower equal to the designed Collapse Zone shall be recorded which prohibits Residential Dwellings within such distance of the Tower. No Residential Dwellings, schools, or designated emergency evacuation shelters shall be allowed within the Collapse Zone; however, all other non-residential uses may be allowed within the Collapse Zone subject to zoning restrictions contained in this Code and all other federal, state and County regulations. The fenced Yard of the Tower Site shall be at least large enough to contain the Antenna Tower and all other equipment and/or Buildings required for the Antenna Tower. For a guyed tower, the fenced Yard shall contain the Antenna Tower and guy wires plus an additional ten (10) feet.

G. Illumination

No signals, lights, or illumination shall be permitted on the Antenna Tower, unless required by a federal, state, or local agency, or such lighting or illumination is part of the design of a camouflage scheme, or County approved security lights. If a federal, state or local agency requires lighting, the most unobtrusive method of lighting available shall be requested from the regulating agency.

H. Finished Color

Antenna Towers not requiring FAA painting/markings shall have either a galvanized finish or a dull blue or gray finish unless at the time the application is initially submitted, the applicant provides a written petition to the County requesting use of an alternative color. The petition shall include the proposed alternative color and/or shade and a statement specifically detailing how the alternative color will be more effective in mitigating the visual impact of the proposed Antenna Tower. The County Administrator, or designee, shall approve all petitions seeking use of an alternative color in writing. Requests for changes in color made after initial submission of the application shall be granted in writing by the County Administrator or designee when required by State or Federal law or upon a satisfactory showing that the requested change will be more effective in minimizing the adverse visual and aesthetic impacts on the area surrounding the proposed Antenna Tower.

I. Structural Design

Antenna Towers shall be designed and constructed to ensure that the structural failure or collapse of the tower shall not create an unreasonable safety hazard, according to all applicable County Building Codes. A Professional Engineer shall seal all plans for the Construction of towers. Further, any Improvements and/or additions (i.e. Antenna, satellite dishes, etc.) beyond the original design to existing Antenna Towers less than seven hundred (700) feet in height, and any Structural Modification to towers higher than seven hundred (700) feet shall require submission of Site Plans and structural verification sealed and verified by a Professional Engineer which demonstrates compliance with the applicable Building Codes. Said plans shall be submitted to and reviewed and approved by the Building Department at the time Building Permits are requested.

J. Fencing

A minimum eight foot finished masonry wall or decay-resistant fence, other than chain link, with not less than seventy-five percent (75%) opacity shall be required around all Antenna

Towers located in a residential or commercial zoning district; provided however, in all other zoning districts, the fence may be any type of security fence. Access to the tower shall be through a locked gate.

K. Required Signs

A Sign, measuring no more than thirty (30) inches wide by twenty-four (24) inches high, identifying the primary party responsible for the operation and maintenance of the facility, the address and telephone number of that party, and the FCC/FAA registration number of the Structure shall be permanently attached to the fence or wall surrounding the Antenna Tower. The E-911 address shall also be displayed in a conspicuous place.

L. No Advertising

Neither the Antennas, Antenna Tower, nor the Tower Site shall be used for advertising purposes and shall not contain any Signs for the purposes of advertising.

M. Landscaping

The visual impacts of residentially or commercially located Antenna Towers shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary Structures.

1. The following landscaping and buffering of Antenna Tower shall be required around the perimeter of the tower and Accessory Structures:
  - a. A row of shade Trees a minimum of ten (10) feet tall and a maximum of ten (10) feet apart shall be planted around the perimeter of the fence;
  - b. A continuous hedge at least thirty-six (36) inches high at the time of planting, capable of growing to at least forty-eight (48) inches in height within eighteen (18) months, shall be planted in front of the Tree line referenced above;
  - c. All required landscaping shall be of the evergreen variety;
  - d. All required landscaping shall be native drought tolerant species and/or irrigated and properly maintained to ensure good health and vitality.
2. Required landscaping shall be installed outside the fence or wall.
3. Existing vegetation shall be preserved to the maximum extent practicable and may be credited as appropriate toward landscaping requirements.
4. These standards may be waived by the Board of County Commissioners for those sides of the proposed tower that are located adjacent to undevelopable lands and lands not in public view.
5. Vegetation shall be maintained in a healthy state and vegetation that perishes or fails to thrive shall be replaced.

N. Abandonment

1. In the event the use of any Antenna Tower has been discontinued for a period of one hundred eighty (180) consecutive days, or if required obstruction lights are out of service for sixty (60) consecutive days, or if the electrical power is turned off for sixty (60) consecutive days then, the tower shall be deemed to be abandoned. Determination of the abandonment shall be made by St Johns County based on documentation and/or affidavits from the Antenna Tower Owner/operator regarding the issue of tower usage. Upon St Johns County's determination of such abandonment, the Owner/operator of the tower shall have an additional one hundred eighty-five (185) days within which to:
  - a. Reactivate use of the tower or transfer the tower to another Owner/operator who makes actual use of the tower, or
  - b. Dismantle and remove the tower.
2. At the earlier of one hundred eighty-five (185) days from the date of abandonment without reactivation or upon completion of dismantling and removal, any Special Use Permit, Special Use and/or Variance approval for the tower shall automatically expire.

O. Antenna Tower Applications for Special Uses and Variances

Part 9.03.00 deals with the procedures for obtaining applications and forms provided by the County Administrator. The County Administrator will provide the information required for Special Use and Variance submittals.

P. Special Uses

The Antenna Tower shall be compatible with the existing contiguous Uses or with the general character and aesthetics of the neighborhood or the area, considering the design and height of the Antenna Tower, the mitigating effect of any existing or proposed Buildings or Structures in the area, the proximity of the Antenna Tower to existing or proposed Buildings or Structures, and similar factors. The Antenna Tower shall not have any significant detrimental impact on adjacent property values.

Q. Special Antenna Tower Zones

Areas in the County with no suitable Existing Structures have been designated Special Tower Zones. These Zones are designated on the County GIS maps. After the first applications for Antenna Towers in these areas, the zone shall be considered no longer existent. The Applicant shall certify that it plans to complete Construction of the Antenna Tower within one hundred eighty (180) days of approval by the Board of County Commissioners, that the Antenna Tower is designed and located to permit Collocation and that the height of the Antenna Tower is the minimum required.

R. Collocation

1. Prior to applying for approval or permitting of a new Antenna Tower under this Section, the Applicant shall use reasonable efforts to collocate on Reasonable Collocation Terms, or place Antennas proposed to be located on a new Antenna Tower on other currently permitted facilities or Structures. Prior to granting of an application for a new Antenna Tower, the applicant shall demonstrate that there are no other suitable existing antenna Towers or structures on which the

applicant/provider can reasonable place its antennas, by providing evidence of any of the following:

- a. No existing Antenna Towers or tall Structures (those that exceed the zoning district height limits) are located within the Search Area.
- b. Existing Antenna Towers or tall Structures are not of sufficient height to meet engineering requirements of the Provider proposed to be located on the tower.
- c. Existing Antenna Towers or tall Structures do not have sufficient structural strength to support Provider's proposed Antenna and related equipment.
- d. The Provider's proposed Antenna would cause electromagnetic interference with the Antenna on the existing Antenna Towers or tall Structures, or the Antenna on the existing Antenna Towers or tall Structures would cause interference with the Provider's proposed Antenna.
- e. The fees, costs or contractual provisions required by the owner in order to use an existing Antenna Tower or tall Structure or to adapt an existing Antenna Tower or tall Structure for use are unreasonable. Costs exceeding new Antenna Tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing Antenna Towers and tall Structures unsuitable.

In the event a dispute arises as to whether an Applicant has met this requirement, the County may require a third party technical study at the expense of any or all of the parties to the proposed or feasible Collocation.

2. The Owner of an Antenna Tower shall, in return for reasonable compensation, allow location on the Antenna Tower of Antennas by any party or entity that applies for such provided that such new Antenna does not substantially degrade the existing communication Uses of the facility or cause significant and utilitarian impairment of any other electro-magnetic device.
3. Failure to comply with the Collocation requirements of this Section may result in the denial of a Variance, Special Use and/or Permit request, revocation of an existing Permit for the specific Antenna Tower, or other code enforcement action as permitted by this Code and/or State statute.
4. The Board of County Commissioners may waive the Collocation requirements of this Section upon finding that enforcing such requirement in a given instance does not substantially further established public purposes or is in violation of State or Federal Law.
  - a. All applicants shall demonstrate reasonable efforts in developing a Collocation alternative for their proposal.
  - b. Failure to comply with the Collocation requirements of the Section may result in the denial of a Permit request or revocation of an existing Permit for the specific tower.

#### S. Antenna Tower Removal

Notwithstanding any other provision of this Section, each approval by St. Johns County of a Development Order or Permit as defined in Chapter 163, F.S. which would have the effect of allowing or approving the location or Construction of an Antenna Tower, shall be conditioned upon receipt by the County of the following:

1. Either a surety bond, third party controlled escrow account, insurance policy (which may be a blanket policy) or standby letter of credit, in each case reasonably acceptable to the County Administrator as to form and financial condition of the issuer, securing the obligations of the Applicant to dismantle the Antenna Tower as required by Section 6.08.12.N. The bond, insurance policy or letter of credit shall be payable to the Board of County Commissioners of St. Johns County and shall provide to the County funds equal to the lesser of twenty-five thousand dollars (\$25,000) or one hundred fifty percent (150%) of the estimated cost of dismantling the Antenna Tower (net of salvage value), as evidenced by a certificate of a Florida Professional Engineer or other evidence reasonably satisfactory to the County Administrator. Each such bond, insurance policy, or letter of credit shall be maintained in force for a minimum of fifteen (15) years and thereafter for additional periods designated by the County Administrator if the Antenna Tower remains in place at the end of the original fifteen year term. Such financial security shall be payable to the County if the Applicant is in default of its obligation under Section 6.08.12.N. to dismantle the Antenna Tower and all proceeds shall be used to pay the cost of such dismantling and removal.
2. A valid Easement, in favor of St. Johns County, to adequately access the Antenna Tower site for removal of the subject tower not complying with the time periods established within Section 6.08.12.N. Written permission from all record Owners, beneficial Owners and leaseholders of the tower in a form acceptable to the County, for County staff, Agents or contractors to enter upon the subject site and to remove the subject Antenna Tower located there if it is found to be in violation of Section 6.08.12.N.
3. Written permission from all record Owners, beneficial Owners and leaseholders of the tower in a form acceptable to the County, for County staff, Agents or with contractors to enter upon the subject site and to remove the subject Antenna Tower located there if it is found to be in violation of Section 6.08.12.N.

T. Antenna Tower Structural Analysis and Maintenance

1. Structure Analysis

A Structure Analysis shall be performed when the Structure is first designed. Further, a reanalysis of the Structure shall be performed when, additions or changes to the tower loading beyond the original design are proposed, or the Structure or foundation has been damaged, as required by the county's building codes.

2. Non-structural Maintenance

Antenna Towers, foundations and attachments shall be maintained in such a way so that they present the most visually unobtrusive appearance practical. Lighting and markings shall be maintained to retain compliance with federal, state and local regulation. Electrical power and grounding systems shall be maintained to retain compliance with state and local Building regulation. Landscaping, drainage,

fencing, security, and signage shall be maintained to retain compliance with local regulation.

#### U. Temporary Antenna Support Facilities

A Temporary Antenna Support Facility may be used by a Provider in any zoning district for purpose of providing temporary wireless service for special short-term events such as political events, sporting events, or entertainment events; to allow for modification, replacement and/or repairs to a permanent Antenna Tower; or as necessary to aid in post-disaster relief efforts. A Temporary Use Permit shall be required prior to placement of a Temporary Antenna Support Facility as provided in Section 2.02.05.

#### V. Antenna Towers Located on Scenic Highways

No Antenna Tower shall be built or erected within six hundred (600) feet of the center line of any designated Scenic Highway or Scenic Roadway without the final approval of the Board of County Commissioners, after consideration and recommendation by the Planning and Zoning Agency. The use of an Alternative Tower Structure shall be considered in the approval of an Antenna Tower within six hundred (600) feet of a designated Scenic Highway or Scenic Roadway.

The Board of County Commissioners shall not issue an approval for the location of an Antenna Tower within six hundred (600) feet of any designated Scenic Highway or Scenic Roadway as defined in Article XII of this Code unless the applicant establishes that disapproval of such tower would prohibit communications service to a particular area.

When the location of an Antenna Tower is proposed within six hundred (600) feet of any designated Scenic Highway or Scenic Roadway as defined in Article XII of this Code, the Board of County Commissioners shall specifically consider the visual impact and aesthetics of locating the Antenna Tower within six hundred (600) feet of the designated Scenic Highway or Scenic Roadway, with priority on minimizing the visual impact of the proposed Antenna Tower and preserving the aesthetic characteristics of the designated Scenic Highway or Scenic Roadway. In addition to other applicable grounds for denial of the Antenna Tower, the Board of County Commissioners may deny approval for the location of a proposed Antenna Tower if, after consideration, it finds that one of the following circumstances exists: (1) there is a suitable existing Tower or Structure reasonably available for use by the carrier within the carrier's same Search Ring; or (2) there is an alternative site/location within the same Search Ring available to the carrier at commercially reasonable terms that is located outside of the 600-foot distance.

#### W. Additional Requirements for Tower Applications

1. Recognizing the public interest associated with the placement, location, construction, and/or installation of Antenna Towers in or near residential neighborhoods, applicants for Antenna Towers proposed to be located within two hundred and fifty (250) feet of the nearest Lot line of any Residential Use, Residential zoning district, or residential portion of a Planned Development shall conduct at least one neighborhood workshop. The applicant shall conduct the neighborhood workshop within fourteen (14) days of submitting the initial Antenna Tower application. Written notice of the neighborhood workshop, evidenced by certificate of mailing, shall be provided to all property owners within 500 feet of the Tower site and to the St. Johns County planning staff at least ten (10) days before the workshop is conducted. If required, conducting a neighborhood workshop will



be deemed a pre-requisite for considering an Antenna Tower application properly complete.

2. The applicant shall submit photo simulations of the view of the Antenna Tower from surrounding residentially zoned areas, publicly accessible parks, waterways, environmentally sensitive areas and public roadways from a minimum of eight (8) views (representing photo simulations from at least a North, Northeast, Northwest, South, Southeast, Southwest, East, and West, vantage point) clearly identified on the site plan or aerial map of the surrounding area. The County Administrator or designee may require the submission of additional photo simulation views to further demonstrate the potential visual impact of the proposed tower structure. The photo simulations shall incorporate before and after scenarios; a scaled color image of the proposed type of the tower at the proposed height; aerial images with the location of the views noted; and a description of the technical approach used to create the photo simulations.
3. If the County Administrator has a reasonable belief that the submitted photo simulations do not accurately depict the proposed tower, the County Administrator or designee may require the applicant to conduct a Visual Impact Demonstration consisting of a two-hour balloon test, which shall demonstrate the maximum height of the proposed tower. During the test, the County Administrator or designee shall be provided access to the parcel (on which the propose tower is to be located) for the purpose of observing and photographing the balloon test from several locations surrounding the tower site. The County Administrator or designee will evaluate the photo simulations in light of the balloon test. If the photo simulations are not clearly representative of the proposed tower, the County Administrator or designee shall produce, or have produced by an independent consultant, additional photo simulations, at the applicant's sole expense, unless waived or reduced by the Board of County Commissioners.
4. The applicant shall verify that the proposed height of the tower or antenna(s) is necessary to provide the carrier's designed service.

#### X. Criteria for Review of Antenna Towers

1. Applications for Antenna Towers reviewed as a Use allowable by right shall be reviewed for compliance with the provisions of this Section, Part 3.04.00 and any other applicable provisions of the Land Development Code. Applications for Antenna Towers reviewed as a Use allowable by right under the requirements of a DRI or Planned Development shall also be reviewed for compliance with the applicable standards of that DRI or Planned Development.
2. Applications for Antenna Towers reviewed as a Special Use shall be reviewed for:
  - a. Compliance with the provision of Section 2.03.01-A;
  - b. Compliance with the provisions of this Section;
  - c. Compliance with the provisions of Section 2.03.26;
  - d. Compliance with the provisions of Section 3.04.00;

- e. Compliance with all other applicable provisions of the Land Development Code; and
- 3. All applications for Antenna Towers shall be reviewed for compliance with applicable Federal, State, and Local laws, statutes, ordinances, policies, and/or rules.
- 4. The Applicant shall present competent, substantial evidence in the form of testimony, documents, plans, exhibits and the like in order to support an Antenna Tower application. The burden of demonstrating compliance with these criteria shall rest with the Applicant. Failure to adequately demonstrate compliance with all applicable criteria shall be grounds for denial of the Antenna Tower application.
- 5. Misrepresentation of a material fact in an application for an Antenna Tower may be grounds for denial of such application and grounds for revocation of any such application having been granted.

#### Y. Completeness Review

- 1. Within the time frames specified in Sections, 9.01.04, 9.03.02 and other applicable sections of the Land Development Code, but in no case greater than 20 business days of receipt of an application for an Antenna Tower, the County Administrator or designee shall determine if the application is Complete. If the application is determined not Complete, the County Administrator or designee shall notify the applicant in writing with a letter of incompleteness.
- 2. The letter of incompleteness shall include a list of those items that are deficient, incomplete or missing. Upon receipt of the letter of incompleteness, the applicant may resubmit a completed application or withdraw the application in its entirety.
- 3. If the applicant resubmits materials to make the application Complete, the County Administrator or designee shall review the resubmitted materials and determine if the application is now Complete. If the application is still not Complete, the County Administrator or designee shall send the applicant another letter of incompleteness indicating the remaining deficiencies, within normal review timeframes, but in no case longer than 20 business days after the materials are resubmitted.
- 4. After issuance of the letter of incompleteness, if the applicant does not complete the application and submit all required items within sixty (60) days of mailing of the letter of incompleteness, nor withdraws the application by the date specified, the County shall notify the applicant that the application is closed and any fees paid are nonrefundable.
- 5. If the County Administrator or designee does not notify the applicant in writing that the application is not Complete within 20 business days after the application is initially submitted or additional information is resubmitted, the application is deemed, for administrative purposes only, to be properly complete.
- 6. When the application is complete and all required items have been submitted, the County Administrator or designee shall send the applicant a letter of completion and begin processing the application.

#### Z. Timeframes for Application Review; Automatic Approval

1. The County Administrator or designee, the Planning and Zoning Agency or the Board of County Commissioners shall grant or deny each properly completed application for an Antenna Tower based upon the application's compliance with all applicable provisions of the County Land Development Code, and in accordance with Section 365.172(12)(d)(2) of the Florida Statutes, but in no case later than 90 business days after the date the application is determined to be Complete.
2. In accordance with Section 365.172(12)(d)(3) of the Florida Statutes, if the County Administrator or designee, the Planning and Zoning Agency or the Board of County Commissioners fails to grant or deny a properly completed application for an Antenna Tower within the timeframes set forth in subsection 6.08.12Z(1) of the Land Development Code, the application shall be deemed automatically approved. The timeframes specified in subparagraph 6.08.12Z(1) may be extended only to the extent that the application has not been granted or denied because the application requires action by the Board of County Commissioners and such action has not taken place within the timeframes specified in subsection 6.08.12Z(1). Under such circumstances, the Board of County Commissioners shall act to either grant or deny the application at its next regularly scheduled meeting or, otherwise, the application is deemed to be automatically approved.

### **Sec. 6.08.13 Convenience Store**

- A. The Use shall have direct access to an Arterial or Major or Minor Collector, except where it is part of a non-residential Development where access is provided by a parallel access road or reverse frontage road where non-residential Uses will be on both sides of the Street.
- B. Where the Use abuts residentially zoned property, a minimum twenty (20) foot buffer shall be provided. Said buffer shall include a masonry wall, six (6) feet in height and architecturally finished on both sides, and a row of evergreen Trees, excluding exempted Trees, which are not less than six (6) feet high at the time of planting and are spaced not more than twenty (20) feet apart. No more than ten (10) feet of the width of said twenty (20) foot buffer shall be utilized as a retention area.
- C. All Convenience Stores abutting residentially zoned property shall use the same exterior architectural materials (excluding windows) on all sides of the Building.
- D. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.
- E. Location of Canopies and Gasoline Pump Islands.

The canopies provided over the pump islands at Convenience Stores which dispense gasoline shall meet the Yard requirements of a principal Structure. However, if the following requirements can be met, the canopy may intrude a limited amount into a Front Yard.

1. The outside edge of the canopy may intrude up to ten (10) feet into the required Front Yard as measured from the rear of the required Front Yard.
2. Pump islands, their surrounding Structures and the canopy support Structures may encroach up to ten (10) feet into the required Front Yard provided that traffic movements between the pump island and the road Right-of-Way are restricted to one-way.

3. Neither the canopy nor the pump islands shall block visibility at intersections of Rights-of-Way or drives.
- F. The number of Vehicle Fueling Positions associated with a Convenience Store shall be limited to eight (8). Facilities with more than eight (8) Vehicle Fueling Positions shall be classified as a Gas Station and shall meet the requirements of Section 6.08.19.
- G. The sale of alcohol beverages shall be allowed only as a Special Use as provided in Section 2.03.02.

**Sec. 6.08.14 Display / Meeting Tents**

- A. All parking shall be on-site.
- B. All trash and debris shall be removed when the display/meeting tent is removed.
- C. Any electrical Permits for the display/meeting tent shall be obtained by a licensed electrical contractor.
- D. A letter of approval from the Fire Marshall shall be required for all applications and a letter of approval from the Health Department shall be required if portable toilets are to be used.
- E. The display/meeting tent shall intrude no more than fifty (50) percent into any required Yard, and shall not reduce the number of Parking Spaces by more than twenty percent.
- F. Written consent from the Owner, or authorized Agent, of the property shall be obtained.
- G. When a display/meeting tent is used in conjunction with a Seasonal Sales Lot, only a Seasonal Sales Lot Permit shall be required (a separate display/meeting tent shall not be required).

**Sec. 6.08.15 Drive-In Theaters**

- A. No part of any theater screen, projection booth, or other Building shall be located closer than five-hundred (500) feet from any residential district nor closer than fifty (50) feet from any property line.
- B. The image on the theater screen shall not be visible from any Arterial or Major or Minor Collector.
- C. Queuing space within the Lot shall be provided for patrons awaiting admission in an amount equal to thirty percent (30%) of the vehicular capacity of the theater.
- D. The following Accessory Uses may be permitted as incidental to, and limited to patrons of the principal Use:
  1. Children's playground; and/or
  2. Refreshment stands or booths.
- E. The viewing area (Parking Area) shall be screened in such a manner that it cannot be observed from outside the property.

- F. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way traffic flow.
- G. The minimum site area shall be five (5) acres.

**Sec. 6.08.16 Drive-Through Restaurants**

Eating establishments providing drive-through service wherein a patron is served through a window or other device while remaining in a motor Vehicle shall meet the following criteria:

- A. No order box used in the ordering of food or beverages from a drive-through window shall be located within two hundred (200) feet of any property zoned residential.
- B. Adequate automobile stacking space will be provided from the order box to ensure that any public Right-of-Way or common Vehicular Use Area will not be blocked by or utilized for vehicular stacking.

**Sec. 6.08.17 Family Farm**

- A. A Family Farm Use as described in this Section shall be allowed only in the Rural/Silviculture (R/S) and Agricultural-Intensive (A-I) Future Land Use Map designations of the Comprehensive Plan and shall only be used for the Owner's immediate family members.
- B. A Family Farm shall be used only for a member of the Owner's Immediate Family. For the purposes of this provision, Immediate Family shall mean the Owner's parents, step-parents, adopted parents, spouse, siblings, children, step-children, adopted children, and grandchildren; and the parents, step-parents, adopted parents, siblings, children, step-children, adopted children, and grandchildren of the Owner's spouse.
- C. Dwelling Units on site shall be the permanent residences of those persons in residence on the Family Farm.
- D. Terminating Family Farms

A Family Farm status for all parcels and subparts will automatically terminate after seven (7) years from the date of receipt of the last approved Family Farm affidavit. The Family Farm may be further subdivided and separated from the parent parcel that maintains a primary residence, subject to the following:

- 1. An application shall be made providing, but not limited to, the following:
  - a. Legal description of the property;
  - b. Legal Access information, including recorded or proposed easement meeting the requirements of LDC Section 6.04.07.B;
  - c. Site plan and survey depicting the property, single family residence, and all legal accessory structures; and,
  - d. Copy of the most recently issued Family Farm affidavit dated seven (7) years prior to application.

2. No division of land shall be permitted that has a lot size less than the minimum lot size required for the corresponding zoning designation outlined in Table 6.17.

Sub parcels with existing single family residences created from the division of a Family Farm and new Family Farms must adhere to all other applicable provisions within the Land Development Code and Comprehensive Plan;

3. Upon meeting all criteria in LDC Section 6.08.17.D, County shall release or cause to be released the Family Farm restrictions on subject property and may issue Development Permits.

### **Sec. 6.08.18 Flea Markets**

This Use shall not be permitted abutting a residential zoning district.

### **Sec. 6.08.19 Gas Station**

- A. The Use shall access from an Arterial or Major or Minor Collector, except where it is part of a non-residential Development where access is provided by a parallel access road or reverse frontage road where non-residential Uses will be on both sides of the Street.
- B. Where the Use abuts residentially zoned property, a minimum twenty (20) foot buffer shall be provided. Said buffer shall include a masonry wall, six (6) feet in height and architecturally finished on both sides, and a row of evergreen Trees, excluding exempted Trees, which are not less than six (6) feet high at the time of planting and are spaced not more than twenty (20) feet apart. No more than ten (10) feet of the width of said twenty (20) foot buffer shall be utilized as a retention area.
- C. All Gas Stations abutting residentially zoned property shall use the same exterior architectural materials (excluding windows) on all sides of the Building.
- D. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.
- E. The canopies provided over the pump islands at Gas Stations and Service Stations shall meet the Yard requirements of a principal Structure. However, if the following requirements can be met, the canopy may intrude a limited amount into a Front Yard:
  1. The outside edge of the canopy may intrude up to ten feet into the required Front Yard as measured from the rear of the required Front Yard.
  2. Neither the canopy nor the pump islands shall block visibility at intersections of Rights-of-Way or drives.
  3. All repair services shall be performed in no more than three (3) enclosed service bays or stalls.
  4. No more than three (3) Vehicle Parking Spaces per service bay plus one (1) space per employee shall be permitted.
- F. All storage of Vehicles awaiting needed parts shall be within the Building or completely screened from off-site view in a Yard.
- G. All damaged or nonoperable parts shall be stored indoors until removed from the premises.

- H. A Gas Station shall store all Vehicle parts within a completely enclosed Building.
- I. The sale of alcohol beverages shall be allowed only as a Special Use as provided in Section 2.03.02.

**Sec. 6.08.20 Heliport**

- A. Landing and take-off areas shall be located a minimum of one hundred fifty (150) feet from any zoning Lot boundary and a minimum of five hundred (500) feet from any Dwelling Unit or residentially zoned property.
- B. All storage and repair shall be conducted in enclosed Buildings.
- C. Hangars and repair facilities shall be set back at least one hundred fifty (150) feet from any zoning Lot boundary and all other Buildings shall be set back at least fifty (50) feet from any zoning Lot boundary.
- D. All Heliport facilities shall comply with all Federal and State regulatory and design criteria.

**Sec. 6.08.21 Helistop**

- A. Landing and take-off areas shall be located a minimum of five hundred (500) feet from any Dwelling Unit or residentially zoned property.
- B. All Helistop facilities shall comply with all Federal and State regulatory and design criteria.

**Sec. 6.08.22 Kennel**

- A. The disposal of all feces and other solid waste generated by the Kennel operation shall be reviewed and approved by the Health Department.
- B. All runs and Kennel areas shall be fenced with chain link, solid wood fencing or a masonry wall.
- C. All outdoor runs shall be a minimum of one hundred fifty (150) feet from any residential zoning district and all exercise areas shall be fifty (50) feet from any residential zoning district.
- D. The minimum size of property for use as a Kennel within the Open Rural (OR) zoning designation shall be five (5) acres.

**Sec. 6.08.23 Manufactured / Mobile Home Parks**

- A. Each Manufactured/Mobile Home Park shall be located on a well-drained site and facilities shall be provided for the disposal of sanitary wastes as required.
- B. Each Manufactured/Mobile Home space shall be provided with a paved Patio with a minimum of one hundred twenty (120) square feet and one Off-Street Parking Space.
- C. Each Manufactured/Mobile Home Park shall be provided with a park and recreational area having a minimum area of one hundred fifty (150) square feet per Manufactured/Mobile Home space. Such areas shall be consolidated into usable areas with a minimum dimension of not less than thirty (30) feet.

- D. Each Manufactured/Mobile Home Park shall be provided with a management office and such service Buildings as are necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment.

**Sec. 6.08.24 Manufacturing, Agricultural**

All activity shall be agriculturally related. Where fifty percent (50%) or more of the agricultural product or service is used or produced on the site of a commercially active farm where the product or service is associated with that particular farm or immediately adjacent farms, the Use shall be permitted to have open storage equal to the size of the Structure(s) used in the manufacturing, processing or assembly operation. For those operations which are not on the site of a commercially productive farm where the product or service originates, the use of open storage shall be prohibited and all activity shall be required to be in a completely enclosed Structure.

**Sec. 6.08.25 Nursing, Convalescent and Extended Care Facilities**

- A. Minimum Lot Area shall be one (1) acre with a minimum frontage on a Public Roadway of one hundred fifty (150) feet.
- B. Front, rear and side setbacks shall be a minimum of fifty (50) feet.
- C. Each Nursing, Convalescent, or Extended Care Facility shall not exceed a Floor Area Ratio of 0.25.

**Sec. 6.08.26 Outdoor Regional Cultural and Entertainment Facilities**

- A. The Use shall be located so as to discourage traffic through residential areas.
- B. The Site Plan shall be so designed to facilitate the easy access of emergency Vehicles including both fire and rescue Vehicles.
- C. The location and size of setback for places of assembly shall meet the following criteria:
  - 1. The actual Structure or seating areas for Places of Assembly shall be set back from residential areas as follows, based on the capacity of the place of assembly:

less than 200 people	100 feet
200 - 500 people	200 feet
501 - 2,000 people	300 feet
2,001 - 5,000 people	400 feet
more than 5,000 people	500 feet
  - 2. No such Use shall access from a residential Local Road.
  - 3. All places of assembly located within one thousand (1,000) feet of a residential district accommodating more than two thousand (2,000) people shall submit a noise study prepared by an acoustical Engineer demonstrating that the design of the place of assembly either directs the noise away from the residential area or has taken steps to minimize the noise level at the property boundary.

**Sec. 6.08.27 Power Generation Facilities**



- A. Front, Rear, and Side Yards shall be a minimum of fifty (50) feet. When adjacent to residentially zoned property, Yards shall be a minimum of one thousand (1,000) feet.
- B. Proof of the ability to meet all applicable local, state, and federal environmental standards shall be provided.

**Sec. 6.08.28 Reserved**

**Sec. 6.08.29 Recreation Services Neighborhood Level**

- A. Where membership is not limited to residents of adjacent residential areas, the site shall have direct access to an Arterial or Collector Roadway.
- B. All courts, pools and playing fields shall meet the principal Structure Yard requirements of the district in which they are located.
- C. All outdoor lighting shall be directional and shall not directly shine onto adjacent properties.

**Sec. 6.08.30 Recyclable Household Goods Collection Facilities**

- A. The truck trailer shall not be permanently anchored, but shall be removable to transport the recyclable goods to the recycling center.
- B. The truck trailer shall be located behind the Yard requirements for a principal Structure in the district.
- C. The truck trailer shall meet the required Front Yard requirements.
- D. The truck trailer shall not interfere with traffic circulation, both on and off-site, shall not be located in any Right-of-Way or Easement for access, and shall not occupy any Parking Spaces required to serve any surrounding Development.
- E. The signage, including signage on the truck trailer, shall be limited to signage allowed for a commercial Structure of the same size by the Sign provisions of this Code (See Article VII).
- F. The truck trailer shall be screened from adjacent residential or agricultural properties and public Rights-of-Way as is required for commercial Structures in these Regulations and the landscape and land alteration provisions of this Code. Additionally, the base of the truck trailer shall be screened on all sides except points of entry into the trailer by a three (3) foot fence, hedge or wall with a minimum of seventy-five percent (75%) opacity.

**Sec. 6.08.31 Sanitarium / Mental Institution**

- A. The Minimum Lot Area shall be five (5) acres with a minimum frontage on a Public Roadway of two hundred (200) feet.
- B. The Structures shall be located a minimum of one thousand, two hundred (1,200) feet from any residential Development or zoning district developed to or permitting a Density of two (2) units per acre or greater; five hundred (500) feet from any existing Dwelling Unit developed at a Density of less than two (2) units per acre and a minimum of two hundred (200) feet from any zoning Lot boundary.

- C. At the time of Development review, the operator of a mental institution shall provide information on, and if approved, shall utilize adequate measures to prevent the unauthorized exit of the patients.

**Sec. 6.08.32 Service Stations- See Sec. 6.08.19, Gas Stations**

**Sec. 6.08.33 Slaughterhouse**

- A. All slaughtering, butchering and related operations shall be conducted within enclosed Buildings.
- B. All offal shall be stored in water tight and odor tight containers.
- C. The operation shall meet all Federal and State of Florida requirements and qualify for all Federal, State and local health Permits.
- D. All Animal holding areas shall be located a minimum of one thousand, three hundred twenty (1,320) feet from any residential Development or zoning district developed to or permitting a Density of two (2) units per acre or greater; a minimum of five hundred (500) feet from any Dwelling Unit existing on adjacent property developed at less than two (2) units per acre at the time of the Development or expansion of the Use; and a minimum of two hundred (200) feet from any property line.

**Sec. 6.08.34 Solid Waste Facilities**

- A. Solid Waste Facilities shall have a minimum Front, Rear and Side Yard of fifty (50) feet with the following exceptions:
  - 1. Composting facilities adjacent to residentially zoned property shall have minimum Yards of five hundred (500) feet for non-office type Buildings and Uses.
  - 2. Material recovery facilities adjacent to residentially zoned property shall have minimum Yards of five hundred (500) feet for non-office type Buildings and Uses.
  - 3. A transfer facility, when adjacent to residentially zoned property, shall have Yards of a minimum of two hundred (200) feet for non-office type Buildings and Uses.
  - 4. A waste to energy facility, when adjacent to residentially zoned property, shall have Yards of a minimum of seven hundred fifty (750) feet for non-office type Buildings and Uses.
- B. Proof the ability to meet all applicable local, state and federal environmental standards shall be provided.
- C. The facility shall have direct access to an Arterial or Major or Minor Collector.
- D. The site shall be fenced by a six foot high opaque fence.

**Sec. 6.08.35 Stables, Commercial**

- A. The Minimum Lot Area for commercial Stables shall be one acre. This Minimum Lot Area shall be increased by forty thousand (40,000) square feet for each equine in addition to a single equine.

- B. The following minimum setbacks shall also be provided:
  - 1. On Parcels of land less than two hundred thousand (200,000) square feet, all feed and bedding shall be stored indoors.
  - 2. On Parcels of land two hundred thousand (200,000) square feet or more, piles of feed or bedding shall be located seventy-five (75) feet from any Street or common Lot line of an adjacent non-residential Use and one hundred (100) feet from any common Lot line of an adjacent residential or vacant Parcel, in order to minimize odor and nuisance problems.
  - 3. Pasture may extend to the Lot line.
- C. Manure piles shall be stored, removed, and/or applied in accordance with County health regulations.
- D. All points on the perimeter of any Stable Building or coral shall be at least thirty (30) feet from the nearest boundary line of the Parcel on which it is located.
- E. Front Yards shall be a minimum of fifty (50) feet.
- F. Parking (stabilized) shall be provided at a ratio of one (1) Parking Space for every five (5) stalls.
- G. The operator or Owner of the stable shall be responsible for using good management practices to discourage undesirable odors and insects.
- H. Incidental sales of supplies and equipment to patrons of the facility which are directly related to the stable operation shall be permitted. No signage or other exterior identification of the retail sales shall be permitted.

**Sec. 6.08.36 Swimming and Tennis Club**

- A. Where membership is not limited to residents of adjacent residential areas, the site shall have direct access to a road.
- B. A Minimum Lot Area of twenty thousand (20,000) square feet shall be provided.
- C. All pools, pool decks, or courts shall meet the principal Structure Yard requirements of the district in which they are located.
- D. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.

**Sec. 6.08.37 Ultralight Flight Park**

- A. Approval of said Ultralight Flight Park shall not limit or prohibit operation of existing or approved Airports, aircraft landing fields or Ultralight Flight Parks.
- B. All ultralight Vehicles and operators operating from the flight park should be registered with and/or licensed by the United States Ultralight Foundation.
- C. Ultralight Vehicles may not be operated from locations other than flight parks or Airports specifically designated for that purpose.

- D. Runways of all classes shall be a minimum of one hundred fifty (150) feet from the boundary of the flight park property.
- E. Hangars and repair Buildings shall be at least one hundred fifty (150) feet away from all property boundaries and all other Structures shall be at least fifty (50) feet away from property boundaries.
- F. All repairs shall be conducted within an enclosed Building.
- G. Parking shall be provided at the rate of at least one (1) Parking Space for every two (2) ultralight Vehicles permitted to operate from the flight park.
- H. The hours of operation at the flight park shall be from official sunrise to official sunset.

**Sec. 6.08.38 Vehicle Auction**

Wholesale operations shall be a minimum of two (2) acres.

**Sec. 6.08.39 Yard Waste Air Curtain Incinerator**

- A. Front, Rear and Side Yards shall be a minimum of fifty (50) feet. When adjacent to residentially zoned property, Yards shall be a minimum of two hundred (200) feet.
- B. The site shall be fenced by a six (6) foot high fence.

**Sec. 6.08.40 Port and Marina Siting**

A. Intent and Purpose

- 1. It is the intent of this Section to promote the health, safety and general welfare of the citizens of St. Johns County by regulating the siting of Ports and Marinas to accomplish the following purposes:
  - a. To provide uniform standards for the placement and construction of Ports and Marinas within the County;
  - b. To protect the natural environment and aesthetic character of the County by regulating the location and design of Ports and Marinas, providing special attention to residential neighborhoods, public parks, scenic corridors, historic districts, historic landmarks and environmentally sensitive lands;
  - c. To minimize adverse environmental and aesthetic impacts of Ports and Marinas through prohibitions, design, siting, and other Development standards; and,
  - d. To accommodate the growing demand for water access that is in compliance with the State and Federal permitting.

B. Applicability

- 1. All new Ports or Marinas in St. Johns County shall be subject to these zoning regulations and all other applicable Building and Construction codes. In the event of any conflict between the zoning district regulations and the regulations

contained in this Section, the provisions of this Section shall override and supersede such other regulations unless otherwise specifically set forth herein.

2. The siting of all new Ports or Marinas in St. Johns County shall be limited to Aquatic Delineations ICW-S(1) or ICW-N(3) as depicted on Figure 4 in the St. Johns County, "Water Dependent Uses and Marine Study", October 2002.
3. All Ports or Marinas lawfully existing on the initial effective date of this Code shall be allowed to continue to be used as they presently exist.
4. For the purposes of this Section, a Port or Marina that has received final approval in the form of a Special Use, a Variance or a Building Permit, but has not yet been constructed, shall be considered an existing Structure so long as such approval is valid and unexpired.

C. Prohibitions

1. Marinas and Ports, as defined in Article XII of this Code, shall not be located in areas where approved or conditionally approved shellfish harvesting is located and shall not be located in areas that are closed to shellfish harvesting.
2. Marinas and Ports, as defined in Article XII of this Code, shall not be located in Outstanding Florida Waters (OFW's) or Aquatic Preserves.
3. Marinas and Ports, as defined in Article XII of this Code, shall not be located in areas that DEP and USFWS have determined to be critical habitat areas for the survival of endangered species, such as the Manatee, sea turtle, and least tern.

D. Application Submittal

The Application for a Port or Marina shall, at a minimum, provide the following information to be submitted by the applicant for review by the County Administrator. This information shall be required prior to any other action or application for review. Additional criteria and information may be requested, based upon the character, size, and location of the Marina or Port:

1. Provide that the Port or Marina is sited in areas where the water depth is a minimum of four (4) feet below mean low water to provide adequate water depth for channel navigation and in areas that require minimum dredging. Marinas and Ports shall first be located in existing disturbed areas and where aquatic resources shall not be adversely affected.
2. Provide that the proposed location for the Port or Marina is the area that requires minimum dredging.
3. Provide a map depicting the adjacent Land Uses, and upland vegetation, using Level III classification of the Florida Land Use, Forms and Cover Classification System (FLUCCS).
4. Provide the underwater vegetation and other aquatic resources and a description of the Marina and Port's impact upon these aquatic resources. This evidence shall be presented in an environmental impact study that addresses at a minimum, water depths, type and location of grass beds, type and location species habitat, and speed zone requirements.

5. Provide the minimum tidal currents.
6. Provide a hurricane evacuation plan and storm contingency plan.
7. Provide procedures to maintain water quality, which at a minimum includes the following:
  - a. Fuel facilities shall be designed and constructed to contain spills on the land side of the facility and to prevent runoff into surface waters.
  - b. Impervious surfaces associated with the Marina or Port shall be designed and constructed so that runoff flows away from surface waters. All drainage facilities shall be designed and constructed in accordance with Section 6.04.06.
8. Provide a market feasibility report, providing that the Marina or Port is needed at the proposed location and provides service to meet a demand.
9. Provide the following design criteria. Additional design criteria may be requested, based on the size or scale of the Marina or Port:
  - a. The location of all Vehicle and pedestrian access to the site, the location of all Parking Areas and the number of Parking Spaces, the location of water access to the Marina or Port, the location of all slips, berths, docking facilities, and walkways.
  - b. All proposed buffering, landscaping, lighting, drainage facilities, solid waste disposal areas, and other land-based factors of the Marina or Port.
  - c. The maximum height of all Structures, Density, if applicable, and Intensity of the Marina or Port.
  - d. The location of all fueling stations and pump-out facilities, if applicable.
  - e. All Accessory Uses that may be included with the Marina or Port operation.
10. A map of the Marina or Port site and the adjacent land Use and zoning.

#### **Sec. 6.08.41 Community Marina and Neighborhood Dock**

##### **A. Intent and Purpose**

1. It is the intent of this Section to promote the health, safety and general welfare of the citizens of St. Johns County by regulating the siting of Community Marinas and Neighborhood Docks to accomplish the following purposes:
  - a. To provide uniform standards for the placement and construction of Community Marinas and Neighborhood Docks within the County;
  - b. To protect the natural environment and aesthetic character of the County by regulating the location and design of Community Marinas and Neighborhood Docks, providing special attention to residential

neighborhoods, public parks, scenic corridors, historic districts, historic landmarks and environmentally sensitive lands;

- c. To minimize adverse environmental and aesthetic impacts of Community Marinas and Neighborhood Docks through prohibitions, design, siting, and other Development standards; and,
- d. To accommodate the growing demand for water access that is in compliance with the State and Federal permitting.

#### B. Applicability

- 1. All new Community Marinas and Neighborhood Docks in St. Johns County shall be subject to these zoning regulations and all other applicable Building and Construction codes. In the event of any conflict between the zoning district regulations and the regulations contained in this Section, the provisions of this Section shall override and supersede such other regulations unless otherwise specifically set forth herein.
- 2. The siting of all new Community Marinas and Neighborhood Docks in St. Johns County shall be limited to Aquatic Delineations depicted on Figure 4 in the “Water Dependent Uses and Marine Study”, October 2002, as follows:
  - a. Community Marinas shall be limited to Aquatic Delineations ICW-S(1), ICW-N(3), ICW-N(2) as revised (eastern shore only from ICW Marker 51 to the south), and SJR-N(1) and (2).
  - b. Neighborhood Docks shall be limited to Aquatic Delineations ICW-S(1), ICW-N(3), ICW-N(2) as revised (eastern shore only from ICW Marker 51 to the south), SJR-N(1) and (2), SJR-S (1), (2) and (3).
- 3. All Community Marinas and Neighborhood Docks lawfully existing on the initial effective date of this Code shall be allowed to continue to be used as they presently exist.
- 4. For the purposes of this Section, a Community Marinas and Neighborhood Docks that have received final approval in the form of a Special Use, a Variance or a Building Permit, but has not yet been constructed, shall be considered an existing Structure so long as such approval is valid and unexpired.

#### C. Prohibitions

- 1. Community Marinas and Neighborhood Docks, as defined in Article XII of this Code, shall not be located in areas where approved or conditionally approved shellfish harvesting is located and shall not be located in areas that are closed to shellfish harvesting, unless properly permitted by all agencies having jurisdiction over the activity.
- 2. Community Marinas and Neighborhood Docks, as defined in Article XII of this Code, shall not be located in Outstanding Florida Waters (OFW’s) or Aquatic Preserves, unless properly permitted by all agencies having jurisdiction over the activity.

3. Community Marinas and Neighborhood Docks, as defined in Article XII of this Code, shall not be located in areas that DEP and USFWS have determined to be critical habitat areas for the survival of endangered species, such as the manatee, sea turtle, and least tern.

D. Application Submittal

The Application for Community Marinas or Neighborhood Docks shall, at a minimum, provide the following information to be submitted by the applicant for review by the County Administrator.

This information shall be required at the time of submittal of the Development application for the Community Marina or at the time a Development application is submitted for the Residential Development associated with the Neighborhood Dock:

1. Provide a site plan depicting the proposed location for the Community Marina or Neighborhood Dock.
2. Provide a map depicting the adjacent Land Uses and upland vegetation, using Level III classification of the Florida Land Use, Forms and Cover Classification System (FLUCCS), the mean high water line, dredging requirements and submerged aquatic vegetation location and any other aquatic resources.
3. Provide the following design criteria. Additional design criteria may be requested, based on the size or scale of the Community Marina or Neighborhood Dock:
  - a. The location of all Vehicle and pedestrian access to the site, the location of all Parking Areas and the number of Parking Spaces, the location of water access to the Community Marina or Neighborhood Dock, the location of all slips, berths, docking facilities, and walkways.
  - b. All proposed buffering, landscaping, lighting, drainage facilities, solid waste disposal areas, and other land-based factors of the Community Marina or Neighborhood Dock.
  - c. The maximum height of all Structures, Density, if applicable, and Intensity of the Community Marina or Neighborhood Dock.
  - d. The location of pump-out facilities, if applicable.
  - e. All Accessory Uses that may be included with the Community Marina or Neighborhood Dock operation.

**Sec. 6.08.42 Unpaved Parking**

A. Intent and Purpose

1. It is the intent of this Section to promote the health, safety, and general welfare of the citizens of St. Johns County by regulating the Use of unpaved parking and Vehicular Use Areas to accomplish the following purposes:
  - a. To provide uniform standards for the use of unpaved parking with the County; and



- b. To protect the natural environment and aesthetic character of the County by regulating the design of unpaved parking and Vehicular Use Areas, providing special attention to Churches, Parks/recreational facilities, Primitive Campgrounds, maintenance/utility facilities, equestrian facilities, environmentally sensitive Projects, and other substantially similar Uses which do not have considerations related to size, use, safety, compatibility, or intensity of Use that would more appropriately require a Special Use Permit (SUP).

**B. Applicability**

All new unpaved parking and Vehicular Use Areas shall be subject to these regulations and all other applicable Building and Construction codes. In the event of any conflict, the provisions of this Section shall supersede such other regulations unless otherwise specifically set forth herein.

**C. Minimum Application Requirements**

A site plan showing areas to be unpaved, and all other proposed Improvements must be submitted meeting requirements established by the St. Johns County Development Plan Review and Approval Procedures and the following minimum requirements:

1. The Parking and Vehicular Uses Areas shall be stabilized with materials such as coquina, crushed stone, or gravel in a manner acceptable to the County Administrator or designee;
2. The access apron leading from unpaved areas into a County or State maintained Roadway shall be paved so as to not damage the Roadway. Access aprons leading from unpaved areas into Private maintained Roadways are encouraged to be paved;
3. In all cases, parking and accessibility requirements in compliance with the Americans with Disabilities Act (ADA) shall be satisfied;
4. Unpaved Parking and Vehicular Use Areas are considered Impervious Surfaces for stormwater management purposes, and
5. All surfaces subject to use by Fire Service and EMS must have the ability to support an 80,000 pound Vehicle.

**Sec. 6.08.43 Animal Care Facility**

- A. All domestic animals shall be kept within a completely enclosed structure and under direct control of the kennel operator at all times and in accordance with St. Johns County Animal Code.
- B. Structures shall be located no closer than 100 feet of any property that maintains a residential zoning designation, or any property zoned Open Rural (OR) in a Residential Future Land Use designation.
- C. Daytime domestic animal boarding shall only occur between the hours of six o'clock (6:00 A.M.) and eight o'clock (8:00 P.M.).

- D. The operation of the Pet Care Facility shall not allow the creation of noise by any animal or animals under its care which can be heard by any person at or beyond the property line of the lot on which the kennel is located.
- E. Overnight boarding is prohibited.

## PART 6.09.00 LIGHTING STANDARDS

### Sec. 6.09.01 Generally

#### A. Purpose

The purpose and intent of this article is to ensure that exterior (outdoor) lighting positively enhances the visual impact of a Building or Project on surrounding properties and Uses. To that end, exterior lighting at a Building or Project should be designed and installed in a consistent and coordinated fashion to provide safe, convenient and efficient lighting for customers, pedestrians and vehicles, and to avoid the creation of hot spots, glare, obtrusive light, light pollution, light trespass, and visual nuisance.

#### B. Applicability

Except as provided below, the provisions of this Part shall apply to non-residential or multi-family Uses or for common improvements of single-family Developments, such as recreational facilities, club houses, and entrance features, where new exterior lighting is proposed or existing exterior lighting is relocated or replaced. Additionally, where applicable, lighting shall meet the requirements of Article III, Special Districts and Article IV, Lighting Management for Protection of Marine Turtles.

1. Regular maintenance to existing exterior lighting shall not require compliance with the requirements of this Part. For the purposes of this Part, regular maintenance shall be considered to include cleaning and changing lamps, ballasts, starters, housing, lenses, replacing damaged poles, and other similar components.
2. When fifty percent (50%) or more of the existing lighting fixtures of an exterior lighting system are upgraded, changed, or replaced, as measured cumulatively from the effective date of this Part, the entire exterior lighting system shall be brought into compliance with the requirements of this Part. This requirement shall not apply to regular maintenance of an existing lighting system.
3. Outdoor recreational facilities (public or private), such as, but not limited to stadiums, football fields, soccer fields, baseball fields, softball fields, tennis courts, auto racetracks, horse show arenas shall be subject only to the provisions of Section 6.09.02.G below.
4. Lighting within a community plan area or overlay district with Development standards shall comply with any specified requirements found in Article III for that community plan area or overlay district in addition to the requirements of this Part. Where there is a conflict in any provision of this Part with the regulations of a community plan area or overlay district, the more restrictive shall prevail.

#### C. Exemptions

Exterior lighting meeting the applicability criteria of 6.09.01.B. is exempt from the requirements of this Part in the following instances:

1. Projects with unexpired Construction plan approval at the time of the effective date of this Part.
2. Correctional facilities.

3. Temporary lighting needed for the performance of emergency safety repairs or natural disaster recovery.
4. Low wattage holiday decorative lighting used for holiday decoration.
5. Lighting used for illumination of Construction, renovation, or repair of roads and utilities.
6. Underwater lamps in swimming pools installed for safety in accordance with state or local regulations.
7. Exit signs or lighting for doorways, stairs or ramps as required by the Florida Building Code.
8. All lighting required by Federal or State regulatory agencies.
9. Lights, including laser lights that are part of the sensing system for gate operations at gated residential communities and non-residential facilities.
10. Lighting used to highlight features of public monuments and registered Historic Landmark Structures or Buildings.
11. Boat dock or Marina lighting as legally required for safety purposes.

#### **Sec. 6.09.02 Standards**

- A. Illumination values at the property line of a Project shall not be more than 0.2 fc at any point when the Project is located next to any residential Use or residentially zoned property. The illumination values at the property line of a Project adjacent to any other Use shall not be more than 1.0 fc. Compliance with these criteria shall not be required between two adjacent non-residential properties of like zoning or Use classification provided that the properties are under the same ownership, or have common parking areas or driveways.
- B. Lighting fixtures shall be installed in the position recommended by the manufacturer for the intended use.
- C. When the Project is located next to any residential Use or residentially zoned property, all Light Fixtures shall be full cutoff type unless specific authorization for use of another type of Light Fixture is provided by the County Administrator or designee. Additionally, Light Fixtures may be equipped with shields if required in order to meet the requirements of 6.09.02.A.
- D. Any bright light shining onto adjacent property or Streets, including individual residential Lots, which would result in a nuisance glare or a disabling glare, shall not be permitted. Light trespass beyond property boundaries or above the horizontal plane shall be considered noncompliant.
- E. At canopied areas, such as those found at drive-through facilities, service stations, convenience centers, and car-washes, lighting under the canopy, awning, porte-cochere, or similar structure shall be either recessed or cut-off fixtures.
- F. Lighting intensities at Automated Teller Machines (ATMs) shall be governed by applicable Florida Statutes and shall also comply with the requirements of Section 6.09.02.A.

## G. Recreational Facilities

Lighting of outdoor recreational facilities (public or private), such as, but not limited to stadiums, football fields, soccer fields, baseball fields, softball fields, tennis courts, auto race-tracks, horse show arenas shall conform to the requirements of IESNA RP-6-01 and the following requirements:

1. The use of lighting systems, including but not limited to sports lighting systems, shall be limited to the time from sunrise to 11:00 p.m., unless otherwise allowed through an approved Development plan, Variance or Special Use permit. Illumination levels from outdoor recreational facility lighting systems shall not exceed 0.5 fc at property lines next to any residential Use or residentially zoned property or 1.0 fc at property lines next to any other property Use.
2. Illumination of outdoor swimming pool decks and water surface area(s) shall conform to the applicable Florida Administrative Code requirements.

History: Ord. 2000-25; Ord. 2000-39; Ord. 2002-11; Ord. 2002-50; Ord. 2004-40; Ord. 2005-118; Ord. 2006-66; Ord. 2006-124; Ord. 2007-9; Ord. 2007-57; Ord. 2007-85; Ord. 2008-12; Ord. 2008-30; Ord. 2009-2; Ord. 2009-28; Ord. 2009-44; Ord. 2009-48; Ord. 2010-17; Ord. 2010-23; Ord. 2010-53; Ord. 2011-15; Ord. 2011-36; Ord. 2011-38; Ord. 2012-2; Ord. 2012-23; Ord. 2013-26; Ord. 2015-14; Ord. 2015-49; Ord. 2016-36; Ord. 2017-17; Ord. 2017-31; Ord. 2018-41; Ord. 2018-44; Ord. 2018-62; Ord. 2019-84; Ord. 2020-31; Ord. 2020-35; Ord. 2021-53; Ord. 2023-09; Ord. 2023-24

# ARTICLE VII SIGNS

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#### PART 7.00.00 GENERALLY

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PART 7.09.00 NON-CONFORMING SIGNS

Sec. 7.09.01 Non-Conforming Signs

PART 7.10.00 RACE TRACK ROAD SIGNS

Sec. 7.10.01 Race Track Road Signs

### **Sec. 7.00.02 Purpose, Intent, and Scope**

It is the purpose of this Article to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory Sign standards. The Sign regulations in this Article are also designed and intended to meet the statutory requirement that the County adopt land development regulations that regulate Signage, a requirement set forth in Section 163.3202(f), Florida Statutes. The Sign regulations in this Article are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of Signs. The Sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and safety. The Sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning of threats to bodily injury or death.

This Article regulates Signs, as defined in this Code, which are placed on private property or on property owned by public agencies, including the County, and over which the County has zoning authority. This Article is not intended to extend the County's regulatory regime to objects that are not traditionally considered Signs for purpose of government regulation.

The County is a diverse community on the east coast of Florida. The eastern boundary of the County is the Atlantic Ocean and the western boundary is formed largely by the St. Johns River. The economic base of the County includes, among other things, tourism of visitors from the Northeast Florida and Southeast Georgia area, as well as other areas of the United States. In order to preserve and promote the County as a desirable community in which to live, vacation, and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of Signs within the County is a highly contributive means by which to achieve this desired end.

These Sign regulations have been prepared with the intent of enhancing the visual environment of the County and promoting its continued well-being, and are intended to:

- A. Encourage the effective use of Signs as a means of communication in the County;
- B. Maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth;
- C. Improve pedestrian and traffic safety;
- D. Minimize the possible adverse effect of Signs on nearby public and private property;
- E. Foster the integration of Signage with architectural and landscape designs;

- F. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of Signs which compete for the attention of pedestrian and vehicular traffic;
- G. Allow Signs that are compatible with their surroundings and aid orientation, while precluding the placement of Signs that contribute to Sign clutter or that conceal or obstruct adjacent land uses or Signs;
- H. Encourage and allow Signs that are appropriate to the zoning district in which they are located;
- I. Establish Sign size in relationship to the scale of the lot and building on which the Sign is to be placed or to which it pertains;
- J. Preclude Signs from conflicting with the principal permitted use of the site and adjoining sites;
- K. Regulate Signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists, or pedestrians;
- L. Except to the extent expressly preempted by state or federal law, ensure that Signs are constructed, installed, and maintained in a safe and satisfactory manner, and protect the public from unsafe Signs;
- M. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the County;
- N. Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform, and efficient operation of all elements of the traffic stream;
- O. Protect property values by precluding, to the maximum extent possible, Sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- P. Protect property values by ensuring that Sign types, as well as the number of Signs, are in harmony with buildings, neighborhoods, and conforming Signs in the area;
- Q. Regulate the appearance and design of Signs in a manner that promotes and enhances the beautification of the County and that complements the natural surroundings in recognition of the County's reliance on its natural surroundings and beautification efforts in retaining economic advantage for the community, as well as for its major subdivisions, commercial areas, shopping centers, and industrial parks;
- R. Enable the fair and consistent enforcement of these Sign regulations;
- S. Promote the use of Signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the County's goals of quality development;
- T. Provide standards regarding the non-communicative aspects of Signs, which are



consistent with county, state, and federal law;

- U. Provide flexibility and encourage variety in Signage, and create an incentive to relate Signage to the basic principles of good design; and
- V. Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces are protected by exercising reasonable controls over the physical characteristics and structural design of Signs.

### **Sec. 7.00.03 Interpretation**

The County Administrator shall interpret the provisions of this Article. When making such interpretation, the County Administrator shall use the definitions provided in this Code. Any ambiguity, dispute, or conflict in the interpretation a term or phrase not defined in this Code shall be resolved by reference to the commonly understood meaning of the term or phrase, as provided in dictionaries, the Florida Building Code, the County's zoning regulations, County ordinances, Florida Statutes pertaining to building codes or Signs, or other governmental or professional references pertaining to building or structural standards. The County Administrator may also use rules and canons of statutory construction, including the rules of construction in Section 1.03.04 of this Code. The decision of the County Administrator on any ambiguity, dispute, or conflict in the interpretation of this Article shall be the final decision of the County unless appealed to the Board of County Commissioners pursuant to Section 7.00.08.F below.

### **Sec. 7.00.04 Applicability**

The provisions of this Article shall apply to all Signs displayed or Erected in the County, except the following:

- A. A Sign, other than a Window Sign, located entirely inside the premises of a building or enclosed space.
- B. A Sign on a Vehicle, other than a prohibited Vehicle Sign.
- C. A Statutory Sign or other sign required by state, federal, or local law.
- D. A Traffic Control Device Sign.
- E. Any Sign internal to a plaza, interior courtyard, inside fence line of ball and multi-purpose playing fields, stadiums, arenas, racetracks, or within gated communities and similar places, visible only to those Persons visiting such a place and not visible from a public street, public sidewalk, or public right-of-way or from a navigable waterway or body of water; except that the foregoing does not exempt a Sign for a commercial use that is visible from an abutting residential use.
- F. Any Sign otherwise exempted as provided in this Article.

### **Sec. 7.00.05 Severability**

- A. Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence,

phrase, clause, term, or word of this Article VII.

- B. Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection A. above, or elsewhere in this Article VII, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt Signs to permitting or otherwise.
- C. Severability of provisions pertaining to prohibited Signs. Without diminishing or limiting in any way the declaration of severability set forth above in subsection A. above, or elsewhere in this Article VII, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII or any other law of the County is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII that pertains to prohibited Signs, including specifically those Signs and Sign types prohibited and not allowed under Part 7.08.00, Prohibited Signs, of this Article VII. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 7.08.00 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 7.08.00 thereby ensuring that as many prohibited Sign types as may be constitutionally prohibited continue to be prohibited.
- D. Severability of provisions pertaining to Billboards. Without diminishing or limiting in any way the declaration of severability set forth above in subsection A. above, or elsewhere in this Article VII, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII, other than Part 7.01.00 (Billboards), or any other law of St. Johns County is declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII that pertains to Billboards. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 7.01.00 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 7.01.00. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII pertaining to allowing and permitting new Billboards, including Swapdown procedures, is declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, all provisions pertaining to allowing and permitting new Billboards shall be deemed voided in their entirety and no new Billboards shall be allowed.
- E. Severability of provisions pertaining to Special Event Signs. Without diminishing or limiting in any way the declaration of severability set forth above in subsection A. above, or

elsewhere in this Article VII, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII, other than Part 7.05.00 (Special Event Signs), or any other law of the County is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII that pertains to Special Event Signs. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 7.05.00 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, all provisions for Special Event Signs under this Code shall be deemed voided in their entirety and no Special Event Signage shall be allowed.

### **Sec. 7.00.06 General Provisions**

The following general Sign provisions shall apply to this Article and to all lawful conforming and Non-Conforming Signs, unless otherwise indicated.

#### **A. Measurement of Sign Size (Advertising Display Area)**

The size, or Advertising Display Area, of a Sign is measured or calculated as follows:

1. Advertising Display Area. The advertising display surface area encompassed within any one geometric figure which would enclose all parts of the Sign display but excluding the structural supports for a Sign, whether they be columns, pylons, or a building or part thereof. In computing the area, the rules below and standard mathematical formulas for known common shapes will be used. The Administrator may break down complex forms up to three (3) component simple forms; however, all pertinent area shall be included.
2. Background panel Signs. Sign Copy that is mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the Sign Copy, is measured as that area contained within any one geometric figure that will enclose both the Sign copy and the background. In computing the area, the standard mathematical formulas for known common shapes will be used. The Administrator may break down complex forms into component simple forms; however, all pertinent area shall be included.
3. Background surface Signs. The area of a Sign consisting of Copy mounted as individual letters, visual elements, or graphics against a wall, fascia, or parapet of a building surface or another surface, that has not been painted, textured, or otherwise altered to provide a distinctive background for the Sign Copy, is measured as any one geometric figure that will enclose each word, graphic or discrete visual element in the total Sign. In computing the area, the standard mathematical formulas for known common shapes will be used. The Administrator may break down complex forms into component simple forms; however, all pertinent area shall be included.
4. Illuminated background Signs. The area of a Sign with copy mounted, affixed, or painted on an illuminated surface or illuminated element or a building or structure, is measured as the entire illuminated surface or illuminated element which contains Sign copy.

5. Double-faced Signs. If a Sign has two display faces, and the interior angle between the two faces is sixty (60) degrees or less, then the Sign area is one Sign face only; however, if the two faces are of different sizes or shapes, then the larger is used. If the Sign has two display faces, and the interior angle between the two faces is greater sixty (60) degrees, then the Sign area is the sum of the areas of the two faces.
6. Multi-faced Signs. If a Sign has three or more faces, then the Sign area is equal to fifty percent (50%) of the aggregate area of all Sign faces. No single face shall be greater than the maximum advertising display surface area of the sign. The area of each face shall be determined according to subsection A.1-4 of this section, as applicable.
7. Sculptural and nonplanar Signs. The area of a spherical, free form, sculptural, or other nonplanar Sign is fifty percent (50%) of the sum of the areas, using only the four vertical sides of the smallest four-sided polyhedron which will completely enclose the entire Sign Structure.

#### **B. Measurement of Sign Height**

Except for Bill Boards subject to Part 7.01.00, the height of a Free-Standing or Ground Sign shall be measured as the vertical distance from the crown of the road, other than an elevated roadway, immediately adjacent to the structure or from the existing natural grade immediately adjacent to the structure, whichever is higher.

#### **C. Sign Illumination**

1. Sign Illumination is prohibited for Temporary Signs.
2. Except for Automatic Changeable Message Devices, all Sign Illumination shall be white and shall have a color temperature between 2500K (Kelvin) to 4000K (Kelvin).
3. All Signs, except those Signs not greater than sixty-four (64) square feet in size or where the top of the Sign is not greater than eight (8) feet from the top of established grade, shall comply with the following lighting and illumination requirements:
  - a. Signs shall be top-lighted with the point light source facing downward.
  - b. No Sign shall be Erected, or any existing Sign operated, where Illumination is not shielded to prevent beams or rays of light from being directed at any portion of the traveled right-of-way, including Interstate and federal-aid primary highways and other rights-of-way, so as to prevent any driver seeing a Sign's point light source.
  - c. No Sign shall be Erected, or any existing Sign operated, where Illumination is not shielded to prevent beams of light from being directed at any residential Use property. No Sign's point light source shall be located so that it may be seen from residential Use property.
  - d. No Sign shall be illuminated at a level greater than 0.3 footcandles over

ambient light levels, as measured using a foot candle meter at a pre-set distance in accordance with the following:

1. At least 30 minutes past sunset, ambient light shall be measured using a foot candle meter for the area, excluding light from the illuminated copy;
  2. The measurement must be taken 150 feet from the source.
- e. No Sign shall be Erected, or any existing Sign be operated, where Illumination is of such intensity or brilliance as to cause glare or impair the vision of any driver of any motor vehicle or which interferes with any driver's operation of a motor vehicle. The limits of Illumination shall be determined by the County Administrator with the assistance of the Building Department.

**D. Viewpoint Neutrality**

Notwithstanding anything in this Article to the contrary, no Sign or Sign Structure shall be subject to any limitation based upon the viewpoint of the message contained on such Sign or displayed on such Sign Structure.

**E. Substitution of Non-Commercial Speech for Commercial Speech**

Notwithstanding anything contained in this Article to the contrary, any Sign Erected pursuant to the provisions of this Article may, at the option of the Owner, contain a Non-Commercial Message in lieu of a Commercial Message, and the Non-Commercial Copy may be substituted at any time in place of the Commercial Copy. The Non-Commercial Message (Copy) may occupy the entire Sign Face or any portion thereof. The Sign Face may be changed from a Commercial Message to a Non-Commercial Message or from one Non-Commercial Message to another Non-Commercial Message; provided, however, that there is no change in the size, height, setback, or spacing criteria contained in this Article.

**F. Consent of Legal Owner of Property**

No Sign may be displayed or Erected without the consent of the legal owner of the property on which the Sign is displayed or Erected. For purposes of this subsection, "owner" means the holder of the legal title to the property and any party and person holding a present legal right to possession, control, or use of the property.

**G. Signs on Public Property**

Any Sign installed or placed on public property, except in conformance with the requirements of this Article or otherwise permitted, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the County shall have the right to recover the cost of removal and disposal of such Sign from the owner or person placing such Sign.

**H. Signs That Obstruct Means of Egress**

No Sign shall be Erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.

**I. Signs That Interfere with Ventilation Openings**

No Sign shall be Erected that interferes with any opening required for ventilation.

**J. Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage**

Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and Sign Structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.

**K. Signs Shall Not Be Attached to Certain Property and Shall Not Impair Roof Access**

Signs shall not be attached to standpipes, gutters, drains, or fire escapes. Signs shall not be installed so as to impair access to a roof.

**L. Street Address Signs**

For each parcel and for each tenant space, one Sign for the official Street Address shall be displayed for public safety and to serve as visible Street Address for delivery of mail and official governmental notification. All such Street Address Signs shall be visible and legible from the Street or right-of-way, and the numbers shall be a minimum of three (3) inches in height and one-and-one-half (1.5) inches in width. For a parcel in residential use, the street address Sign shall not exceed two (2) square feet in Sign area and may be externally illuminated. For a parcel in non-residential use, the Street Address Sign shall not exceed four (4) square feet in Sign area and may be externally or internally illuminated. Street address signs shall be excluded from the calculation of total Advertising Display Area.

**M. Maintenance of Sign Location**

For a Sign requiring a Sign Permit, weeds and grass shall be kept cut in front of, behind, underneath, and from around the base of the Sign for a minimum distance of ten (10) feet from the Sign base, and there shall be no rubbish or debris within ten (10) feet of the Sign base or underneath the Sign.

**Sec. 7.00.07 Building Permits**

It shall be unlawful for any person or business or the person in charge of the business to Erect, construct, alter, or maintain a Sign Structure, as defined in the Florida Building Code (FBC), without first obtaining a Building Permit from the County in accordance with the provisions of the FBC and applicable law. Permit fees for a Building Permit shall be paid in accordance with the applicable County fee schedules. The requirement of a Building Permit under the FBC is separate and independent of the requirement for a Sign Permit under this Article.

**(NOTICE:** Section 125.56, Florida Statutes, authorizes the counties of Florida to enforce the FBC as provided in Section 553.80, Florida Statutes. The FBC also regulates Signs and requires permits. St. Johns County enforces the FBC. Section 125.56(5), Florida Statutes provides that any person, firm, or corporation that violates the FBC is guilty of a misdemeanor of the second

degree. Please be aware that this Article does not include all of the Sign requirements that are contained in the FBC and are enforced by St. Johns County.)

### **Sec. 7.00.08 Sign Permits**

Unless exempt from permitting, no Permanent Sign shall be Erected, altered, relocated, maintained, or displayed until a Sign Permit is obtained from, and the appropriate fee paid to, the County. The Sign Permit is in addition to any Building Permit required to be obtained pursuant to the provisions of the FBC.

No Sign Permit shall be issued for the display or Erection of a Prohibited Sign.

A Sign lawfully Erected may be Maintained, repainted, or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a Sign Permit; however, if such Sign is to be structurally altered in any manner, or involves replacing, repairing, disassembling, or refurbishing more than one-sixth (1/6) of a Sign Structure annually by any action, a new Sign Permit shall be required and the altered Sign must meet all requirements of this Article and this Code.

#### **A. Exceptions from Permitting**

Temporary Signs identified in Section 7.02.01 and 7.02.02 shall not require a Sign Permit.

Unless identified in Part 7.02.00 as not requiring a Sign Permit and unless otherwise excepted from requiring a Sign Permit, such as a Public Sign, all Permanent Signs shall require a Sign Permit. However, these exceptions in no way waive any requirement set forth in the FBC; or any limitation or restriction on the number, size, height, setback, placement, or duration of such Signs under this Article, or any limitation or restriction under any other applicable law or regulation.

#### **B. Permits Not Required for Change of Sign Copy or Message**

No Permit or Permit fee shall be required for changing the Copy or Message of a Sign, as long as no changes are made to the Sign's height, size, location, or Sign Structure. This exemption shall also apply to any change of Copy on a changeable Copy Sign.

#### **C. Applicants**

Permits shall only be issued to:

1. Persons licensed as Sign contractors, to include the following:
  - a. Certified Contractors (structural and/or electrical);
  - b. State Registered Contractors (structural and/or electrical); and
  - c. County Authorized Contractors (structural only; no electrical work allowed with this license).
2. Owners of property acting as their own Sign contractor, provided:
  - a. The property is held in the Owner's private personal name, by solely-owned proprietorship, or a partnership of individuals such that a human may

personally appear to claim the state-authorized exemption from contracting laws. No corporation, including a solely-owned or closely-held corporation, can personally appear to claim an exemption from contractor licensing;

- b. The property to benefit from the Sign is personally used by the Owner, not leased, rented, or used by another Person;
- c. The Sign total is less than \$25,000.00; and
- d. Any electrical work is permitted only after the Owner/Applicant successfully completes an open Code book questionnaire on technical basics of electrical work

#### **D. Sign Permit Applications**

A Sign Permit Application form must contain information as provided by Section 713.135, Florida Statutes, and shall be completed in its entirety and signed by the Applicant. The Sign Permit Application is in addition to any Building Permit application required by the FBC. The Applicant shall furnish the following information on or with the Sign Permit Application form:

- 1. Completed Clearance Sheet.
- 2. A Complete Sign Permit Application, which provides the following information:
  - a. Type of proposed Sign: (1) Ground, Pylon, Wall, or Awning; and (2) On-premise or Off-premise.
  - b. Square footage of all proposed Signs and location, number, and square footage of existing Signs.
  - c. Height of proposed Ground or Pylon Signs.
  - d. Proposed lighting information, if the Sign is to be Illuminated.
  - e. Elevation of Wall Sign depicting the location of the Sign in relation to any other store or office fronts.
  - f. Site plan indicating location of Sign in relation to property lines, Streets, public rights-of-way, easements, overhead utility lines, other utility facilities and equipment, buildings, other existing Signage, and location of Sign if within 500 feet or one-half (1/2) mile of the interstate system.
  - g. Billboard Application will be reviewed to determine sufficient Swapdown credits.
- 3. Site Plan (3 copies).
- 4. Three (3) sets of construction plans showing proposed Signs at one-quarter (1/4) inch per foot minimum scale. Method of design for ground supported Signs must be shown using American Society Civil Engineering Manual methodology. These plans must include:



- a. All structural details including foundation cross-section and attachment details;
  - b. All proposed electrical work including fixtures; and
  - c. Indicate if internally illuminated signage is listed with approved testing agency.
5. Supporting structural calculations (2 copies).
  6. Building Permit fee, if applicable.
  7. Clearance Sheet fee.
  8. A Comprehensive Design Plan drawn to a scale and detailed to demonstrate compliance with this Code. Such Comprehensive Design Plan shall include the Sign's maximum height, maximum square footage, exact dimensions, type of construction material, footers and construction designs, full structural details and calculations which shall be by a Florida Professional Engineer (P.E.) on Billboards and also on Ground Signs over twelve (12) feet in height or over one hundred (100) square feet in Advertising Display Area, and any Signs with internal and external lighting designs with designed wattage and electrical wiring. A detailed scaled Site Plan (3 copies) shall also be required showing exact Sign placement relative to Lot lines and buildings within a distance equal to the Sign's height.
  9. Applications for Signs to be located in special overlay districts with more restrictive Sign regulations than this Code shall be submitted complete with plans and details approved in writing by the applicable special overlay district architectural review process.
  10. On Billboard Applications, the Swapdown Classification point rating of the new Sign shall be calculated and transmitted to the Applicant within three (3) business days by the County Administrator so the applicant's Swapdown nominations or banked credit may be considered by the applicant to add to the application packet. The applicant's Swapdown nominations or sufficiently banked credits shall be required for a Complete Billboard Application. The following information is required to nominate a Billboard Swapdown:
    - a. Type of Support, i.e. wood, steel, monopole.
    - b. Height to Top Edge of Billboard.
    - c. Size of Advertising Face.
    - d. Location, i.e. Urban, Rural, Suburban.
    - e. Location within a Scenic Vista or Scenic Highway.
    - f. Roadway Classification.
    - g. Zoning Classification.
    - h. Lighting, if any.

i. Proximity of Buildings.

11. The Applicant shall designate whether the application is for a Billboard, On-premise, Special Event, or Development Sign.
12. If the Application is for an On-premise Sign, the Applicant shall provide documentation evidencing the business, person, activity, goods, product, commodity, service, or entertainment located on the Premises where the Sign is to be installed and Maintained.
13. If the Sign is to be Illuminated, a completed electrical Permit application shall be submitted.
14. The legal description of the property on which the Sign is to be Erected.

**E. Sign Construction Specifications**

1. Florida Building Code. Construction and Erection of Signs shall be in accordance with the structural requirements set forth in the FBC.
2. National Electrical Code. Signs having electrical connections of any kind shall be wired in accordance with the National Electrical Code (NEC).
3. Inspections. Any Sign having an electrical connection shall be permitted, inspected, and approved by the electrical inspector prior to its completion. All Sign Structures shall be inspected and approved by the Building Official. The inspection point shall be selected by the Building Official. All excavations for concrete Sign support bases shall be inspected and approved by the Building Official prior to the pouring of concrete.
4. Support requirements. The supporting members of all Signs shall be free of any external bracing such as guy wires or cables. All supporting columns shall be designed as integral or architectural features of the Sign.
5. Materials. Paper or cardboard Signs and cloth or plastic fabric banners may only be used in conjunction with a Special Event as provided herein. However, paper or cardboard Signs may be used for indoor Window Signs, when such are allowed.
6. Construction standards. All Signs shall be installed and constructed in a professional and workmanlike manner; and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated, or made of rust inhibitive material.

**F. Sign Permit Application Review and Appeal**

1. An Applicant shall submit a Sign Permit Application for a Permanent Sign to the County Administrator. The County Administrator shall review the Sign Permit Application for a determination of whether the proposed Sign meets the applicable requirements of this Article and any applicable zoning law of the County as set forth in this Code or the Comprehensive Plan.
  - a. The review of the Sign Permit Application shall be completed within ten (10) business days following receipt of a Complete and Sufficient

Application as specified in Section 7.00.08.D, unless the Sign is proposed to be located in an overlay district, in which case the review of the Sign Permit Application shall be completed within thirty (30) calendar days of submittal of a Complete and Sufficient Application as specified in Section 7.00.08.D.

- b. A Sign Permit Application shall either be approved, approved with any condition that is specifically described and set forth in this Code, or disapproved, and the decision shall be reduced to writing. A disapproval shall include or be accompanied by a statement of the reason(s) for the disapproval.
  - c. In the event that no decision is rendered within ten (10) business days of submittal of a Complete and Sufficient Application, or within thirty (30) calendar days of submittal for a Sign proposed to be located in an overlay district, the Application shall be deemed denied and the denial shall be a final decision of the County unless the Applicant timely appeals the denial to the Board of County Commissioners. At any time within thirty (30) calendar days following passage of the ten (10) business day period, or thirty (30) calendar day period for Signs proposed to be located in an overlay district, the Applicant may submit via certified mail a written request to the County Administrator for a decision setting forth the reason that the Application was not approved. The County Administrator shall promptly respond within ten (10) business days after receipt of the written request by providing a written explanation of the reason(s) for the nonapproval of the Sign Permit Application.
2. An approval, an approval with conditions, or disapproval by the County Administrator shall be deemed the final decision of the County upon the Application unless the Applicant timely appeals to the Board of County Commissioners.
  3. Any written decision of the County Administrator pertaining to Sign permitting may be appealed to the Board of County Commissioners by filing a written notice of appeal that includes all pertinent information and paying the required appeal fee established by Resolution of the Board of County Commissioners.
    - a. The written notice of appeal must be filed with the County Administrator within ten (10) business days of the written decision sought to be appealed.
    - b. Upon receipt of the written notice of appeal, the County Administrator shall set an appellate hearing before the Board of County Commissioners for a date no later than twenty (20) business days after filing of the written notice of appeal. The County Administrator shall provide the appellant written notice of the date, time, and location of the hearing by mail, electronic transmission or, or hand-delivery.
    - c. The Board of County Commissioners shall render a written order on the appeal within five (5) business days of the appeal hearing. If a written order is not rendered within five (5) business days of the appeal hearing, the appeal shall be deemed denied.
    - d. An appeal as provided herein shall stay all administrative proceedings until

a final determination on such appeal has been rendered by the Board of County Commissioners or Circuit Court; provided, however, that the Building Official may act to address any immediate peril, hazard, or danger to the public health or safety that the Building Official determines to exist.

4. All decisions of the County Administrator and the Board of County Commissioners shall be mailed, transmitted electronically, or hand-delivered to the Applicant and shall be deemed made when deposited in the mail, transmitted electronically, or hand-delivered to the Applicant. Whenever required by state statute, the explanation for a denial or disapproval of a Sign Permit shall include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the Permit. In the event that the Applicant fails to receive a statutorily required explanation, the Applicant shall submit a written request for the explanation to the County Administrator by certified mail.
5. The deadlines in subsections F.1 and F.3 above shall be stayed and suspended in the following circumstances:
  - a. In any case in which the Application requires a rezoning of the property, or an amendment to the comprehensive plan of the County, upon the written request of the Applicant delivered to the County Administrator by certified mail before the applicable deadline, the time shall be suspended until a final decision is made upon the application for the variance, rezoning, or comprehensive plan amendment.
  - b. In any case in which the Applicant is required to make any change to the Application in order to obtain an unconditional approval so as to satisfy an express provision of state law, this Code, or other County code or ordinance, upon the written request of the Applicant delivered by certified mail to the County Administrator before the applicable deadline, the time shall be suspended while the Applicant makes such change.
  - c. If an Applicant is required by state statute or by any express provision of either this Code or other County code or ordinance, to obtain an approval of the Sign from any other governmental agency within the limitations set forth in Section 166.033(4), Florida Statutes, upon the written request of the Applicant delivered to the County Administrator by certified mail before the applicable deadline, the time shall be suspended. The time shall remain suspended until such approval is obtained or until the Applicant requests in writing delivered by certified mail to the County Administrator that the County take final action. The County shall comply with the provisions of Section 166.033(4), Florida Statutes.
  - d. In any of the foregoing cases, the Applicant may elect to not make any changes to the Application or to not obtain an approval that may be required by another governmental agency, and may instead demand in writing a final decision upon the Sign Permit Application as filed. Such a written demand shall be delivered by certified mail to the County Administrator. In such event, the County Administrator, or the Board of County Commissioners in the context of an appeal, shall make a decision on the Application as appropriate within thirty (30) calendar days after receiving such demand. If a decision is not made in such a time, the

Application shall be deemed denied.

- G. Any person aggrieved by the decision of the Board of County Commissioners or aggrieved by any failure by the Board of County Commissioners to act upon a Sign Permit Application in accordance with this Code shall have the right to seek judicial review by the Circuit Court of the Seventh Judicial Circuit in and for St. Johns County, Florida, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.
- H. If an Applicant believes that his or her speech rights are being denied due to enforcement of subsections F.3, F.4, or F.5 above, the Applicant may immediately contact the County Administrator in writing via certified mail and request immediate review of any pending Sign Permit Application. If such a letter is received by the County Administrator, the County shall have twenty (20) calendar days to review the Application as under subsection F.1 above, notwithstanding the provisions of subsections F.3, F.4, or F.5. above. If the County Administrator does not respond with twenty (20) calendar days of receipt of the written request, the substance of the Applicant's complaint shall be deemed rejected.
- I. If an Application is deemed incomplete, the Applicant may either take steps to submit a Complete and Sufficient Application or challenge the County's decision by seeking judicial review by the Circuit Court of the Seventh Judicial Circuit in and for St. Johns County, Florida, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.
- J. **Inspection**
- The County Administrator may make or require any inspections to ascertain compliance with the provisions of this Article, the Code, and the Comprehensive Plan.
- K. **Revocation of Sign Permit**
- If work under any Sign Permit is proceeding in violation of this Article, this Code, the Comprehensive Plan, or the FBC, or should it be found that there has been any false statement or misrepresentation of a material fact in the Application or plans on which the Sign Permit was based, the Permit holder shall be notified of the violation, false statement, or misrepresentation. If the Permit holder fails or refuses to make corrections within ten (10) days of the date of the notice, the County Administrator shall revoke such Sign Permit and serve written notice upon such Permit holder by certified mail or personal service. It shall be unlawful for any person to proceed with any part of work after such notice has been issued.

#### **Sec. 7.00.09 Enforcement and Penalties**

As provided by Section 125.69, Florida Statutes, any person violating any of the provisions of this Article shall be prosecuted in the same manner as misdemeanors are prosecuted. Each day that a violation continues may be deemed a separate violation. Notwithstanding anything in this Code or in any other law of the County to the contrary, a penalty for violation of this Article shall be limited to civil penalties only and shall not extend to any criminal penalty, including but not limited to incarceration.

Additionally, this Article may be enforced by any other means prescribed by law, including injunctive relief and any of the provisions of Chapter 162, including Part II, Florida Statutes, and

any County Ordinances enacted thereunder.

## **PART 7.01.00 BILLBOARD SIGNS**

### **Sec. 7.01.01 Intent and Future Billboards**

#### **A. Control on Additional Total Faces**

No increase in the total number of Billboard Faces in the County shall be permitted, and no new Billboard Faces shall be hereinafter permitted or Erected unless fully compliant with this Code. All Billboards and Faces not fully in conformance with this article are hereby declared Non-Conforming; however, existing Billboards and Faces may continue in Use until destroyed, abandoned, or removed. Notwithstanding said prohibition on an increase in the total number of Billboards, the Billboard reduction and compliance program outlined below allows compliant new Billboards. The program includes the voluntary action of the Billboard Owner and either:

1. Remodels an existing Billboard into greater conformity with this Code, such as decreasing size or reducing height, or
2. Allows a totally conforming new Billboard in exchange for removal of an existing Non-Conforming Billboard of similar style and construction, or
3. Reduces the total Billboard Face count by removal of multiple existing Billboard Faces by the Swapdown methodology detailed below in exchange for a permit to build a new conforming Billboard Face.

#### **B. Future Billboard Locations**

Compliance with the Comprehensive Plan and applicable Land Development regulations is required and evidence of compliance with both shall be provided to the County with the permit application and shall be in accordance with the provisions below. Billboards are allowed only on certain property and sites, as provided in below:

1. Billboards, within the requirements of this Code, shall be allowed within the Commercial Highway Tourist (CHT) Zoning District, Commercial Intensive (CI) Zoning District, Industrial Warehouse (IW) Zoning District, and Heavy Industrial (HI) Zoning District that exist within the Mixed Use, Industrial, or Commercial land Use designations, as designated on the Comprehensive Plan Future Land Use Map.
2. Billboards, within the requirements of this Code, shall be allowed on parcels of land being requested for new Planned Unit Development (PUD) zoning that contain a minimum five acres of land for Uses as those allowed in CHT, CI, IW, or HI zoning and subject to the PUD development plan stating such Signs shall be allowed as a Use within the PUD and that such Signs be integrated into the overall unified development plan. Billboards Erected within the PUD zoning districts shall be subject to the requirements of this Code.

Any Applicant within an existing approved PUD that proposes to Erect a Billboard within the existing approved PUD and has not specifically listed Billboards as a permitted Use within the PUD, shall be subject to obtaining major modification approval prior to the Erection of the Billboard. Such major modification shall be processed through the standard major modification process, as established in this

Code, and may only be approved by the Board of County Commissioners. All Billboard signage provided in PUD zoning districts shall comply with the requirements of this Code, unless more stringent Sign requirements apply.

3. Billboards, within the requirements of this Code, may be allowed on property zoned to allow Billboards, as provided herein, on any Business Site that contains an existing business that uses On-premise Signs. Any Billboard permitted as an Off-premise Sign that displays On-premise messages shall thereby be deemed to be an On-premise Sign and shall meet all requirements for On-premises Signs set forth in this Article.

### **Sec. 7.01.02 Types of Billboards Allowed**

A Billboard Structure may be single or multi-faced, provided any multi-faced Billboard Structure shall have advertising surfaces of equal size and shape, excluding Embellishments. For purposes of this Article, the following shall be considered multi-faced Billboards:

- A. A Billboard Structure where two (2) Facings are placed parallel back-to-back within six (6) feet of each other, or
- B. A Billboard Structure with two or more Faces when constructed in the form of a "V" as viewed from above, provided the internal angle at the apex is not greater than sixty (60) degrees and the Billboard Facings are not separated by more than thirty-six (36) inches at the apex on the "V", or
- C. A Billboard Structure with three (3) Faces forming a triangle "Δ" shape when viewed from above, with the Faces each within three (3) feet of the adjacent Face at the corners.

### **Sec. 7.01.03 General Requirements**

#### **A. Height**

Billboards shall not exceed thirty-five (35) feet in height; except Billboards along Interstate 95 shall not exceed forty (40) foot in height. The height of a Billboard shall be measured from the higher of (1) the crown of the road immediately adjacent to the structure, or (2) the existing natural grade immediately adjacent to the structure.

#### **B. Size**

A Billboard Facing area shall not exceed three hundred seventy-eight (378) square feet, excluding Embellishments; except a Billboard Facing area along Interstate 95 shall not exceed five hundred sixty (560) square feet, excluding Embellishments.

#### **C. Materials**

Billboards may be constructed upon wood poles, steel I-Beams, or monopoles.

#### **D. Sign Structure**

No portion of the Sign Structure of a Billboard shall be visible above any Advertising Display Area, excluding Embellishments. No Billboard or Billboard Sign Structure shall be above a Building. No new Building shall be hereafter permitted when any portion would be beneath any part of an existing Billboard or Billboard Sign Structure.



**E. Movement**

No Billboard shall be Erected, or any existing Billboard modified or operated, that incorporates Flashing, Scintillating, Beacon, or Running Lights, or Animated Copy.

**F. Embellishments**

Embellishments may be added to Billboard Facings; provided, however, such Embellishments shall not exceed ten percent (10%) of the total Advertising Display Area.

**G. Owner Identification**

All Billboards Erected, operated and maintained within the County shall carry, and have displayed upon them, the Owner's name information displayed in such a manner as to provide clear readable visibility from the abutting road right-of-way during daylight hours.

**H. Multi-Message Faces**

Nothing herein shall prohibit a Billboard Face displaying no more than two (2) horizontal side-by-side messages of the same size and shape, excluding Embellishments, facing the same direction.

**I. Building Standards**

Billboards shall be subject to the requirements of the Occupational Safety and Health Administration (OSHA) and the FBC.

**J. Lighting**

Billboards may be lighted in accordance with Section 7.00.06.C of this Article.

**K. Non-Conforming Billboards**

Any Billboard Face or Billboard Sign Structure failing to meet all requirements of this Article on the effective date of this Code shall become Non-Conforming.

**Sec. 7.01.04 Established Setbacks and Spacing (See Appendix D for Illustration)**

**A. Rights-of-way**

No part of a Billboard or Billboard Sign Structure shall be Erected within fifteen (15) feet of the right-of-way of an interstate highway, federal-aid primary highway, or other right-of-way.

**B. Separation from Residential Property**

No part of a Billboard or Billboard Sign Structure shall be Erected within one hundred (100) feet of any property zoned to allow residential Use as a principal Use.

**C. Public Facilities**

No part of a Billboard or Billboard Sign Structure shall be located within one hundred (100) feet of the nearest property lines of any public park, municipal, county, state or federal

building, religious institution or any public or private school.

**D. Corner Lots**

On any corner lot, no part of a Billboard shall be Erected or project within the triangular area formed by the street right-of-way lines and a line connecting them at points fifty (50) feet from the corner formed by the intersection of the street right-of-way lines.

**E. Spacing**

For purposes of this subsection E, "Billboard" means and includes Billboards and On-premise Signs that exceed three hundred (300) square feet. No part of a Billboard or Billboard Sign Structure shall be permitted or Erected unless all the required distances to the nearest existing Billboard is assured as provided herein. Distance between Billboards and Billboard Sign Structures on the same side of a roadway shall be measured linearly along the center line of the roadway abutting the Billboards or Billboard Sign Structures, between points directly opposite that part of the Sign nearest the roadway; or in the case of parallel Billboards, from a point opposite the center of the Billboards

1. Along Interstates

No Billboard or Billboard Sign Structure shall be permitted or Erected closer than one thousand five hundred (1,500) feet to the nearest Billboard or Billboard Sign Structure on the same side of the highway.

2. Along Federal-Aid Primary Highways or Other Right-of-Way

No Billboard or Billboard Sign Structure shall be permitted or Erected closer than one thousand (1,000) feet to the nearest Billboard or Billboard Sign Structure on the same side of the highway.

3. Radial Spacing

Excluding street intersections, no Billboard or Billboard Sign Structure shall be permitted or Erected within a five hundred (500) foot radius from an existing Billboard or Billboard Sign Structure. The distance between such Billboards or Billboard Sign Structures shall be measured as the shortest horizontal distance between any part of the structures or Faces.

4. Intersections

No more than two (2) Billboards or Billboard Sign Structures shall be permitted or Erected at a road or street intersection, and such Billboards or Billboard Sign Structures (if more than one (1)) shall be located at diagonal corners of the intersection. The minimum separation distance between the nearest parts of the diagonally placed Billboards or Billboard Sign Structures shall be two hundred (200) feet. For the purpose of this paragraph, intersection shall mean within five hundred (500) feet of the point where the roadway center lines intersect. For the purpose of determining Non-Conforming existing Billboards, the order in time of Billboard Erection shall determine if the spacing is Non-Conforming.

5. Proximity to Scenic Highways

No Billboards or Billboard Sign Structure shall be permitted or Erected within six hundred (600) feet of the right-of-way along either side of any designated Scenic Highway, as measured from the edge of right-of-way. Any Billboard Erected outside the six hundred (600) foot area shall not be visible from the Scenic Highway at the time of permitting or immediately after Erection. For purposes of this paragraph, "visible" shall mean visible by the unaided human eye from a point six (6) feet above the centerline of the Scenic Highway. Any Billboard greater than two thousand five hundred (2,500) feet from the centerline of the Scenic Highway shall be deemed not visible.

6. Utility Lines

No Billboards or Billboard Sign Structure shall be permitted or Erected that interferes with any underground and over-head utility lines in compliance with the NEC and OSHA regulations.

**Sec. 7.01.05 Swapdown Requirement for New Permits**

**A. Swapdown Billboard Removal Prerequisite**

Prior to issuance of a Billboard Building Permit for a new Billboard conforming to this Article, the Applicant shall remove Swapdown Billboard(s), as detailed herein, or utilize credits from prior permitted removal of Billboard(s) which were classified under the procedures detailed herein. When an Applicant proposes removal of Swapdown Billboard(s), written confirmation of removal upon on-site inspection by the County Administrator or designee must be on file in the Building Department before a Permit will be issued.

**B. Classification Information on Swapdown Billboards**

To nominate a Billboard Swapdown, the Owner shall provide written detail of the Billboard's characteristics sufficient to allow the Billboard to be rated by the Classification procedures established in this Part and to determine:

1. Type of Sign Structure, i.e. wood, steel, monopole;
2. Height to Top Edge of Billboard;
3. Advertising Display Area;
4. Location, i.e. Urban, Rural, Suburban;
5. Location within a Scenic Vista or Scenic Highway;
6. Roadway Classification;
7. Zoning Classification;
8. Lighting, if any; and
9. Proximity of Buildings.

**C. Swapdown and Classification Procedure at Permitting**

Applicants for Billboard Permits shall nominate Swapdown Billboards with the Classification Information above or banked credits to be utilized in permitting any new Billboard. The County Administrator or designee shall inspect each nominated Swapdown Billboard to confirm the Classification Information provided and shall rate the nominated Swapdown Billboard based on the details established in this Part. Within fourteen (14) days of receiving a Complete and Sufficient Application including Swapdown nominations, the Building Department shall notify the Applicant in writing of the tentative Swapdown ratings and issue a written "Intent to Permit" letter when only removal of any specified existing Swapdown Billboards is required for permit issuance.

**D. Registration of Existing Billboards**

All Billboards located within the County shall be registered with the County Administrator. A master registry of all existing Billboards shall be created to provide details on Billboard location and characteristics.

**E. Classification Points for Swapdown Permitting**

Each Face of a proposed new and/or an existing nominated Swapdown Billboard shall be rated in accordance with the physical characteristics of the Billboard Face, the Sign Structure, and the site location. Such classification points are termed "Raw Classification Points" and shall be determined and assigned from the table below:

<b>BILLBOARD CHARACTERISTICS</b>	<b>RAW POINTS</b>
<b>SIGN STRUCTURE</b> (a) Wooden Poles (b) Metal Framework (c) Monopoles	 1 2 6
<b>HEIGHT TO TOP OF FACE</b> (a) Up to 20 feet in height (b) Over 20 to 25 feet in height (c) Over 25 to 30 feet in height (d) Over 30 to 35 feet in height (e) Over 35 feet in height	 1 2 3 4 5
<b>ADVERTISING DISPLAY AREA</b> (a) Up to 200 square feet (b) Over 200 to 400 square feet (c) Over 400 square feet	 1 2 3
<b>LIGHTED FOR NIGHT VISIBILITY</b> (a) Not lighted (b) Lighted from top only (c) Ground or bottom lighted/other illumination	 0 2 3
<b>PLACEMENT OF BILLBOARD</b> (a) Any part of the Billboard is above a building (b) Any part of the Billboard is within a Scenic Highway or Vista	 4 8

BILLBOARD CHARACTERISTICS	RAW POINTS
<b>SITE LOCATION PROXIMITY</b> (a) In Rural area (b) In Suburban area (c) In Urban developed area	1 2 3

#### F. Adjustments for Compliance Factors

To determine Classification Points of various Billboard Faces, the Raw Points from Section 7.01.05.E. above shall be adjusted based upon use of the one most severe applicable compliance factors below:

1. Proposed Faces fully compliant with this Code shall have Classification Points equal to the Raw Point total.
2. Existing Faces:
  - a. Still fully compliant with this Code shall have Classification Points equal to the Raw Point total.
  - b. Now noncompliant by virtue of excess height or size only, shall have the Raw Point total reduced by a 0.75 multiplier to determine Classification Points.
  - c. Now noncompliant by virtue of existence in land Use (zoning) category not allowing Billboards in this Code, shall have the Raw Point total reduced by a 0.62 multiplier to determine Classification Points.

#### G. Application Methodology

1. After receiving nominations of registered Billboards by an Owner seeking a Permit for a new Billboard or Billboard removal, the County Administrator or designee shall provide the Owner, Applicant, or designee with Classification Point information on Registered Swapdown Billboards in accordance with Section 7.01.05.E and F. Joint onsite visits to nominated Swapdown Billboards shall be made or scheduled within three (3) business days of the Owner's request to the County Administrator to resolve questioned Classification decisions. The final Classification Points shall be those utilized in Swapdowns for new permitted Billboard Faces. Appeals on Classification Points shall be heard by the Adjustment and Appeals Board under the FBC for technical matters within fourteen (14) days of the Applicant's written request to the County Administrator. No Classification Points shall be allowed on unregistered Billboards.
2. Owners of existing Billboards may apply for a Building Permit to voluntarily remove Billboards before submitting an Application for a new conforming Billboard. Classification Points for such early removals shall be credited to the Billboard Owner for future Swapdown use. Said Building Permit numbers shall be used by the County Administrator and by the Owners to determine and monitor Classification Points credited and banked for future use by the Owner.

3. No Classification Points shall be earned or assigned to any Billboard lost by abandonment, removal pursuant to development approval, or adversely affected by any means so that fifty percent (50%) or more of uprights supporting advertising Faces are no longer serviceable. Furthermore, no Classification Points shall be given for removals required when a Billboard land lease is not renewed by the land Owner.
  4. Owners may assign, transfer, or convey by notarized writing any unused credited Classification Points to another Billboard Owner for Swapdown use by the other Owner.
  5. In the event the new proposed Billboard requires fewer Classification Points than earned or assigned to the Swapdown Billboard(s) removed, the County Administrator or designee shall determine the amount of excess points from Swapdown Billboard removal, to be credited and banked for future use by the Owner as provided above, and provide a written copy of determination to the Owner by certified mail.
- H. Examples of Billboards rated by Raw Points, Classification Points, and Swapdown use are detailed in **Appendix G** to this Code.

## PART 7.02.00 ON-PREMISES SIGNS

### Sec. 7.02.01 Temporary and Permanent Signs Allowed in Zoning Districts

The Signage rights and responsibilities for Temporary Signs and Permanent Signs shall be determined by the provisions of Section 7.00.06, General Provisions, and by the Sign provisions for the zoning districts as set forth in this Part.

However, in connection with residential Uses in nonresidential zoning districts and nonresidential Uses in residential zoning districts, the Signage rights and responsibilities applicable to any particular Use shall be determined as pursuant to the zoning district.

### Sec. 7.02.02 Temporary Signs Allowed in Zoning Districts

- A. Within its zoning districts and subject to any applicable provisions within Section 700.06, General Provisions, the County shall allow Temporary Signs that meet the criteria and limitations set forth below.

ZONING DISTRICTS <sup>1</sup>	RS-E, RS-1, RE-2, RS-3, RG-1, RG-2, RMH, RMH(S), Residential Portions of PUDs and PRDs; OR	OP, CN, CHT, CG, CI, CR, CW, CHI, TCMU, IW, HI, Non-Residential Portions of PUDs and PRDs, PS, AD
Maximum number of Temporary Signs per Parcel <sup>2</sup>	2	4
Maximum Advertising Display Area per Temporary Sign <sup>3</sup>	6 sq. ft.	32 sq. ft.
Maximum aggregate Advertising Display Area for all Temporary Signs on a Parcel <sup>4</sup>	12 sq. ft.	128 sq. ft.
Maximum Sign height for a Temporary Free-Standing Sign	6 ft.	6 ft.
Maximum Sign height for a Temporary Wall or Window Sign	15 ft.	15 ft.
Minimum setback of a Temporary Sign from the front property line	5 ft.	5 ft.
Minimum setback of a Temporary Sign from any adjoining property lines	15 ft.	5 ft.

<sup>1</sup> Zoning districts are referred to by the abbreviations provided in Section 2.01.02.B of this Code.

<sup>2</sup> There is no limit on the number of separate Messages that may appear on the allowable surfaces(s) of any Temporary Sign.

<sup>3</sup> The square foot limitation is per Face based on a Single-Faced Temporary Sign. For example, a six (6) square foot limitation means that there is a limit of six (6) square feet of Advertising Display Area per Face for a Double-Faced Temporary Sign, for an aggregate of twelve (12) square feet per Double-faced temporary sign.

<sup>4</sup> The square foot limitation is per Face, based on a Single-Faced Temporary Sign. The circumstances on some parcels may reduce the aggregate Advertising Display Area allowed.

ZONING DISTRICTS <sup>1</sup>	RS-E, RS-1, RE-2, RS-3, RG-1, RG-2, RMH, RMH(S), Residential Portions of PUDs and PRDs; OR	OP, CN, CHT, CG, CI, CR, CW, CHI, TCMU, IW, HI, Non-Residential Portions of PUDs and PRDs, PS, AD
Minimum setback of a Temporary Sign from the Right-of-Way <sup>5</sup>	5 ft.	5 ft.
Minimum spacing from any other Temporary Ground Sign	15 ft.	15 ft.
Allowed on public property or public right-of-way	No	No
Allowed within sight visibility triangle	No	No
Illumination allowed	No	No
Duration allowed after event ends	7 calendar days	7 calendar days

<sup>5</sup> Not applicable to Wall Signs.

- B. A Temporary Public Sign, Statutory Sign, or Traffic Control Device shall not require a Sign Permit and, unless otherwise provided herein, shall be allowed in all zoning districts and on public property and public rights-of-way. However, the foregoing shall have no impact on any separate requirements established by state statute for building permits, electrical permits, or other statutory permits.

**Sec. 7.02.03 Additional Temporary Signs**

- A. A Lot, Parcel, or unit of property for which Construction Plans or a Building Permit has been approved or secured for construction of a building or project is allowed one additional Temporary Sign, irrespective of Copy or Message, and the corresponding increase in the maximum aggregate Advertising Display Area for all Temporary Signs on the Lot or Parcel. Such additional Temporary Sign shall not be displayed or Erected sooner than thirty (30) calendar days prior to construction and shall be removed by the earlier of (a) seven (7) days after completion of the building or project, (b) the issuance of a Certificate of Occupancy, or (c) seven (7) days after construction operation has ceased. Such additional Temporary Sign shall otherwise comply with the criteria and limitations in section 7.02.02 above for its corresponding zoning district regarding maximum Advertising Display Area per Temporary Sign, height, setback, spacing, public property, public rights-of-way, sight visibility triangle, and illumination.
- B. A Lot, Parcel or unit of property offered for sale, lease, or rent is allowed one additional Temporary Sign, irrespective of Copy or Message, and the corresponding increase in the maximum aggregate Advertising Display Area for all Temporary Signs on the Parcel. Such additional Temporary Sign shall be removed no later than seven (7) calendar days after the Parcel or unit changes ownership, is rented, is leased, or is otherwise no longer for sale, lease, or rent. Such additional Temporary Sign shall otherwise comply with the criteria and limitations in section 7.02.02 above for its corresponding zoning district regarding maximum Advertising Display Area per Temporary Sign, height, setback,



spacing, public property, public rights-of-way, sight visibility triangle, and illumination.

- C. A platted Residential Subdivision or Development offering individual lots for sale may designate one (1) parcel to be allowed one (1) additional Temporary Sign that has a maximum ADA of 32 square feet located at the primary entrance to the platted residential subdivision, irrespective of Copy or Message, and the corresponding increase in the maximum aggregate Advertising Display Area for all Temporary Signs on the parcel. Such Temporary Sign shall be removed no later than seven (7) calendar days after individual lots are otherwise no longer for sale. This Temporary Sign pursuant to this sub-section C, shall otherwise comply with the criteria and limitations of section 7.02.02 above using the residential zoning district criteria regarding height, setback, spacing, public property, public rights-of-way, sight visibility triangle, and illumination. This Temporary Sign may not be placed on individual lots offered for sale. A residential development may only have one (1) sign pursuant to this sub-section C.

#### **Sec. 7.02.04 On-Premise Permanent Signs**

The following standards, criteria, and provisions shall apply to all On-premise Permanent Signs throughout the County in Commercial and Industrial zoning districts, as defined in this Code, and to non-residential portions of PUDs, unless otherwise stated. This section does not apply to: (a) sites located along a designated Scenic Highway or within a Scenic Vista subject to Part 7.07.00; (b) sites located within special overlay districts, which are governed pursuant to Article III; (c) residential subdivision sites subject to Part 7.06.01 and located within Open Rural, residential zoning districts, residential portions of PUD zoning districts; (d) sites zoned PUD that have an approved unified Sign plan with associated waivers to Article VII; (e) and sites located along the Racetrack Road Overlay subject to Part 7.10.00. Such excepted sites have more restrictive Signage limits as detailed in the applicable Land Development Regulations and PUD zoning approvals.

##### **A. General; Additional Variance Criteria**

1. On-premise Signs, within the requirements of the Code, may be erected on any Business Site or Parcel in Commercial or Industrial districts zoned to allow such. On-premise Signs on Business Sites located in either Open Rural or residential zoning districts shall not exceed thirty-two (32) square feet of area per side or ten (10) feet in height.
2. In addition to the requirements for a request for a Non-Zoning Variance of this Code as indicated in Section 10.04.03 of this Code, the Applicant must prove that the Copy, Face, or Message would not be effectively viewable from the nearest road or street right-of-way, and the Board of County Commissioners may approve such request after considering the following:
  - a. The distance of the Sign or Signs from the road or street right-of-way;
  - b. The speed limit on the road or street right-of-way;
  - c. The visible impact of the Sign or Signs from the nearest road or street right-of-way; and
  - d. The integration of the Sign or Signs into the architecture of the Building.

**B. On-Premise Signs in PUDs**

1. On-Premise signs within the requirements of this Code, may be Erected on parcels of land zoned PUD, subject to the PUD Master Development Plan text stating such Signs shall be allowed as a Use within the PUD. All Signage provided in PUD zoning classifications shall comply with the requirements of this Code. The Applicant for the PUD, the Owner of the PUD, or any designated agent of the Applicant or Owner of the PUD may request, with the submittal of the PUD application, a waiver in accordance with Section 5.03.02.G. of this Code of such Sign requirements to accommodate the Project. Waiver requests shall specify the ADA, height, number, and locations of the request.
2. In any PUD approved on or before the effective date of this Code, any request to modify the height, size, or square footage of the approved Signage applicable to the PUD as a whole or to modify the text of a Unified Sign Plan shall be deemed a major modification, pursuant to the requirements of this Code.
3. The design of any On-premise Sign or Signs not complying with the provisions of Article VII shall be submitted in a Unified Sign Plan with the PUD application and shall be reviewed with the PUD application or major modification.
4. The contiguous boundary of a PUD shall be considered the same property or property for purposes of on-premise signs advertising businesses or services within the PUD boundary.
5. Signage standards in this Article VII, including provisions and limitations of on-premise or off-premise signage, shall be for the PUD as a whole and not for any individual parcel or out-parcel in the PUD.
6. Variances to Signs within PUDs:
  - a. Deviations to signage standards in Planned Unit Developments that are limited to a specific sign and specific parcel may be approved by a Non-Zoning Variance application meeting the requirements of Sections 10.04.03 and 7.02.04.A, unless clearly prohibited by the PUD or Part 7.08.00.

**C. On-Premise Signs at Non-Residential (Commercial and Industrial) Projects: Number and Size**

The following table describes Sign types, the maximum number allowed, and maximum Advertising Display Area.

Sign Type	Maximum Number of Signs Related To Frontage on Street		Maximum Square Footage Per Sign (Advertising Display Area)
	# of signs	Street Frontage	
<b>Ground Signs</b>	1	Up to 100 feet	150 square feet

Sign Type	Maximum Number of Signs Related To Frontage on Street		Maximum Square Footage Per Sign (Advertising Display Area)
	# of signs	Street Frontage	
such as: Pole, Monument, and similar type Sign Structures	2	Over 100 to 200 feet	150 square feet each
	3	Over 200 to 500 feet	Two (2) at 150 square feet each; one (1) at 100 square feet
	4	Over 500 feet	Two (2) at 150 square feet each; two (2) at 100 square feet
<b>Building Signs</b> such as: Fascia, Marquee, Canopy, Building, Wall and similar Sign Structures		Number Not Limited	1.5 square feet per linear footage of Building Frontage. Maximum 150 square feet per Sign, not to exceed 200 square feet of Sign area per business (See Appendix C)

**D. Maximum Size**

In no case shall any individual Sign described above exceed one hundred fifty (150) square feet of Advertising Display Area. Each building is allowed a maximum of two hundred (200) square feet of signage related to building frontage per business.

**E. Height Limits**

Maximum height for On-premise Permanent Signs is based upon the Roadway Functional Classification, as provided in Appendix E, as amended, and except as otherwise provided in this Section, shall not exceed the maximum height as provided below. Height shall be measured pursuant to Section 7.00.06 of this Part.

Roadway Functional Classification	Maximum Height (feet)
State Roads (except SR 13)*	30
Major Collector (except International Golf Parkway and Race Track Road)*	25
Local Roads*	20
Minor Collector*	20

\* Portions of SR/CR 13 and International Golf Parkway are designated as a Scenic Highway which, like Race Track Road and roads within overlay zones, have overlay Sign requirements as adopted by the Board of County Commissioners

During permitting, an Applicant may submit a written request to the County Administrator for an exception to the above height limits for no more than an additional ten (10) feet of height on State Roads and Major Collectors and no more than an additional five (5) feet

of height on Local Roads and Minor Collectors, when visibility of the Sign is obstructed by other Signs, buildings, trees, topographical and other natural features, and similar obstructions. The Sign Contractor may request the exception to increase the height of an existing Sign when existing circumstances or conditions change that create an obstruction. Within fourteen (14) days of the written request for exception, the County Administrator shall visit the site and shall approve or deny the request in writing. The decision of the County Administrator may be appealed to the Board of County Commissioners pursuant to Section 7.00.08 above.

**F. Spacing**

Adjacent On-premise Permanent Signs shall be separated by a distance at least equal to the width of the two Signs added together measured from the maximum width at any point of each Sign.

**G. Automatic Changeable Message Devices**

Automatic Changeable Message Devices shall be allowable only on an on-premise ground sign in a nonresidential project and shall count towards the maximum allowable ADA. All such signs shall be subject to the following conditions, which may not be waived or varied:

1. The sign or portion of the sign that is an automatic changeable message device shall not be greater than forty percent (40%) of the overall ADA for a sign and shall not exceed thirty (30) square feet, whichever is less;
2. No animated messages, including flashing or frame effect, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement;
3. The face or copy of the sign shall not change more than once every two (2) hours and must change simultaneously for the entire sign face;
4. Shall comply with illumination standards in section 7.00.06.C

Additionally, no Automatic Changeable Message Device Sign shall be illuminated at a level greater than 0.3 foot candles over ambient light levels, as measured using a foot candle meter at a pre-set distance in accordance with the following:

- a. At least 30 minutes past sunset, ambient light shall be measured using a foot candle meter for the area, excluding light from the illuminated copy;
- b. The measurement must be taken 150 feet from the source.

**H. Manual Changeable Copy Sign**

Manual Changeable Copy Sign, except as provided for in Article III of this Code, shall be allowable only on a ground sign and shall count towards the maximum allowable ADA. All such signs shall be subject to the following conditions, which may not be waived or varied:

1. The sign or portion of the sign that is a manual changeable copy sign shall not exceed thirty (30) square feet;
2. No portion of the sign shall appear to move, rotate, flash, or be a Prohibited Sign;

3. Any illumination shall comply with Section 7.00.06.C.

### **Sec. 7.02.05 On-Premise Permanent Signs - Interstate**

The following standards, criteria and provisions shall apply to all On-premise Permanent Signs throughout the County on all Commercial and Industrial zoned sites located within the interstate system interchanges, as described below.

#### **A. Standard Allowance**

Each Business Site or Non-Residential PUD shall be allowed Signage in compliance with Section 7.02.04 above.

#### **B. Additional Allowance**

Each non-residential Business Site or Non-Residential PUD shall be allowed one (1) additional Pole Sign placed On-premises for primary visibility from the Interstate and designed in compliance with the following:

1. Business Sites or Non-Residential PUDs situated within five hundred (500) feet of the interstate system interchange right-of-way shall be allowed one (1) Pole Sign measuring one hundred twenty (120) feet in height with no more than three hundred (300) square feet of Advertising Display Area.
2. Business Sites Non-Residential PUDs situated between five hundred (500) feet and one-half (0.5) mile of the interstate system interchange right-of-way shall be allowed one (1) Pole Sign measuring eighty-five (85) feet in height with a maximum Advertising Display Area of two hundred fifty (250) square feet.

### **Sec. 7.02.06 Additional Permanent Signs in All Zoning Districts**

The below signs are allowable in all zoning districts.

#### **A. Flags**

A sign permit shall not be required for Flags. Flags shall not count towards the maximum ADA specified in Section 7.02.04 above subject to the following conditions:

1. No more than three (3) Permanent Flags may be flown concurrently per site.
2. The maximum distance from top to bottom of all Flags situated on a single flagpole shall be twenty percent (20%) of the total height of the flagpole.
3. For Flags situated without a flagpole, the maximum distance from top to bottom of all Flags shall be twenty percent (20%) of the distance from the top of the Flag or insignia to the ground.
4. The Height of a flagpole located in a commercial or industrial zoning district shall not exceed the maximum height for On-premise Permanent Signs located in such zoning districts.
5. The Height of a flagpole located in a lot or parcel in residentially zoned district shall not exceed the maximum height for applicable structures in that lot or zoning

district.

**B. Signs for the purpose of Ingress, Egress, or Direction**

For safety purposes and for traffic circulation purposes, Permanent Signs for the purpose of ingress, egress or direction within a parcel are permitted when depicted on Construction Plans, provided the same do not exceed three (3) square feet in size and no more than three (3) feet in height. A Sign Permit is not required for a Permanent signs for the purpose of ingress, egress, or direction. Such signs shall not count towards the maximum ADA specified in Section 7.02.04 above.

**C. Window Signs**

Window Signs shall be legible only from the Premises on which they are located or from inside the Business. Window Signs shall not be used for Commercial Messages and shall not cover more than twenty-five percent (25%) of the area of any window or door. A Sign Permit is not required for a Window Sign.

**Sec. 7.02.07 On-Premise Permanent Sign Setbacks and Placement Limits (See Appendix D for Illustration)**

All On-premise Permanent Signs, including signs approved pursuant to Part 7.06.00, shall be setback five (5) feet from the front property line, ten (10) feet from the side property line, and ten (10) feet from the rear property line, as measured to the base of the Sign. No portion of the Sign may extend into the right-of-way. Signs Erected on Corner Lots shall not project within the triangular area formed by the street right-of-way and a line connecting such points twenty-five (25) feet from the corner formed by the intersection of the street right-of-way line.

**PART 7.03.00 RESERVED**

**Sec. 7.03.01 Reserved**

**PART 7.04.00 RESERVED**

**Sec. 7.04.01 Reserved**



## PART 7.05.00 SPECIAL EVENT SIGNS

### Sec. 7.05.01 Special Event Signs

- A. Special Event Signs are allowed when registered with the County Administrator or designee and when displayed or Erected in compliance with the provisions of this section.
- B. Every Special Event Sign shall be registered with the County Administrator or designee no later than one business day before it is initially displayed or Erected. Every registration shall state the type of Special Use Sign to be displayed or Erected during the Special Event.
- C. Each Person displaying or Erecting a Special Event Sign shall maintain a cumulative log of all Special Event Signs per calendar year and, upon request, shall present the log to the County for comparison to County records as necessary.
- D. Special Event Signs may not be displayed or Erected on any residential Property, and may not be displayed or Erected for more than a cumulative total of one hundred twenty (120) days per calendar year.
- E. No Special Event Signs may be located in, on, or over any public right-of-way.
- F. All Special Event Signs shall be removed immediately after the Special Event.
- G. Upon registering, the following listed Special Event Signs shall be allowed:
  - 1. Banners or Pennants. Each Banner or Pennant shall not exceed one hundred twenty (120) square feet in size and no more than three (3) total shall be used per Special Event. Any Banner or Pennant not registered in advance shall be prohibited.
  - 2. Anchored Balloons. Anchored Balloons may be many shapes and shall be anchored to and have contact with the ground at all times during display. Anchored Balloons shall not exceed thirty (30) feet in height when anchored from the ground. Any Anchored Balloon not registered in advance shall be prohibited.
  - 3. Flags when flown on poles. Any Flag not registered in advance shall be prohibited, except as allowed in Section 7.02.06.A

## **PART 7.06.00 SIGNS AND ENTRY FEATURES AT PROJECT ENTRANCES**

### **Sec. 7.06.01 Signs at Entrances**

- A. Residential Subdivisions. Each residential subdivision entrance is allowed two (2) Subdivision Entrance Signs. Such Signs shall be located outside of public rights-of-way and shall not encroach into any corner sight visibility triangle required pursuant to Section 7.00.06. Subdivision Entrance Signs may be internally or externally lighted and shall be landscaped. Subdivision Entrance Signs shall not exceed thirty-two (32) square feet in size of Advertising Display Area, shall be designed as a Monument or Ground Sign, and shall not exceed fifteen (15) feet in height.

Such Signs may be incorporated into a wall, fence, or other structure that also shall not exceed fifteen (15) feet in height. Such structures shall be located at least fifteen (15) feet from County-maintained right-of-way and shall obtain all required building permits.

- B. Mixed Use or Non-Residential Projects. Each subdivision, multi-family complex, or non-residential development located within a mixed Use project, or each non-residential project is allowed one (1) Sign located at or near the entrance to the subdivision, multi-family complex, or non-residential development. Such Signage is subject to the requirements provided in this Code.

In addition, Mixed Use projects, as a whole, shall be allowed one (1) Sign located and Erected at each major access point of the mixed Use project.

Signs shall be located outside of public rights-of-way. Signs pursuant to this subsection 7.06.01.B shall not exceed one hundred (100) square feet of Advertising Display Area, shall be designed as a Monument or Ground Sign, and shall not exceed fifteen (15) feet in height. Such Sign may be incorporated into a wall, fence, or other structure that also shall not exceed fifteen (15) feet in height. Such design shall be submitted on the Unified Sign Plan.

### **Sec. 7.06.02 Entry Features Associated with Project Identification**

- A. Each project is allowed one entry feature associated with project identification, such as a stand-alone structure without any attached signage subject to the following:
1. Entry features and structures shall be uninhabitable;
  2. Entry features and structures shall have a maximum height of twenty-five (25) feet;
  3. Entry features and structures shall not be located within County-maintained right-of-way;
  4. Shall be setback a minimum of twenty (20) feet from the right-of-way;
  5. Shall not interfere with sight distance triangles.

## **PART 7.07.00 SCENIC HIGHWAY SIGNS AND ANTENNAS**

### **Sec. 7.07.01 Scenic Highway Signs and Antennas**

#### **A. Designation**

There are roads within St. Johns County that the Board of County Commissioners, the State of Florida and the Federal governments have determined to be scenic, due to natural, manmade, cultural, historic, archeological, and recreational resources that give the physical landscape its character and Significance. For purposes of this Article, these areas are designated as Scenic Highways or Scenic Roadways designated in Appendix B of this Code, and include SR 13/CR 13, also known as the William Bartram Scenic Highway, SR A-1-A and that portion of International Golf Parkway (formally known as Nine-Mile Road) that passes through Twelve-Mile Swamp. Scenic Highways require compatible Signage requirements that enhance scenic qualities. The following regulations pertain to these designated Scenic Highways or Scenic Roadways and supersede, where applicable, the other criteria provided in this Code. Appendix B, provides characteristics, findings of fact, and Declaration of Policy for Scenic Highways.

#### **B. Regulations**

In addition to the other provisions established in this Code, areas designated as Scenic Highways or Scenic Roadways designated in Appendix B of this Code are subject to the following requirements.

1. No Off-premise Signs are allowed within six hundred (600) feet of the right-of-way along either side of any designated Scenic Highway or Scenic Roadway, as measured from the edge of right-of-way; and any Off-premise Signs Erected outside the six hundred (600) foot designation, shall not be visible from the Scenic Highway at the time of permitting or immediately after Erection, except Real Estate Signs as provided herein. For purposes of this paragraph, visible shall mean human eye visibility from six (6) feet above the centerline of the Scenic Highway. Any Signs greater than two thousand five hundred (2,500) feet from the centerline shall be deemed not visible.
2. No Off-premise Signs are allowed within six hundred (600) feet of the right-of-way along either side of the road intersecting or abutting a designated Scenic Highway or Scenic Roadway for a distance of two thousand five hundred (2,500) feet from the Scenic Highway, measured from the centerline of the intersection, except Real Estate Signs as provided herein.
3. On-premise Signs includes all commercial business and subdivision Identification Signage and only may be designed as a Ground Sign, Pole Sign, Monument Sign, Building Sign, Canopy Sign, Fascia Sign, subdivision Sign, Wall Sign and Window Sign and similar Signage types described in this Code.
4. Each Business Site shall be allowed a maximum of two (2) On-premise entrance Signs, designed as a Ground Sign, Monument Sign or Pole Sign. No entrance Sign shall exceed the maximum area, maximum width, and maximum height, provided in (h) below of this Section. Such entrance Sign Structures shall be constructed of wood, masonry, brick, or stone (excluding Pole Signs). The Sign Structure shall be

a natural or earthtone color. The Advertising Display Area shall be designed within the Sign Structure. The Signs may be lighted internally or externally and all back-lighting or appearance of lighting shall be white in color. In addition to the entrance Signs, each individual business located within a multi-Use complex shall be allowed store or Business Identification Signage, not exceeding one square foot per linear store frontage. All back-lighting or appearance of lighting shall be white in color.

5. Each Subdivision entrance, mobile home park entrance and similar residential projects shall be allowed two (2) On-premise entrance Signs, designated as a Ground Sign, Monument Sign or Pole Sign. No entrance Sign shall exceed the maximum area, maximum width, and maximum height, provided in (h) of this Section. Such entrance Sign Structures shall be constructed of wood, masonry, brick, or stone, excluding Pole Signs. The Sign Structure shall be a natural or earthtone color. The Advertising Display Area shall be designed within the Sign Structure. The Signs may be lighted internally or externally and all back-lighting or appearance of lighting shall be white in color. Back-lighting or appearance of lighting shall be white in color. Entrance Signs may be incorporated into a wall, fence, landscape design, or other entrance feature.
6. Signs placed, painted or otherwise Erected upon walls, buildings, Canopies, and similar structures shall be consistent with and complement the building, with respect to color, materials, and design. Back-lighting or appearance of lighting shall be white in color.
7. Window Signs shall be legible only from the Premises on which located or from inside the Business and shall not be visible from any public roadway or public walkway.
8. Maximum advertising display area, maximum width, and maximum height for Ground Signs, Monument Signs, Pole Signs, and similar Signage types described in this Code shall be limited to the following maximum square footage and height. The standards in this subsection 7.07.01.B.8 regarding ADA, width, and height shall not apply to properties applicable to an overlay district, as denoted in Sections 3.06.03, 3.07.03, 3.08.03, 3.09.03, 3.10.03, and 3.11.03.

Distance from Road Right-Of-Way (feet)	Maximum Area (square feet) Advertising Display Area	Maximum Width (feet) (includes Sign Structure)	Maximum Height (feet) (includes Sign Structure)
0-24	30	6	6
25-49	36	6	6
50-99	42	8	8
100-149	48	8	8
150-199	54	10	10
200 or greater	60	10	10

*NOTE: Ground Signs within an overlay district, as denoted in Article III, have separate standards.*

9. All Prohibited Signs, listed in Part 7.08.00 are prohibited along designated Scenic Highways. In addition to the Prohibited Signs listed in Part 7.08.00 the following Signs are also prohibited along Scenic Highways.
  - a. Snipe Signs
  - b. Banners, except as provided in Sections 3.07.00, 3.08.00, 3.09.00, and 3.10.00.
  - c. Balloons, except as provided in Sections 3.07.00, 3.08.00, 3.09.00, and 3.10.00.
  - d. Animated Signs, Automatic Changing Message Devices, Revolving Signs, and any Signs that move, spin, and/or rotate, in any manner.
  - e. Pennants
  - f. Billboards
  - g. Any Antenna or satellite dish, greater than one (1) meter in diameter, used for receiving satellite television Signals, visible from the Scenic Highway right-of-way.

### **Sec. 7.07.02 Scenic Vistas**

Scenic Vistas are areas that have beauty due to the natural environment, topography, cultural and historic resources. These areas give shape, character, Significance to the County and provide natural or cultural views of the County to the traveling public. These vistas provide views of the Intracoastal waterway, estuaries, the ocean, upland hammocks, historic resources and a combination of these natural settings.

The Board of County Commissioners may designate Scenic Vistas, after a public hearing. Any

area within St. Johns County designated as a Scenic Vista shall at a minimum, comply with the Signage criteria, required for Scenic Highways, except that Off-premise Signs may be allowed within six hundred (600) feet of the right-of-way along either side of the abutting road the Scenic Vista. All other Scenic Highway criteria, as provided in this Code shall apply to Scenic Vistas. The Board of County Commissioners may provide additional criteria and regulation to these areas, when designated.

## PART 7.08.00 PROHIBITED SIGNS

### Sec. 7.08.01 Prohibited Signs

The Signs and Sign types listed below are prohibited in the jurisdiction governed by this Code and shall not be Erected, operated, or placed on any property. Said prohibition shall supersede any conflicting provision of this Code or other law or regulations of the County. Notwithstanding anything in Part 5.03.00 or Part 10.04.00 of this Code, no variance or waiver shall be granted permitting a prohibited sign. Any lawfully existing Permanent Sign Structure or Sign type that is among the Prohibited Signs and Sign types listed below shall be deemed a Non-Conforming Sign subject to the provisions of Part 7.09.00, Non-Conforming Signs.

- A. Abandoned Signs.
- B. Animated Signs.
- C. Attached Signs that are taller than the wall of the building to which the Sign is attached.
- D. Automatic Changeable Message Devices greater than 40% of sign ADA or greater than 30 square feet, whichever is less, or signs that change copy more than once every two (2) hours.
- E. Confusing Signs and Hazardous Signs.
- F. Flashing Signs.
- G. Floodlights and beacon lights, except when required by the Federal Aviation Administration.
- H. Flutter Signs, Feather Signs, streamers, Balloons, Wind Signs, Banner Signs, cold air inflatables, Pennants, and other wind operated or fixed aerial Signage, except for Special Event Signs as provided in Part 7.05.00.
- I. Fluorescent paints and materials; Reflective Signs, except for those Signs that use *ScotchLite* and similar pressure sensitive materials that are accepted by outdoor advertising and nation-wide transportation departments; and also prohibiting mirror, and similar Signs.
- J. Holographic Display Signs.
- K. Moving, twirling, or swinging Signs, including Multi-Prism and Tri-Vision Signs, including signs held or moved by a Sign Walker.
- L. Obscene Signs.
- M. Off-Premises Signs, except Billboards as provided in Part 7.01.00.
- N. Pavement markings, except for official traffic control markings and building address markings required by law.
- O. Portable Signs, mobile, and Free-Standing Signs, including commercial signs worn as boards or costumes such as those held or worn by a Sign Walker.

- P. Revolving Signs; Rotating Signs.
- Q. Roof Signs, when the Signs exceed the highest part of the Roof Line or when the Roof Sign results in Signage which exceeds the maximum height of On-premises Signs.
- R. Signs attached to a seawall, dock, buoy, tie pole, or pier, other than Warning Signs.
- S. Signs illuminated in a manner that interferes with the effectiveness of, or obscures an official traffic Sign, device, or signal.
- T. Signs in, on, or over public property, including but not limited to rights-of-way and medians; other than Public Signs, Traffic Control Signs, and Warning Signs.
- U. Signs in or upon any river, bay, lake, or other body of water within the limits of the County; except government regulatory Signs and Warning Signs.
- V. Signs located on real property without the permission of the property owner.
- W. Snipe Signs. Signs nailed, fastened, affixed to, or painted on any pole, tree or part thereof (living or dead), or other vegetation. The Code Enforcement Officer may remove any such signs upon sight.
- X. Signs, other than Traffic Control Signs, that use the word “stop” or “danger,” or present or imply the need or requirement of stopping or the existence of danger, or which are a copy or imitation of Traffic Control Signs and which are adjacent to the right-of-way of any road, street, or highway.
- Y. Signs that contain any food or other substance that attracts large numbers of birds or other animals and causes them to congregate on or near the Sign.
- Z. Signs that emit sound, vapor, smoke, odor, or gaseous matter.
- AA. Signs that interfere with or obstruct traffic flow or vehicular vision, such as within an intersecting right-of-way, that are within a sight visibility triangle, as described in Section 7.00.06 herein, or that otherwise obstruct a clear view of pedestrian or vehicular traffic.
- BB. Signs that obstruct, conceal, hide, or otherwise obscure from view any Traffic Control Sign or official traffic signal.
- CC. Vehicle Sign or Signs with a total Sign area in excess of twenty (20) square feet on any vehicle, and when
  1. The vehicle is not “regularly used in the conduct of the business,” and
  2. The vehicle is visible from a street right-of-way within fifty (50) feet of the vehicle, and
  3. The vehicle is parked for more than a twenty-four (24) hour period within fifty (50) feet of any street right-of-way.
  4. A vehicle shall not be considered “regularly used in the conduct of the business” if the vehicle is used primarily for advertising.



5. This subsection does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal hours of business which is currently licensed, insured, and operable; provided, however, that no such vehicle shall be parked on public or private property with Signs attached or placed on such vehicle primarily for the purpose of advertising a business establishment or firm or calling attention to the location of a business establishment or firm.

## PART 7.09.00 NON-CONFORMING SIGNS

### Sec. 7.09.01 Non-Conforming Signs

Notwithstanding any provision in Part 10.03.00, All Non-conforming Signs shall:

- A. Remain substantially unchanged from the date of becoming Non-conforming, actions listed below shall be prohibited on a Non-conforming Signs.
  - 1. Change structural supporting materials from existing type to another.
  - 2. Enlarging Advertising Display Area, excluding Embellishments.
  - 3. Increase in Sign height.
  - 4. Addition of any methods to provide an Automatic Message Change.
  - 5. Improvement or addition of lighting to increase illumination of the Signs.
  - 6. Relocate, move, or re-Erect the upright supports and framework supporting the Sign Face in excess of annual Maintenance limits, unless such is permitted in advance as a requirement solely for OSHA conformance in accordance with State Outdoor Advertising Sign Regulations, Florida Administrative Code, Section 14-10, as amended.
- B. Not be Re-Erected or Rebuilt

No Nonconforming Signs shall remain or be restored to use when one-half (0.5) or more than one-half (0.5) of the upright supports of the Sign assembly supporting the Advertising Display Area are physically in any condition, caused by any means, such that wooden supports are replaced or supplemented by structural attachments equal to one-half (0.5) or more original wood structural capacity, or in the case of metal upright supports, so that one-quarter (0.25) or more of the linear footage above ground is broken, bent or twisted from the original shape.

However nothing herein shall prohibit repairs to a Nonconforming Sign when more than one-half (0.5) of the original upright supports remain in original structural strength and physical condition provided a building permit for such repairs shall be issued in advance of any work (except temporary emergency bracing that may be utilized to stabilize a damaged Sign) and all permitted work thereafter completed within six (6) months of damage. Any such work undertaken before issuance of the required building permit shall create an irrefutable presumption that damage or adverse conditions exceeded the limit recited above and thereby all future Nonconforming rights shall cease to exist, the Sign thereafter being illegal and a violation of the Code.

- C. Remain in Use

No Non-conforming Sign which is discontinued in Use for one (1) full calendar year shall be expanded, enlarged, repaired or put back into Use except in compliance with this Code.

- D. Exceptions

Approved PUD, PRD and Development of Regional Impact (DRI) projects that have commenced construction and have provided for Signs as part of the overall unified development plan, prior to the adoption of this Code, shall be allowed to continue with the approved Sign design, including, but not limited to, height, size, number and location. Such Signs may also be replaced if destroyed or damaged by more than fifty percent (50%), according to the approved unified Sign design. Major modifications to PUD and PRD projects that affect Signage in any manner shall terminate the existing approval and shall be subject to the requirements of this Code. The applicant for such projects may request, in writing, that the County Administrator review such project and issue in writing whether the approved Sign may continue.

## **PART 7.10.00 RACE TRACK ROAD SIGNS**

### **Sec. 7.10.01 Race Track Road Signs**

Race Track Road, a Major Collector roadway, within St. Johns County is located at the Duval County Line and connects SR 13 to US 1. The Board of County Commissioners have found that Race Track Road from SR 13 to CR 2209 (St. Johns Parkway), due to its intersection with the William Bartram Scenic Highway, its location along the St. Johns County and Duval County Line, its transitioning rural to urban character, and its location within a developing area of St. Johns County; that Race Track Road deserves individual Sign requirements. These Sign requirements shall constitute a Sign overlay district for Race Track Road, from its connection to SR 13 to CR 2209 (St. Johns Parkway).

#### **A. Regulations**

In addition to the other provisions established in this Code, Signage along Race Track Road, from SR 13 to CR 2209 (St. Johns Parkway), is subject to the following requirements. In the event of a conflict between this Section, and other Sections of this Code, the more restrictive shall apply.

1. No Off-premise Signs are allowed within six hundred (600) feet of the right-of-way along either side of Race Track Road, as measured from the edge of right-of-way; and any Off-premise Signs Erected outside the six hundred (600) foot designation, shall not be visible from Race Track Road at the time of permitting or immediately after Erection, except Real Estate Signs as provided herein. For purposes of this paragraph, visible shall mean human eye visibility from six (6) feet above the centerline of Race Track Road. Any Signs greater than two thousand five hundred (2,500) feet from the centerline shall be deemed not visible.
2. No Off-premise Signs are allowed within six hundred (600) feet of the right-of-way along either side of the road intersecting or abutting Race Track Road, for a distance of two thousand five hundred (2,500) feet from Race Track Road, measured from the centerline of the intersection, except Real Estate Signs as provided herein. US 1 shall be exempt from this Part.
3. On-premise Signs includes all commercial business and subdivision identification Signage and only may be designed as a Ground Sign, Pole Sign, Monument Sign, Building Sign, Canopy Sign, Fascia Sign, subdivision Sign, Wall Sign and Window Sign and similar Signage types described in this Code.
4. Each Business Site using Signage to identify, a multi-family complex, commercial project, shopping center, shopping mall, strip mall, professional business and office center, and similar Use sites shall be allowed a maximum of two (2) On-premise entrance Signs, designed as a Ground Sign, Monument Sign or Pole Sign. No entrance Sign shall exceed the maximum area, maximum width, and maximum height, provided in this Section. Such entrance Sign Structures shall be constructed of wood, masonry, brick, or stone (excluding Pole Signs). The Sign Structure shall be a natural or earthtone color. The Advertising Display Area shall be designed within the Sign Structure. The Signs may be lighted internally or externally and all back-lighting or appearance of lighting shall be white in color. In addition to the entrance Signs, each individual business located within a multi-Use

complex shall be allowed store or Business Identification Signage, not exceeding one square foot per linear store frontage. All back-lighting or appearance of lighting shall be white in color.

5. Each Subdivision entrance, mobile home park entrance and similar residential projects shall be allowed two On-premise entrance Signs, designated as a Ground Sign, Monument Sign or Pole Sign. No entrance Sign shall exceed the maximum area, maximum width, and maximum height, provided in this Section. Such entrance Sign Structures shall be constructed of wood, masonry, brick, or stone, excluding Pole Signs. The Sign Structure shall be a natural or earthtone color. The Advertising Display Area shall be designed within the Sign Structure. The Signs may be lighted internally or externally and all back-lighting or appearance of lighting shall be white in color. Back-lighting or appearance of lighting shall be white in color. Entrance Signs may be incorporated into a wall, fence, landscape design, or other entrance feature.
6. Signs placed, painted or otherwise Erected upon walls, buildings, Canopies, and similar structures shall be consistent with and complement the building, with respect to color, materials, and design. Back-lighting or appearance of lighting shall be white in color.
7. Window Signs shall be legible only from the Premises on which located or from inside the Business. Window Signs shall not be used for Advertising Messages, products, or services. Window Signs, as described herein, shall not be defined to include merchandise, material or object display within the window or Signs offering information or direction.
8. Maximum square footage for Ground Signs, Monument Signs, Pole Signs, and similar Signage types described in this Code shall be limited to the following maximum square footage and height.

<b>Distance from Road Right-Of-Way (feet)</b>	<b>Maximum Area (square feet) Advertising Display Area</b>	<b>Maximum Width (feet) (includes Sign Structure)</b>	<b>Maximum Height (feet) (includes Sign Structure)</b>
0-24	60	10	10

9. All Prohibited Signs, listed in Part 7.08.00 are prohibited along Race Track Road. In addition to the Prohibited Signs listed in Part 7.08.00, the following Signs are also prohibited along Race Track Road.
  - a. Snipe Signs
  - b. Banners
  - c. Balloons
  - d. Animated Signs, Changing Copy Signs, Changing Message Devices, Revolving Signs, and any Signs that moves, spins, rotates, in any manner

- e. Pennants
- f. Billboards
- g. Any Antenna or satellite dish, greater than one (1) meter in diameter, used for receiving satellite television Signals, visible from Race Track Road.

History: Ord. 2000-26; Ord. 2001-34; Od. 2002-61; Ord. 2002-72; Ord. 2004-51; Ord. 2009-28; Ord. 2009-44; Ord. 2010-23; Ord. 2010-53; Ord. 2011-38; Ord. 2013-26; Ord. 2015-14; Ord. 2017-22; Ord 2018-24

<b>ARTICLE VIII AGENCIES AND BOARDS</b>
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**PART 8.00.00 GENERALLY**

**Sec. 8.00.01 Administration Of Code**

The County Administrator shall be responsible for performing all administrative functions of St. Johns County government relating to the administration of this Code. The County Administrator may create departments and other governmental agencies, and make any other necessary administrative arrangements or delegate authority as necessary to properly administer this Code.

**Sec. 8.00.02 Flood Damage Control Administrator**

A. Generally

There shall be a Flood Damage Control Administrator who shall be the County Administrator. The duties of the Flood Damage Control Administrator shall include, but not be limited to, those provided below.

B. Duties of the Flood Damage Control Administrator

1. Review all proposed developments to assure that the requirements of the flood damage prevention regulations have been met.
2. Notify adjacent communities, the water management district, and the State of Florida Department of Community Affairs, prior to permitting or approving any alteration or relocation of a watercourse, and provide evidence of such notification to the Federal Emergency Management Agency.
3. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor, or of the flood-proofing, of all new or substantially improved structures regulated by the flood damage prevention regulations.
4. Interpret the boundaries of the Area of Special Flood Hazard and the various zones, including the Regulatory Floodways and Coastal High Hazard Areas.
5. Maintain all records pertaining to the implementation of the flood damage prevention regulations.

## **PART 8.01.00 PLANNING AND ZONING AGENCY (PZA)**

### **Sec. 8.01.01 Powers and Duties**

#### **A. Advisory**

The Planning and Zoning Agency (PZA) shall serve in an advisory capacity and recommending body to the St. Johns County Board of County Commissioners on matters relating to zoning of land, amendment of Land Development Regulations, land Use amendments and Major Modifications to PUD's and PRD's, including those functions as the County's Local Planning Agency per Chapter 163, Florida Statutes.

#### **B. Decision-Making**

The PZA shall serve as an appeals and adjustment board on matters relating to zoning. In this capacity the Agency shall be authorized to:

1. Grant Special Use Permits as provided in this Code.
2. Grant Zoning Variances as provided in this Code, further provided that no such Variance may be granted which allows a use of property contrary to this Code.
3. Grant Minor Modifications to PUD's and PRD's as provided in this Code.
4. Review zoning changes for consistency with the St. Johns County Comprehensive Plan, as amended from time to time.
5. Perform such other functions and take such actions as provided in this Code.

#### **C. Local Planning Agency**

The PZA shall serve as the County's Local Planning Agency. In this capacity the Agency shall:

1. Be responsible for the preparation of the Comprehensive Plan or plan amendment and shall make recommendations to the Board of County Commissioners regarding the adoption or amendment of such plan.
2. Monitor and oversee the effectiveness and status of the Comprehensive Plan and recommend to the Board of County Commissioners such changes in the Comprehensive Plan as may from time to time be required.
3. Review proposed Land Development Regulations, land development codes, or amendments thereto, and make recommendations to the Board of County Commissioners as to the consistency of the proposal with the adopted Comprehensive Plan or portion thereof.
4. Perform any other functions, duties and responsibilities assigned to it by the Board of County Commissioners or by general or special law.



## **Sec. 8.01.02 Organization**

### **A. Membership**

1. The PZA shall have seven (7) members, six of whom shall be appointed by the St. Johns County Board of County Commissioners and one of whom shall be appointed by the St. Johns County School Board.
2. Each member shall reside in the County.
3. Members shall be appointed to four (4) year terms and may be reappointed at the discretion of the Board of County Commissioners or the St. Johns County School Board as applicable. When a position becomes vacant before the end of the term, the Board of County Commissioners or St. Johns County School Board as applicable shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
4. The six members appointed by the Board of County Commissioners shall serve at the pleasure of the Board of County Commissioners and may be removed and replaced thereby at any time without cause. The one member appointed by the School Board shall serve at the pleasure of the School Board and may be removed and replaced thereby at any time without cause.
5. Members shall not be compensated, but may be paid for travel and other expenses incurred on Agency business under procedures prescribed in advance by the Board of County Commissioners.
6. If any member fails to attend three (3) consecutive, regularly scheduled meetings or ten (10) of twenty-four (24) regular or special meetings or workshops, the Board of County Commissioners shall declare the member's office vacant.
7. If any member appoints a campaign treasurer for running for elected public office then that member's PZA office shall be vacated thereby; provided that, in regards only to a member appointed by the School Board, that member's office shall not be vacated thereby but shall then become a non-voting position during that member's period of candidacy.

### **B. Officers**

1. The members of the PZA shall annually elect a Chair and Vice-Chair from among the members appointed by the Board of County Commissioners and may create and fill other offices as the Agency deems needed or necessary.
2. The County Administrator shall appoint a County employee to serve as secretary to the PZA, recorder and custodian of all Agency records.

### **C. Subcommittees**

1. The PZA shall create whatever subcommittees it deems needed to carry out the purposes of the Agency.

2. The Chair of the PZA shall annually appoint the membership of each subcommittee from the members of the Agency.

**Sec. 8.01.03 Board Procedures**

**A. Meetings**

1. The PZA shall meet at least once each calendar month, unless canceled by the PZA or its Chair, and more often at the call of the Chair or the Board of County Commissioners.
2. The PZA shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
3. Four (4) members shall constitute a quorum.

**B. Decisions**

Each decision of the PZA must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. Failure to receive a majority vote of members present shall act as a denial of the application, appeal, or other matter that is before the PZA.

**C. Other Rules**

The PZA shall adopt other rules of procedure necessary to carry out its purposes. All rules must conform to this Code, other County ordinances, and state law. The rules shall be in writing and freely available to the public.

History: Ord. 1999-60; Ord. 2002-43; Ord. 2004-06; Ord. 2013-26

# ARTICLE IX ADMINISTRATION

## PART 9.00.00 GENERALLY

### **Sec. 9.00.01 Purpose**

This Article sets forth the application and review procedures required for obtaining development approval, appealing decisions, and taking legislative action.

### **Sec. 9.00.02 Development Review Manual**

#### **A. Generally**

The County Administrator is authorized and directed to prepare a Development Review Manual containing supplemental administrative regulations and procedures, forms, applications, fee schedules, submittal requirements, internal review procedures, charts and related materials, consistent with the intent and content of this Code, and necessary to facilitate the efficient, effective and equitable administration of this Code.

#### **B. Format and Publication**

The Development Review Manual shall be drafted in plain English, shall have a table of contents and index, and shall be published and made available to the general public at a cost not exceeding the actual cost of duplication.

#### **C. Approval by Board of County Commissioners**

The Development Review Manual shall be completed and submitted to the Board of County Commissioners for approval by Resolution. The County Administrator shall be authorized to change or modify the Development Review Manual at any time following initial approval of the Development Review Manual by the Board of County Commissioners.

### **Sec. 9.00.03 Withdrawal of Applications**

An application for any action under this Article may be withdrawn at any time so long as no notice has been given that the application will be reviewed at a public hearing. An application may be withdrawn thereafter, with the consent of the Board of County Commissioners or Planning and Zoning Agency, as applicable.

### **Sec. 9.00.04 Expiration of Applications**

Applications for any action under this Article will be valid six (6) months from the most recent date of the review comment notification to the Applicant. Failure to substantially respond to the review comment notification during this period will require the applicant to resubmit the application and pay the appropriate resubmittal fee. Failure to respond within twelve (12) months from the most recent date of the review comment notification to the Applicant will result

in expiration of the application. Upon expiration, a new application is required, including all appropriate fees. Applications that have received final review comment notification shall be scheduled for a public hearing before the Planning and Zoning Agency not more than one hundred twenty (120) days from the date a complete application is determined.

#### **Sec. 9.00.05 Concurrent Applications**

An application for the rezoning of land, Special Use Permit, or Variance on all or part of the same land may be made concurrently. In such cases, the effective date of the Special Use Permit and/or Variance shall be held in abeyance until action has been taken by the Board of County Commissioners on the application for rezoning of such land.

#### **Sec. 9.00.06 Time Periods**

All time periods provided for in this Article are substantive, and non-compliance with any time period shall deny the substantive right to which the time period applies unless the time period is waived by the Board of County Commissioners. The Board of County Commissioners may waive any such time period or time limits upon a finding of good cause.

#### **Sec. 9.00.07 Material Misrepresentations**

Misrepresentation of a material fact in any application for Development Order or Development Permit may be grounds for denial of such application and grounds for revocation of any such application having been granted.

#### **Sec. 9.00.08 Management of Applications among Multiple Boards**

It is the intent of this section to simplify and expedite the process for projects with applications pending approval from various boards or agencies that will later appear before the Board of County Commissioners.

- A. Applications requiring more than one (1) type of approval shall be processed concurrently so long as all submitted applications are consistent and are related to the same proposed development or activity.
- B. When a board or agency has made a decision or finding on an application or companion application, its approval or approval with conditions shall constitute a recommendation to the Board of County Commissioners, unless otherwise provided for in this Code.
- C. The Board of County Commissioners may choose to accept the decision or finding of the board or agency, make a binding decision or finding of its own, or send the application back to the board or agency for a decision consistent with the Board of County Commissioners findings or suggestions.

#### **Sec. 9.00.09 Title Issues or Impediments**

An applicant for development approval or permit is responsible for any title ownership, or other legal impediment. If there are title issues, ownership issues, or other legal impediments affecting the application, the County may decline to process any development approval or permit, or may suspend, continue, or decline to hold any public hearing, or both, until such issues or impediments are resolved to the County Administrator or his or her designee's satisfaction.

## **PART 9.01.00 DEVELOPMENT PERMIT REQUIRED**

### **Sec. 9.01.01 Generally**

No development activity may be undertaken unless the activity is authorized by a Development Permit.

### **Sec. 9.01.02 Prerequisites To Issuance Of Development Permit**

Except as provided in Section 9.01.03 below, a Development Permit shall not be issued unless the proposed development activity:

- A. Is authorized by a final order issued pursuant to this Code; and
- B. Conforms to the Development Review Manual adopted by reference in Section 9.00.02 of this Code.

### **Sec. 9.01.03 Exceptions To Requirement Of A Final Order**

A Development Permit may be issued for the following development activities in the absence of a final order issued pursuant to this Code. However, any development activity exempted from compliance with this Code, shall comply with all previous applicable requirements of law, Ordinance, plat, Development Order or Development Permit in effect at the time of approval of the development activity. Unless otherwise specifically provided, the development activity shall conform to this Code and the Development Review Manual.

- A. Development activity necessary to implement a valid development plan on which the start of Construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- B. The Construction or alteration of a One or Two Family Dwelling on a Lot of Record in a legally recorded Subdivision, or Legally Documented Unrecorded Subdivision, approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- C. The alteration of an existing Building or Structure so long as no change is made to its gross floor area, its Use, or the amount of impervious surface on the site.
- D. The erection of a Sign or the removal of Protected Trees on a previously developed site which is independent of any other development activity on the site.
- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.
- F. All other activities that are required by this Code to only obtain a Development Permit.

#### **Sec. 9.01.04 Procedure**

A. Application

An application for a Development Permit shall be filed with the County Administrator on forms provided by the County Administrator.

B. Completeness Review

The application and any required submittals shall be reviewed for completeness by the County Administrator. If incomplete, the County Administrator shall, within five (5) working days of receipt of the application, inform the Applicant of what additional information is needed.

C. Compliance Review

The County Administrator shall review the proposal and decide whether to grant or deny the requested Development Permit in accordance with time limits established in the Development Review Manual. The County Administrator's decision shall be based on whether the proposal complies with all applicable provisions of this Code and other County regulations.

D. Decision

A decision to approve the application shall be in the form of a written Permit. A decision not to approve shall be in the form of a letter setting forth the reasons for the denial.

#### **Sec 9.01.05 Right-of-Way Permits**

A. An "Application for Right-of-Way Permit" shall be submitted to, and approved by, the County Administrator prior to commencement of any planned Construction activities within County right-of-way. Construction activities include, but are not limited to: utility installations, driveway connections, sidewalks, drainage alterations, placement of mailboxes, Signs, and similar Construction activities that normally occur within the right-of-way, unless exempted by provisions of Section 6.04.04.B. Right-of-Way Permits shall not be required for Construction activities that are approved through a "Development Permit" subject to the provisions of Part 9.01.00 herein.

B. The "Application for Right-of-Way Permit" and related drawings shall be submitted in triplicate to the County Administrator for review. One of the three (3) applications shall be an original. Upon approval, the Applicant will receive one (1) copy of the approved application which shall be kept on the job site during the duration of the Construction or installation activities and shall be made available to County personnel upon request during field inspections. The original will be placed in County files and one (1) copy shall be used by County inspection staff.

C. Upon approval by the County Administrator, the Right-of-Way Permit shall allow the described Construction for a specified period not to exceed six (6) months from the date of approval. Right-of-Way Permits for Construction may be extended with prior written approval from the County Administrator up to a total period of twelve (12) months. Additional extensions beyond a total permit period of twelve (12) months shall require a

new "Application for Right-of-Way Permit" to be submitted and approved including payment of all applicable fees.

D. Notification

All site-related roadway and drainage improvements shall be constructed in accordance with approved Construction drawings and related specifications under the authority of the "Right-of-Way Permit" or "Development Permit", as approved by the St. Johns County Development Review process. To ensure Construction is in compliance with Permit conditions, the County Administrator shall be given advanced notification of the following items in the format indicated:

PERMIT TYPE/WORK ITEM	ADVANCED NOTIFICATION	FORMAT
<b>Development Permits</b>		
Commencement of Construction	24 hours	Written
Storm Sewers and Underdrains (prior to backfilling)	24 hours	Verbal
Roadway Subgrade	24 hours	Verbal
Roadway Curb and Concrete Work	24 hours	Verbal
Roadway Base Course	24 hours	Verbal
Roadway Surface Course	24 hours	Verbal
Final Inspections	5 days	Verbal
<b>Right-of-Way Permits</b>		
All Construction and Installations	24 hours	Verbal

E. The County acknowledges that conflicts may occur in scheduling and there may be times when a County inspector will not be available. In those instances where an inspector is not available, and to wait would unreasonably delay the project, the inspection requirements may be met, with advanced approval, by having the Engineer of Record submit, with applicable test reports, a signed and sealed certification to the County Administrator that Construction was performed and completed as specified in the approved Construction drawings and specifications.

**PART 9.02.00 (Reserved)**



## **PART 9.03.00 SPECIAL USES, VARIANCES, TEMPORARY USE PERMITS, MINOR MODIFICATION TO PUD OR PRD**

### **Sec. 9.03.01 Generally**

An application for an Special Use Permit, Variance, Temporary Use Permit, Minor Modification to a PUD or PRD shall be reviewed according to the procedures below. The Applicant shall submit an application on a form provided by the County Administrator.

### **Sec. 9.03.02 Procedures**

#### **A. Review by County Administrator**

1. The County Administrator shall review the application to determine if all required information has been submitted. If additional information is needed, the County Administrator shall notify the Applicant of the deficiencies within five (5) working days of receipt of the application.
2. Upon receipt of a complete application, such matter shall be placed on the agenda of the next reasonably available Planning and Zoning Agency meeting allowing for required notice and the preparation of the report as set forth below.
3. The County Administrator shall issue a written report setting forth findings and conclusions supporting its recommendation that the Planning and Zoning Agency grant or deny the application in accordance with time limits established in the Development Review Manual. This report shall be mailed to the Applicant immediately upon its completion.

#### **B. Hearing by Planning and Zoning Agency**

The Planning and Zoning Agency shall hold a quasi-judicial hearing on the application in accordance with the procedures set forth in Part 9.06.00 below.

## **PART 9.04.00 REZONING OF LAND AND COMPREHENSIVE PLAN AMENDMENTS**

### **Sec. 9.04.01 Generally**

#### **A. Amendments Authorized**

The Zoning Atlas and Future Land Use Map of the St. Johns County Comprehensive Plan may from time to time be amended pursuant to the procedures set forth below.

#### **B. Small-Scale Land Use Map Amendment Defined**

A small-scale land Use map amendment is an amendment to the Future Land Use Map portion of the St. Johns County Comprehensive Plan involving ten (10) acres or less of land, as provided for in Section 163.3187(1)(c), F.S.

### **Sec. 9.04.02 Initiation Of Proposals**

An Ordinance for the rezoning of land or for a land Use map amendment to the Future Land Use Map may be proposed only by the owner(s) of the subject property or duly authorized agent, the St. Johns County Board of County Commissioners, the Planning and Zoning Agency, or the County Planning Department. All such proposals shall be submitted in writing accompanied by all pertinent information which may be required by the County Administrator for proper consideration of the matter which shall include certificate of title by a title or abstract company or attorney, licensed in the State of Florida, or current copy of recorded deed.

### **Sec. 9.04.03 Review By Planning and Zoning Agency**

#### **A. Public Hearing**

A public hearing shall be held by the Planning and Zoning Agency to consider a proposal for a rezoning. The hearing for a site-specific rezoning shall be a quasi-judicial type hearing in accordance with the procedures at Part 9.06.00 below. The hearing for a land Use map amendment shall be legislative in nature.

#### **B. Planning and Zoning Agency Report**

1. The Planning and Zoning Agency shall prepare a report and recommendations to the Board of County Commissioners which shall address:
  - a. The need and justification for the change; and
  - b. The relationship of the proposed amendment or rezoning to the County Comprehensive Plan and this Land Development Code.
2. Unless a longer time is mutually agreed upon by the Board of County Commissioners and the Planning and Zoning Agency, in the particular case, the Planning and Zoning Agency shall submit its report and recommendations to the Board of County Commissioners no later than sixty (60) days from the date a complete application was filed with the County Administrator.

3. The report and recommendation of the Planning and Zoning Agency shall be advisory only and shall not be construed to be binding upon the Board of County Commissioners.

**Sec. 9.04.04 Action By Board Of County Commissioners**

A public hearing shall be held by the Board of County Commissioners to consider a proposal for a site-specific rezoning. The hearing shall be a quasi-judicial hearing pursuant to the procedures at Part 9.06.00 below.

**Sec. 9.04.05 Limitations On Rezoning Land**

**A. Re-Application After Approval of Rezoning**

Whenever the Board of County Commissioners has, by amendment to this Code, changed the zoning classification of land, the Planning and Zoning Agency shall not then consider any application for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such amendment to this Code.

**B. Re-Application After Denial of Rezoning**

Whenever the Board of County Commissioners has denied an application for the rezoning of land, no further application shall be filed for the same rezoning category of any part, or all of the same land for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same rezoning for any part or all of the same land has been denied, no further application shall be filed for the same rezoning category of any part or all of the same land for a period of two (2) years from the date of such action denying the last application filed.

**C. Waiver of Time Limits**

The time limits in Sections 9.04.05.A. and 9.04.05.B. above may be waived by the affirmative vote of a majority of the Board of County Commissioners when such action is deemed necessary to prevent injustice or to facilitate proper development of the County.

## **PART 9.05.00 LAND USE POLICY DECISIONS**

### **Sec. 9.05.01 Generally**

#### **A. Land Use Policy Decisions Defined**

Land Use policy decisions are those that have been declared by the courts of Florida to be “legislative” in nature, rather than “quasi-judicial”. These include the following:

1. Amendments to the text of the Comprehensive Plan.
2. Amendments to the Future Land Use Map of the Comprehensive Plan.
3. Large-scale administrative rezonings initiated by the County involving multiple parcels of property.

#### **B. Applicability**

The procedures in this Part shall be followed for the making of all land Use policy decisions as defined above.

#### **C. State Law Controlling**

This Part supplements the mandatory requirements of state law, which must be adhered to in all respects.

### **Sec. 9.05.02 Procedures**

#### **A. Application**

1. A property owner, or duly authorized agent, of land seeking a land Use amendment, the Board of County Commissioners, the Planning and Zoning Agency, or the County Planning Department may initiate a proposal for a Comprehensive Plan text or Future Land Use Map change.
2. Applications for amendments to the Comprehensive Plan, other than small-scale land Use map amendments, or applications otherwise exempt by Chapter 163, F.S., from the twice per year adoption cycle, shall only be accepted during the months of June and December of each calendar year.

#### **B. Referral to Planning and Zoning Agency**

The County Administrator shall refer all land Use policy matters to the Planning and Zoning Agency for review. The County Administrator shall set the application for hearing before the Planning and Zoning Agency not more than one hundred twenty (120) days from the date the application was received, unless specific time periods are otherwise established per Florida Statutes.

C. Recommendation of Planning and Zoning Agency

The Planning and Zoning Agency shall hold a legislative hearing on each land Use policy matter pursuant to the procedures at Part 9.06.00 below. The Planning and Zoning Agency shall thereafter submit to the Board of County Commissioners a written recommendation which:

1. Identifies any provisions of this Code, the Comprehensive Plan, or other law relating to the proposed change and describes how the proposal relates to them.
2. States factual and policy considerations pertaining to the recommendation.
3. In the case of proposed amendments to this Code, includes the written comments, if any, received from the Planning and Zoning Agency.

D. Decision By Board of County Commissioners

The Board of County Commissioners shall hold a legislative hearing on Comprehensive Plan Amendments, not including small-scale amendments, pursuant to the procedures of Part 9.06.00 below. At the conclusion of the hearing(s) the Board of County Commissioners shall vote to transmit or not transmit the proposed amendments to the Florida Department of Community Affairs. Within one hundred twenty (120) days of receiving the Objections, Recommendations and Comments (ORC) report from the Department of Community Affairs, the Board of County Commissioners shall hold a legislative hearing on the proposed amendments pursuant to the procedures in Part 9.06.00 below to decide to adopt, adopt with changes, or not adopt the proposed amendment(s).

## **PART 9.06.00 HEARINGS**

### **Sec. 9.06.01 Generally**

Under the law of Florida, a hearing on a land Use matter may be legislative or quasi-judicial. Although Florida law often provides specific direction as to whether specific types of hearings are quasi-judicial or legislative, as a general guideline, if the hearing is for the purpose of establishing land Use policy that will have general applicability, the hearing is legislative and must be conducted in accord with procedures applicable to such hearings. Alternatively, if the purpose of the hearing is to apply general standards of this Code to a development proposal, then the hearing is quasi-judicial and must be conducted in accordance with procedures applicable to such hearings. Set forth below are guideline procedures for each type of hearing when such a hearing is to be held by either the Planning and Zoning Agency or the Board of County Commissioners. These procedures may be varied for good cause by the Chairman to the extent allowed by Florida law.

### **Sec. 9.06.02 Legislative Hearings**

#### **A. Notice**

Notice that complies with the requirements of Chapter 163, Chapter 125, or other applicable provisions of Florida Statutes, shall be given.

#### **B. Conduct of Hearing**

1. The matter shall be introduced by the County Administrator or designee.
2. The County Administrator or designee shall present the analysis of the proposed action, any recommendation by the Planning and Zoning Agency, and any reports or recommendations received from other agencies.
3. Interested parties shall be allowed to submit written recommendations and comments before or during the hearing, and shall be given a reasonable opportunity to make oral statements in favor of or in opposition to the proposal.

### **Sec. 9.06.03 Quasi-Judicial Hearings**

#### **A. Rights of Parties**

All parties to a quasi-judicial proceeding shall have the following rights:

1. Present their case or defense by oral and documentary evidence. This shall not include a right to compel testimony or production of non-public or confidential documents.
2. Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts.
3. Submit proposed findings and conclusions and supporting reasons therefor.
4. Make offers of compromise or proposals of adjustment. This shall not empower

the County to accept any compromise or endorsement, otherwise not authorized by law.

5. Be accompanied, represented and advised by counsel or represent themselves. This shall not be interpreted to require the County to provide counsel to any party.
6. Be promptly notified of any action taken on the matter.

**B. Evidence**

Evidence may be submitted that would be admissible in civil proceedings in the courts of this State, but in receiving evidence due regard shall be given to the technical and highly complicated subject matter which must be handled. The exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect, however; parties must be given an opportunity to cross-examine witnesses. Otherwise, however, effect shall be given to rules of evidence recognized by the law of Florida.

**C. Discussion by Board**

Following the public portion of the hearing, the Planning and Zoning Agency or County Commission may debate and take action in accordance with their standard procedures. Witnesses may be called or recalled to answer questions. If rebuttal of such testimony is requested, it should be allowed but may be strictly limited.

**D. Final Order**

A Final Order on each request shall be made within thirty (30) calendar days of the last hearing at which such request was considered. Each Final Order may contain findings of fact and conclusions upon which the Order is based, and may include such conditions and safeguards as are appropriate in the matter including reasonable time limits within which action pursuant to such Order shall be begun or completed or both. The Final Order shall be furnished to the County Administrator and to the Applicant. Any finding of fact or conclusion of law included in the Order may be conclusionary or general in nature, and the inclusion of any finding of fact or conclusion of law shall not prevent or impair the Final Order from being found to be properly supported (a) by competent substantial evidence in the record or (b) by any conclusion of law supported by the record.

**E. Record**

A record of all matters considered at a quasi-judicial hearing shall be created by the County. A verbatim transcript of the record is not required but the County shall establish such record in a sufficient degree to disclose the factual basis for its final determination with respect to such requests and appeals.

**Sec. 9.06.04 Notice Of Hearings**

**A. Generally**

In addition to any requirements of state law that may apply to a given matter, the

following notice requirements shall be followed. Where more than two methods of notice are required, failure to receive notice by one of the methods provided in this section shall not constitute a jurisdictional defect or be grounds to invalidate a public hearing if a good faith attempt was made to provide such notice and all other notice requirements are met.

**B. Mailed Notices**

Not less than fifteen (15) business days in advance of the date of the required public hearing(s) at which an application for a rezoning, Major Modification to Planned Unit Development (PUD) or Planned Rural Development (PRD), Special Use, or Variance is to be considered, the time and place of the public hearing shall be posted by United States mail to all Owners of real property within three hundred (300) feet of the boundaries of the land upon which the application is made; provided however, that where the Applicant is the Owner of land not included in such application and such land that is not included in the application is a part or adjoins the parcel upon which such request is made, the Applicant shall give mailed notice to adjacent property Owners that are not a party to the application.

For the purpose of notice requirements to adjoining Owners within three hundred (300) feet, the names and addresses may be provided by the St. Johns County Administrator to the Applicant, which list shall include said information obtained from the St. Johns County Property Appraiser records within ninety (90) days prior to the last date that such fifteen (15) business day notice must be mailed. Such list prepared for any required public hearing with the Planning & Zoning Agency shall also be used for a required public hearing with the Board of County Commissioners. A record of the date on which the list was compiled shall be provided to and maintained by the County.

Notwithstanding the provisions of this Section, mailed notice requirements for administrative rezonings, as defined and provided in Section 9.05.01 of this Code, shall be in accordance with Florida Statutes.

**C. Published Notice**

Not less than fifteen (15) days in advance of the date of the required public hearing(s) at which an application for a rezoning, Major Modification to a PUD or PRD, Minor Modification to a PUD or PRD, Special Use, Variance, or Temporary Use Permit is to be considered, the time and place of the public hearing shall be published once in a St. Johns County Newspaper of general circulation, and others as deemed necessary by the County Administrator.

Notwithstanding the provisions of this Section, published notice requirements for administrative rezonings, as defined and provided in Section 9.05.01 of this Code, shall be in accordance with Florida Statutes.

**D. Signs**

Not less than fifteen (15) days in advance of the date of the required public hearing(s) at which an application for a rezoning, Major Modification to a PUD or PRD, Minor Modification to a PUD or PRD, Special Use, Variance, or Temporary Use Permit is to be considered, the County Administrator shall cause a Sign or Signs to be posted on the subject parcel. Such Sign(s) shall be in the form required by the County Administrator



and shall be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such Signs shall be erected on the nearest street Right-of-Way.

Notwithstanding the provisions of this Section, Signage requirements for administrative rezonings, as defined and provided in Section 9.05.01 of this Code, shall be in accordance with Florida Statutes.

E. Notice For Continued Hearings

Notwithstanding any other provision in the Code for notice of any hearing, a hearing that is continued or recessed to a time and date certain, as announced at the continued or recessed hearing, shall be required only to be noticed in a reasonable manner as determined by the County Administrator so long as that notice complies with any applicable, specific, statutory requirement.

## **PART 9.07.00 APPEALS**

### **Sec. 9.07.01 Adversely Affected Person Defined**

An “adversely affected person” as used herein shall be any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the St. Johns County Comprehensive Plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons. A person within the area receiving mailed notice for the hearing on the matter at issue shall be automatically deemed to be an adversely affected person.

### **Sec. 9.07.02 Appeals From Decisions Of The County Administrator In Enforcing This Code**

An Applicant or any adversely affected person may appeal any final decision of the County Administrator in enforcing this Code to the Board of County Commissioners by filing a notice of appeal with the County Administrator within thirty (30) days of the decision. The appeal shall be scheduled on the next reasonably available meeting of the Board of County Commissioners. The decision of the Board of County Commissioners shall constitute final action for the County and may, thereafter, be appealed to circuit court in accordance with Florida law.

### **Sec. 9.07.03 Appeals From Decisions Of The Planning and Zoning Agency**

The County Administrator, an Applicant or an adversely affected party, as defined in Section 9.07.01, may appeal any final decision by the Planning and Zoning Agency, to the Board of County Commissioners. Appeals are made to the Board of County Commissioners by filing a notice of appeal with the County Administrator within thirty (30) days of the date when the written Final Order is signed and dated. The appeal shall be scheduled on the next available meeting of the Board of County Commissioners. The decision of the Board of County Commissioners shall constitute final action for the County and may, thereafter, be appealed to circuit court in accordance with Florida law.

### **Sec. 9.07.04 Appeals From Decisions Of The Architectural Review Committee or Design Review Board**

The County Administrator, an Applicant or an adversely affected party, as defined in Section 9.07.01, may appeal a determination of the Architectural Review Committee or Design Review Board to the Board of County Commissioners by filing a notice of appeal in writing to the County Administrator within thirty (30) days of the date of the Final Order. The decision of the Board of County Commissioners shall constitute final action for the County and may, thereafter, be appealed to circuit court in accordance with Florida law.

### **Sec. 9.07.05 Notice Of Appeal**

A notice of appeal shall contain:

- A. A statement of the decision to be reviewed, and the date of the decision.

- B. A statement of the interest of the adversely affected person, as defined in Section 9.07.01, seeking review.
- C. The specific error alleged as the grounds of the appeal.

#### **Sec. 9.07.06 Appellate Hearing**

When a decision is appealed to the Planning and Zoning Agency or Board of County Commissioners, the hearing shall be a de novo hearing on the merits and shall be conducted as a quasi-judicial hearing as set forth in Part 9.06.00. Payment of fees for an Appeal shall be in accordance with the Fee Schedule adopted by Resolution by the Board of County Commissioners.

#### **Sec. 9.07.07 Stay Of Proceedings**

An appeal shall stay all administrative proceedings in furtherance of the action appealed until such time as a final determination has been made by the Planning and Zoning Agency or Board of County Commissioners on the appeal, provided that no action shall be taken by the Applicant or the administrative official during such time which should change the status of the matter being appealed.

History: Ord. 2000-58; Ord. 2003-73; Ord. 2004-22; Ord. 2009-48; Ord. 2010-23; Ord. 2013-26; Ord. 2015-14; Ord. 2018-41; Ord. 2019-84

<b>ARTICLE X INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT</b>
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**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

# **ARTICLE XI CONCURRENCY MANAGEMENT**

## **PART 11.00.00 GENERAL PROVISIONS**

### **Sec. 11.00.01 Applicability / Application Period**

This Article shall apply to any Development Order authorizing the development of land for residential development within the unincorporated area of St. Johns County, Florida, and as otherwise provided by law. An Applicant may apply for a concurrency review at any time during the development review process, but a Final Certificate of Concurrency finding that adequate public facilities are or will be available at adopted levels of service concurrent with the impact of the Project shall be obtained prior to approval of any Final Development Permit, provided that a Final Development Permit must be preceded by a Final Certificate of Concurrency for the maximum development allowed by such Final Development Permit. The provisions of this Article shall not apply to administrative rezonings initiated by the St. Johns County Board of County Commissioners as provided in Section 9.05.01 or to those Projects provided in Sections 11.00.02, 11.00.03 11.00.04, and 11.00.05 below, which are presumed to have no impact or de minimus impact on public facilities and services or which have acquired statutory or common law vested rights or have been specifically exempted from the provisions of this Article.

### **Sec. 11.00.02 No Impact Permits**

Building Permits issued solely for alteration, remodeling reconstruction, or restoration of residential or non-residential units, provided that the Building Permits do not authorize an increase in the number of permanent dwelling units and non-residential uses, and do not authorize an increase in the square feet of the development.

### **Sec. 11.00.03 Single Family And Duplexes**

Development Permits for a individual Single Family Dwelling Unit and duplexes not within subdivisions, Planned Unit Developments, Planned Special Developments, or Planned Rural Developments shall be exempt from the parks, drainage, solid waste, mass transit, and transportation concurrency requirements, but shall meet the potable water and wastewater concurrency requirements, as described in Part 11.03.00, and Sections 11.05.020 and 11.05.03 of this Article.

### **Sec. 11.00.04 Exempt Developments**

Projects, Subdivisions, Parcels, or Lots defined as Categorically Exempt Developments or residential developments that are exempt from the school concurrency requirements of this Article as defined in Section 11.08.03 or that have previously received a "Concurrency Exemption Determination" pursuant to Part 11.08.00.

### **Sec. 11.00.05 Exemption for Non-Residential Developments (2018)**

Non-Residential development shall be exempt from the requirements of this Article beginning August 7, 2018 to promote business and economic growth within St. Johns County. Non-

residential development shall meet all other provisions of this Code including but not limited to the drainage, potable water and wastewater requirements at the time of Construction Plan review. A detailed site access and operational analysis will be required prior to Construction Plan approval for all Non-residential developments generating 300 or more p.m. peak hour trips to determine if improvements are needed within the immediate impact area to provide for safe and efficient access to the proposed development.

## **PART 11.01.00 EFFECT ON OTHER ARTICLES AND REGULATIONS**

This Article shall not affect, in any manner, any other aspect of development and improvement standards or requirements, or any other aspect of the Development of land or provision of public improvements subject to this Land Development Code, the Comprehensive Plan, or other regulations of the County, which shall be operative and remain in full force and effect without limitation with respect to all such Development. The provisions of this Article hereby supersede all prior regulations of St. Johns County related to the implementation of Level of Service standards for public facilities and services. Where this Article conflicts with another County Ordinance or the Concurrency Procedures Manual, the provisions of this Article shall prevail to the extent of such conflict except as otherwise provided herein.

## **PART 11.02.00 CONCURRENCY REVIEW SYSTEM**

The County Administrator shall be responsible for receiving and distributing the Applications for Concurrency Determination to the Evaluating Departments pursuant to Section 11.02.02.A. and for coordinating the findings of the Evaluating Departments pursuant to Section 11.02.02.C. and shall prepare a Concurrency Report as required by Section 11.02.04 of this Article. The County Administrator shall: review and approve Small Projects, as provided in Section 11.02.01.E; review and approve with the recommendations of the Evaluating Departments Projects which generate 11 to 50 average weekday peak hour trips (Minor Project); and review and compile a report with the recommendations of the Evaluating Departments for review and approval by the County Administrator for those Projects which generate more than 50 average weekday peak hour trips (Major Project).

### **Sec. 11.02.01 Applicability**

- A. This Article shall not be applicable to non-residential developments submitted after August 7, 2018, categorically exempt Projects or Projects with valid Concurrency Exemption Determinations, or as provided in Part 11.08.00. School Concurrency requirements shall not be applicable to residential development considered exempt from the school concurrency requirements pursuant to Section 11.08.03 of this Article.
- B. Except as provided in Section 11.02.01.A., no Final Development Permit shall be granted, approved, or issued unless a Final Certificate of Concurrency has been issued by the County pursuant to this Article.
- C. All applications for a Final Development Permit shall be distributed upon receipt by the appropriate Evaluating Department to the County Administrator.
- D. Single-Family Dwelling Units and Duplexes: The determination of concurrency for potable water and wastewater facilities for single family dwelling unit or duplexes, which are not in Subdivisions, Planned Unit Developments, Planned Special Developments, or Planned Rural Developments, shall be made simultaneously with the processing of the Applicant's Building Permit, and a determination in accordance with Part 11.03.00 and Sections 11.05.02 and 11.05.03 shall be made by the County Administrator.
- E. Small Projects: The determination of concurrency for Small Projects which generate 10 or fewer average weekday peak hour trips, shall be made simultaneously with the processing of the Applicant's development permit, and a determination in accordance with Part 11.03.00 and Sections 11.05.02 and 11.05.03 of this Article shall be made by the County Administrator with determinations made by the Evaluating Departments as necessary and upon request by the County Administrator.
- F. Minor Projects: The determination of concurrency for Minor Projects, which generate 11 to 50 average weekday peak hour trips, shall be made simultaneously with the processing of the Applicant's development review application, as applicable, and a determination in accordance with Part 11.03.00 and Part 11.05.00 of this Article shall be made by the County Administrator with determinations made by the Evaluating Departments as necessary and upon request by the County Administrator. The applicant may be required to provide additional data to satisfy the minimum requirements for concurrency review, including but not limited to, applicable traffic data, as required by the County in accordance with the Traffic Impact Study Methodology and Procedures, Appendix "A" of this Code, or a water/sewer availability letter from the appropriate utility in accordance with Part

11.04.00 of this Article. An applicant for a Minor Project may file a concurrency application separately when a development review application is not proposed.

A project may also be classified as a Minor Project if determined by the County Administrator that it generates 50 PM peak hour trips or less after accounting adjustments for pass-by trips and compared to adjacent-street traffic volume. The pass-by trip total must be reduced if it exceeds 10% of the adjacent-street traffic volume.

- G. Major Projects (Residential): An Application for Concurrency Determination and a Traffic Impact Analysis (TIA) are required to be submitted to the Growth Management Department for review by the Evaluating Departments for all major residential projects, which generate more than 50 average weekday peak hour trips. The TIA shall follow the methodologies adopted in the Traffic Impact Study Methodology and Procedures, Appendix "A" of this Code.
- H. Developments of Regional Impact (DRIs): DRIs that have satisfied the transportation concurrency requirements by entering into a binding agreement to pay for or construct its proportionate share of required improvements, provided such proportionate share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility consistent with provisions set forth in Section 163.3180, Florida Statutes, and have been approved by the St. Johns County Board of County Commissioners, are subject to concurrency requirements as a Major Project for all other concurrency public facilities and services. An Application for Concurrency Determination is required to be submitted to the Growth Management Department for review of these public facilities, and a transportation report shall be provided to facilitate the reservation of project trips on the Major Road Network in five (5) year increments or other approved DRI phasing schedule consistent with the DRI transportation review, the DRI Phasing Schedule, and the Traffic Impact Study Methodology and Procedures, Appendix "A" of this Code. The transportation concurrency report shall be updated every two (2) years until build out, consistent with the DRI biennial reporting schedule.

#### **Sec. 11.02.02 Application for Concurrency Determination**

##### **A. Completeness Review**

Within five (5) working days of receiving an Application for Concurrency Determination, the County Administrator shall determine whether the application is complete. An Application for Concurrency Determination for a residential development that is not exempt from the school concurrency requirement will be considered incomplete unless a companion Application for School Concurrency has been submitted to the St. Johns County School District. If the County Administrator finds that the Application is not complete, a letter shall be sent to the Applicant within five (5) working days identifying all additional or revised information which is required; the County Administrator shall take no further action on the application until the information is received. If the County Administrator finds that the application is complete, the application shall be forwarded to the Evaluating Departments.

##### **B. Sufficiency Review by Evaluating Departments**

Upon receipt of the application as described in Section 11.02.03.A., the Evaluating Departments shall have fifteen (15) working days to determine whether the application is



sufficient or sufficient with conditions. If additional or revised information is required, the Evaluating Department shall notify the County Administrator, which shall send a letter to the Applicant identifying all additional or revised information which is required. The Applicant shall have up to sixty (60) calendar days from the date the letter is sent to submit all additional or revised information. The County Administrator shall take no further action on the application until the requested information is received. If the Applicant does not submit the requested information within the described sixty (60) calendar days, the application will be deemed withdrawn.

If the Applicant submits additional information within the time limit specified herein, the County Administrator shall forward the additional information to the appropriate Evaluating Departments. If an Evaluating Department then determines that additional or revised information is required, the Evaluating Department shall notify the County Administrator, which shall send a letter to the Applicant identifying all additional or revised information that is required.

The Applicant shall have up to twenty (20) calendar days from the date the letter is sent to submit all additional or revised information as specified by the County Administrator. If such information does not meet the requirements specified by the County Administrator, the Evaluating Department shall notify the County Administrator, and the County Administrator shall notify the Applicant in writing that the Application is deemed withdrawn.

Upon a final determination by each Evaluating Department that the application is sufficient, each Evaluating Department shall provide the County Administrator with a letter or other instrument for each proposed Application for Concurrency Determination that determines the Level of Service of facilities which will be impacted by the Project, the extent of the impact generated by the Project and whether those facilities have sufficient capacity to serve the proposed Project at or above the adopted Level of Service.

The Evaluating Departments will issue to the County Administrator a written approval, approval with conditions, or denial for its portion of the application based upon Part 11.03.00 and Part 11.05.00 of this Article.

### **Sec. 11.02.03 Evaluating Departments**

The Evaluating Departments or their successors, as designated by the County Administrator, shall be responsible for evaluating the adequacy of existing and planned facilities with regard to proposed Development Permits for developments generating 11.0 average weekday peak hour trips or more.

### **Sec. 11.02.04 Issuance Of Certificate Of Concurrency For Minor Projects**

For Minor Projects that submit a formal Application for Concurrency Determination, a Final Certificate of Concurrency, Final Certificate of Concurrency with Conditions, or a denial shall be issued by the County Administrator within ten (10) working days of receipt of the recommendations from the Evaluating Departments; the ten (10) working day period can be extended upon approval of the Applicant for the purposes of addressing conditions to the Final Certificate of Concurrency or a pending denial. If the application is denied, the County Administrator shall issue a Denial Determination to the Applicant that identifies:

- A. The decision reached by each Evaluating Department and the reason(s) for denial, and

outlines.

- B. The procedures required to be followed in order to appeal the decision.

For Minor Projects reviewed in conjunction with Construction Plan review process, concurrency shall be considered approved with construction plan approval and shall remain valid with the approved construction plan.

#### **Sec. 11.02.05 Issuance Of Certificate Of Concurrency For Major Projects**

For Major Projects, a Final Certificate of Concurrency, Final Certificate of Concurrency with Conditions, or a denial shall be issued by the County Administrator within twenty (20) working days of receipt of the recommendations from the Evaluating Departments; the twenty (20) working day period can be extended upon approval of the Applicant for the purposes of addressing conditions to the Final Certificate of Concurrency or a pending denial. If the application is denied, the County Administrator shall issue a Denial Determination to the Applicant that identifies the decision reached by each Evaluating Department and the reason(s) for denial, and outlines the procedures required to be followed in order to appeal the decision.

#### **Sec. 11.02.06 Reserved**

#### **Sec. 11.02.07 Monitoring And Review Of Concurrency For Preliminary Development Permits**

The County Administrator shall be responsible for monitoring and enforcing the conditions and stipulations contained in all Final Certificates of Concurrency that were completed during earlier steps of the Development review process. Monitoring will ensure that consistent concurrency review procedures are maintained and that unnecessary duplication is avoided.

#### **Sec. 11.02.08 Withdrawal Of Application**

The Applicant may withdraw an Application for a Concurrency Determination at any time by submitting a written request to the County Administrator. An application will be deemed withdrawn by the County Administrator due to incomplete or insufficient information pursuant to Section 11.02.02.C. of this Article. The withdrawal of an Application for a Concurrency Determination shall result in the forfeiture of all Administrative Fees paid by the Applicant for the processing of the Application.

## **PART 11.03.00 DETERMINATION OF CONCURRENCY**

### **Sec. 11.03.01 No Final Development Permit Issued Until Finding Of Concurrency Is Made**

No Final Development Permits for residential developments shall be approved until the County Administrator has issued a Final Certificate of Concurrency finding that adequate public facilities are or will be available at Adopted Levels of Service concurrent with the impact of the Project; or a Final Certificate of Concurrency approving the Project with conditions. If the determination indicates that there is no available capacity within the applicable traffic impact area or service area, the County Administrator shall either:

- A. Issue a Final Certificate of Concurrency, subject to one or more of the following conditions:
  - 1. Reducing the size, intensity, or density of the Project, or changing the phasing of the Project, to achieve available capacity.
  - 2. Provision of the Public Facilities and Services necessary to achieve available capacity. The commitment to construct or provide such Public Facilities and Services, pursuant to the requirements of Section 11.03.06, prior to the issuance of a Final Development Permit shall be included as a condition to the Final Certificate of Concurrency. The County may, at its option, provide for reimbursement to the Applicant for the cost of facilities providing capacity in excess of the capacity necessitated by the demands created by the Project.
- B. Deny issuance of a Final Certificate of Concurrency

The Applicant can reapply for concurrency when the Public Facilities and Services needed to achieve available capacity are provided as determined in Sections 11.03.06 and 11.03.07.

### **Sec. 11.03.02 Categories Of Concurrency Review**

In order to ensure that adequate Public Facilities and Services are available concurrent with the impact of the Project, the binding effect of a concurrency determination shall be limited as follows:

- A. Informational Concurrency Determination

Upon payment of an Informational Concurrency Determination processing fee, any person may request a determination of available capacity for a specified parcel or parcels by the County Administrator. In its sole discretion, the County Administrator shall establish a time limit for the completion of an Informational Concurrency Determination. The County Administrator may issue an Informational Concurrency Determination which shall establish that the Public Facilities and Services are available at the time of issuance of the Informational Concurrency Determination but may not be available at the time of any subsequent concurrency determination review. An Informational Concurrency Determination shall not be construed to guarantee the availability of adequate facilities at the time that subsequent Development Permit applications are submitted. An Informational Concurrency Determination for a Major Project requires the Applicant to submit a traffic impact analysis per the Traffic Impact Study Methodology and Procedures (Appendix A of this Code). An Informational Concurrency Determination shall not form the

basis for the issuance of a Final Certificate of Concurrency nor shall it result in the reservation of capacity.

**B. Final Concurrency Determination**

A Final Concurrency Determination shall be obtained prior to the approval of any Final Development Permit for residential development pursuant to Section 11.00.00 of this Article. A Final Concurrency Determination shall result in the issuance of a Final Certificate of Concurrency and establish that:

1. The Public Facilities and Services are available at the time of issuance of the Final Certificate of Concurrency.
2. The Final Certificate of Concurrency is issued for the same amount of development for all public facilities.
3. That Public Facilities and Services will be available at all subsequent stages of the Development approval process up to the date of expiration of the Final Certificate of Concurrency or the extended capacity reservation, subject to the following conditions and time limits set:
  - a. Transportation, Solid Waste, Drainage, Parks and Recreation, Mass Transit Facilities, and Public Schools

For transportation, solid waste, drainage, parks/ recreation, and mass transit facilities, the Final Certificate of Concurrency shall guarantee that there will be a finding of concurrency at subsequent steps in the development approval process for a given property or a Project for a period of two (2) years for each phase following the approval of the Final Certificate of Concurrency. For public schools, the Final Certificate of Concurrency shall guarantee that there will be a finding of school concurrency at subsequent steps in the development approval process for a given property or a Project for a period of two (2) years (no phases) following the approval of the Final Certificate of Concurrency or modification of a previously approved Final Certificate of Concurrency to add school concurrency. If the Applicant with a valid, unexpired Final Certificate of Concurrency obtains Construction Plan approval, Final Subdivision Plat approval, or a Building Permit, as applicable, for horizontal or vertical Construction within the two (2) year period, the Final Certificate of Concurrency shall remain in effect until the expiration of the Building Permit, Final Subdivision Plat or Construction Plan approval to which it applies. If the Applicant fails to obtain such approval within the two (2) years, the Final Certificate of Concurrency may be extended for up to an additional three (3) year period provided the Applicant:

- (1) Pays the applicable reservation (impact) fee within two (2) years following the issuance of the Final Certificate of Concurrency and signs a waiver of rights for the refund of impact fees in consideration for the extension of the Final Certificate of Concurrency using one of the following options;

- (a) The applicant may pay 100% of the applicable impact fee in consideration of a three (3) year extension; or
    - (b) The applicant may pay one-third (1/3) of the applicable impact fee in consideration of a one (1) year extension. For each subsequent one-third payment, an additional one year extension may be granted, not to exceed a total of three (3) years extension.
  - (2) Upon applying for a Building Permit, the Applicant pays the difference, if any, between the reservation fee paid in advance to extend the Final Certificate of Concurrency and the total impact fee, as determined at the time of permit application; and
  - (3) Submits documentation from the Utility Provider verifying water and sewer capacity is available for the additional three (3) years for the Equivalent Residential Connections (ERCs) required by the amount of Development contained in the Final Certificate of Concurrency.
- b. Water and Wastewater Facilities within the Service Area of the St. Johns County Water System or St. Johns County Wastewater Treatment System, or Municipal System, or Franchised Utility.

The payment of water and wastewater connection fees guarantees that there will be a finding of concurrency for water and wastewater facilities at subsequent steps in the development approval process for the amount of Development for which water and wastewater connection fees have been paid.

- c. Notwithstanding the above provisions, any Certificate of Concurrency period of efficiency may be extended by the County Administrator for a reasonable period not to exceed two (2) years during such period as the subject development or project is reasonably determined to be materially delayed by civil litigation directly addressing and restricting the allowed or permitted use or development of the subject land. Such litigation shall not include that which is principally based on real or alleged failure to pay any debt, bankruptcy of any entity or person, or ownership of the subject land, nor shall such litigation be that in which the developer or Certificate holder or any government agency is a plaintiff. Such Extended Certificate shall be made conditional on resolution of (i) the litigation in a manner determined by the County not to be contrary to the public interest; and (ii) the Extended Certificate not being used to authorize development until the litigation is in the opinion of the County so resolved or finalized. After the litigation on which extension is so resolved or finalized, then the remaining period of efficiency of the period of the Certificate shall be that which would have existed or been available had the Certificate not been so extended.

### **Sec. 11.03.03 Consistency Of Phased Projects With Final Certificates Of Concurrency**

#### **A. Multi-phase Projects**

Multi-phase projects may have a Final Certificate of Concurrency effective for up to two (2) years for each phase with extensions as provided in Section 11.03.02.B not to exceed a total of five (5) years for all phases for all public facilities except schools. Phases must be consistent with PUD phasing, if applicable, such that each concurrency phase shall have the same amount of development as the corresponding PUD phase. Under no circumstances can any Final Certificate of Concurrency be extended beyond a total of five (5) years for all phases by pre-payment of impact fees pursuant to Section 11.03.02.B.

**B. Developments of Regional Impact (DRIs)**

DRIs that have satisfied the transportation concurrency requirements by entering into a binding agreement to pay for or construct its proportionate share of required improvements, provided such proportionate share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility consistent with provisions set forth in Section 163.3180, Florida Statutes, shall have concurrency phases consistent with the phasing schedule approved in the DRI Development Order, conditioned upon compliance with all DRI Development Order requirements and conditions related to public facilities and services that are subject to concurrency.

**Sec. 11.03.04 Effect Of Determination Of Concurrency For Preliminary Development Permits**

**A. Reservation of Capacity**

The Applicant shall be required to pay the current reservation (impact) fee in order to extend the duration of a Final Certificate of Concurrency determination as provided in Section 11.03.02 provided, however, that a reservation (impact) fee paid by an Applicant at one stage of the Development approval process shall be credited towards the payment of a reservation (impact) fee normally required at the Certificate of Occupancy stage in the Development approval process and the payment of impact fees or connection fees applicable to the facilities for which capacity has been reserved. If a Final Certificate of Concurrency is voided because of the expiration of a reservation of capacity, the Applicant shall not be entitled to a refund of the reservation fees paid. The provision of public facilities pursuant to Section 11.03.01, in order to avoid the denial of a Final Certificate of Concurrency, shall be deemed to effectuate a reservation of capacity in accordance with the provisions and requirements of this Section.

**B. Zoning Special Uses or Variances**

Unless accompanied by a specific plan for Development, including the densities and intensities of the Project, or approval authorizing Construction, an Applicant for a zoning Special Use or Variance shall not be subject to concurrency review.

**Sec. 11.03.05 Effect Of Final Determination Of Concurrency For Final Development Permits**

In order to receive approval for a Final Development Permit for residential development, the Applicant must have a valid Final Certificate of Concurrency. If an Applicant with a valid, unexpired Final Certificate of Concurrency obtains Construction Plan, Final Subdivision Plat, or Building Permit approval for horizontal or vertical Construction, as applicable, within the time limit

specified in Section 11.03.02.B.3., the Final Certificate of Concurrency shall remain in effect as long as the Project continues in compliance with the phasing schedule approved in the Final Certificate of Concurrency provided, however, that the Final Certificate of Concurrency may be extended for an additional three (3) years if the Applicant pays the applicable reservation (impact) fee. If the Applicant fails to obtain a Final Development Permit within the time frames specified in Section 11.03.02.B.3., a new Final Certificate of Concurrency shall be required. Notwithstanding anything to the contrary contained in this Concurrency Management Article, a Final Certificate of Concurrency may be issued for a period of time of up to ten (10) years pursuant to and subject to the terms and conditions contained in a valid existing Development agreement entered into by the Applicant and the County pursuant to Sections 163.3220 through 163.3243, F.S., as amended.

- A. To the extent the reserve capacity issued to the Development through the Final Certificate of Concurrency is not demanded by the completed or modified development, the unused capacity is released, phase by phase, as applicable. If the Final Certificate of Concurrency expires for any phase, then, upon expiration, the reserved capacity for the expired phase and any subsequent phases is released for use by other Applicants.
- B. If the underlying Final Development Permit to the Final Certificate of Concurrency is revoked, denied or expires, the reserve capacity is released for use.

#### **Sec. 11.03.06 Minimum Requirements**

In order to ensure that adequate Public Facility and Service capacity is available concurrent with the impact of a Project, the following minimum requirements shall apply.

##### **A. Category 1 Criteria**

For wastewater, potable water, solid waste and drainage facilities, at a minimum, a proposed Project shall meet the following standards to satisfy the concurrency requirements.

1. If a Development Permit is issued subject to the condition that, at the time of issuance of a Certificate of Occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the proposed Development.
2. If at the time the Development Permit is issued, the necessary facilities and services are guaranteed in an enforceable Development Agreement, as presently provided in Section 163.3220, F.S., and as may be provided in future updates to Florida Statutes, or an agreement or Development Order issued pursuant to Chapter 380.06, F.S., to be in place and available to serve the proposed Project at the time of the issuance of a Certificate of Occupancy or its functional equivalent. (Section 163.3180(2), F.S.).

##### **B. Category 2 Criteria**

For parks and recreation facilities, at a minimum, a proposed Project shall meet the following standards to satisfy the concurrency requirement.

1. If at the time the Development Permit is issued, the necessary facilities and

services are in place or under Construction.

2. If a Development Permit is issued subject to the condition that, at the time of the issuance of a Certificate of Occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the proposed Project is dedicated or acquired by the County, or funds in the amount of the developer's fair share are committed.
  - a. A Development Permit is issued subject to the conditions that the necessary facilities and services needed to serve the proposed Project are scheduled to be in place or under actual Construction not more than one (1) year after the issuance of a Certificate of Occupancy or its functional equivalent as provided in the Five Year Schedule of Capital Improvements.
  - b. At the time the Development Permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the proposed Project to be in place or under actual Construction not more than one (1) year after the issuance of a Certificate of Occupancy or its functional equivalent.
  - c. At the time the Development Permit is issued, the necessary facilities and services are guaranteed in an enforceable Development Agreement.

#### C. Category 3 Criteria

For transportation facilities (roads and mass transit facilities designated in the adopted St. Johns County Comprehensive Plan), at a minimum, a proposed Project shall meet the following standards to satisfy the concurrency requirement, except as otherwise provided in this Article.

1. If at the time the Development Permit is issued, the necessary facilities and services are in place or under Construction.
2. If a Development Permit is issued subject to the conditions that the necessary facilities and services to serve the new development are scheduled to be in place or under Construction not more than three (3) years after the issuance of a Building Permit or its functional equivalent that results in traffic generation. Transportation projects that are financially secure or are included in the first three (3) years of the applicable, adopted Florida Department of Transportation Five Year Work Program satisfy this requirement.
3. If at the time a Development Permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual Construction no more than three years after the issuance of a Building Permit or its functional equivalent that results in traffic generation.
4. If at the time a Development Permit is issued, the necessary facilities and services are guaranteed in an enforceable Development Agreement, pursuant to Section 163.3220, F.S., as may be amended from time to time, to be in place or under actual Construction not more than three years after issuance of a Building Permit



or its functional equivalent that results in traffic generation; and one of the following criteria is met:

- a. The proposed Project is located within a Development Area designated on the Future Land Use Map of the St. Johns County Comprehensive Plan.
  - b. The proposed Project is located in an area in which a community water system and central wastewater system is presently available to serve, and will serve the proposed Development.
  - c. A community water system and central wastewater system will be provided to the proposed Development pursuant to a binding written agreement or an enforceable Development Agreement.
5. For the purpose of issuing a Development Permit, a proposed urban redevelopment Project located within a defined and mapped Existing Urban Service Area as established in the Comprehensive Plan pursuant to Section 163.3164(29), F.S., shall not be subject to the concurrency requirements for up to 110 percent of the transportation impact generated by the previously existing Development. For the purposes of this provision, a previously existing Development is the actual previous built Use which was occupied and active within a time period established in the Comprehensive Plan.
6. The County may allow a landowner to proceed with Development of a specific Parcel of land notwithstanding a failure of the Development to satisfy transportation concurrency, when all the following factors are shown to exist:
- a. The County's adopted Comprehensive Plan is in compliance.
  - b. The proposed Development would be consistent with the Future Land Use Map designation for the specific property and the goals, objectives and policies of the adopted County Comprehensive Plan.
  - c. The County has adopted into its Comprehensive Plan a process for assessing, receiving, and applying a proportionate fair share of the cost of providing the transportation facilities necessary to serve the proposed Development through a binding commitment. The assessment shall bear a direct relationship to the transportation impact that is generated by the proposed Development.
  - d. The developer executes a legally binding commitment to provide mitigation proportionate to the transportation impact generated by the actual development of the property.

**D. Category 4 Criteria**

For public school facilities, at a minimum, a proposed residential Project shall meet the following standards to satisfy the concurrency requirement.

1. The School District's findings indicate adequate school facilities will be in place or under actual construction in the affected concurrency service area (CSA) within

three (3) years after the issuance of the subdivision plat or site plan for each level of school;

2. Adequate school facilities are available in an adjacent CSA or under actual construction within three (3) years and the impacts of development shall be shifted to that area. If capacity exists in more than one CSA or school within a CSA, the School District shall determine where the impact shall be shifted;
3. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan, as provided in this element.
4. In the event that there is not sufficient capacity in the affected concurrency service area or an adjacent concurrency service area, the developer shall also have the option to delay approval to a date when capacity and level of service can be assured.

#### Intergovernmental Coordination

The Minimum Requirements shall apply only to those facilities within the unincorporated area of the County. If a portion of the applicable service area or Traffic Impact Area lies within an adjacent County or a local government within St. Johns County, only those facilities lying within the unincorporated County shall be evaluated; provided, however, that the Public Facilities and Services lying within the adjacent County, local government of St. Johns County, or the St. Johns County School District may be evaluated if the County has entered into an interlocal agreement with such County or local government providing for concurrency review. If the County has entered into an interlocal agreement providing for concurrency review, the Adopted Level of Service standard for those facilities lying within the adjacent County, local government, or the St. Johns County School District shall be those adopted by such adjacent County, local government, or School District. A certification from the adjacent County or local government that the issuance of the Development Permit will not cause a reduction in the Level of Service standards for those facilities lying within the adjacent County, local government, or School District shall be required prior to the issuance of a Final Certificate of Concurrency.

#### **Sec. 11.03.07 Determination of Available Capacity for Applications for Concurrency Determinations**

For the purpose of evaluating the available capacity of Public Facilities and Services for proposed Projects, the following calculation methodology shall apply:

- A. Ascertain total capacity
  1. The method to individually determine total capacity of wastewater, solid waste, drainage, and potable water facilities will be consistent with the Category 1 Criteria.
  2. The method to individually determine total capacity of parks and recreation facilities will be consistent with Category 2 Criteria.
  3. The method to individually determine total capacity of road and mass transit

facilities will be consistent with Category 3 criteria.

4. The method to individually determine total capacity of public school facilities will be consistent with Category 4 criteria.
- B. Ascertain available capacity by subtracting from the total capacity the sum of:
1. The demand for the Public Facilities and Services created by existing Development.
  2. The demand for the Public Facilities and Services created by the anticipated completion of approved Developments based upon the annually adjusted background growth rate.
  3. The demand for the Public Facilities and Services created by the anticipated completion of the Project under consideration for concurrency determination.

**Sec. 11.03.08 Modification of Approved Projects With Final Certificates of Concurrency**

A modification to an existing Final Certificate of Concurrency is required for approval by the County Administrator prior to the approval of a modification to a Development Permit where a change in Use, intensity, or density of the approved Project, which, either individually or cumulatively with other changes, results in increased impacts to public facilities and services by the modification.

- A. A new Final Certificate of Concurrency is required if the modification generates 4.0 or more average weekday peak hour trips.
- B. A change in the legal description and acreage shall require an amendment to the Final Certificate of Concurrency.
- C. A new Final Certificate of Concurrency shall be required if the new Project boundary or change in acreage results in additional impacts or impacts different public facilities and services.
- D. An updated School Concurrency Determination letter from the St. Johns County School District will be required for any increase in residential units for all residential developments that are subject to school concurrency.

## **PART 11.04.00 DATA REQUIREMENTS**

### **Sec. 11.04.01 Developer Submissions**

All Applications for Concurrency Determination shall provide sufficient information to determine the impact of such Development pursuant to the concurrency evaluation procedures. The application shall be made on a form established by the County Administrator. Such information shall include, but shall not be limited to:

- A. The total number and type of Dwelling Units for residential Development applications.
- B. The type and intensity of non-residential Use(s), where appropriate, at a level of detail consistent with the type of Development application.
- C. The location of the Project and the identification of facilities impacted by the Project pursuant to the provisions of Part 11.05.00 of this Article.
- D. The identification of Project phasing, where applicable.
- E. Any other appropriate information as required pursuant to Part 11.05.00 of this Article.

### **Sec. 11.04.02 Concurrency Information Base**

The County shall develop and maintain an inventory of existing land Uses and projected land Uses, based upon Final Development Permit approvals, in order to monitor the impact of Final Development Permit approvals on the availability of public facilities. This data will be updated annually and will be designed to provide incremental data pertaining to existing, approved and planned Development. At a minimum, the information base shall contain the following information:

- A. Final Development Permits issued during the past year.
- B. Concurrency Exemption Determinations issued during the past year.
- C. The number of residential Dwelling Units and square feet of non-residential Development for which Final Development Permits or Concurrency Exemption Determinations have been issued during the past year.
- D. The number of expired or abandoned Final Development Permits.
- E. Dwelling Units and non-residential square footage completed.
- F. Dwelling Units and non-residential square footage under Construction.
- G. The capacity of existing Public Facilities and Services.
- H. The capacity created by the anticipated completion of Public Facilities and Services included in the Schedule for the current year.
- I. The impact created by existing Development on Public Facilities and Services based on standard units of demand.

- J. The impact created by the anticipated completion of Developments with approved Development Permits on Public Facilities and Services.

**Sec. 11.04.03 Relationship to Information Base**

The County Administrator shall be responsible for developing and maintaining the County's Concurrency Information Base. The Concurrency Information Base shall be designed to provide support to appropriate County departments engaged in Development Order review and monitoring, Concurrency reviews, Plan updates and in the planning and/or provision of public facilities.

**PART 11.05.00 MEASUREMENT OF LEVEL OF SERVICE STANDARDS**

**Sec. 11.05.01 Transportation**

**A. Level of Service (LOS) Standards**

Consistent with the Comprehensive Plan Adoption Document, Traffic Circulation Policies and Capital Improvements Level of Service Policies, the LOS Standards shall serve as the minimum criteria for determining whether available capacity exists on Arterial and Collector roads within a Traffic Impact Area impacted by a Proposed Development and which are maintained by either the County or the Florida Department of Transportation.

**B. Data Requirements and Concurrency Evaluation**

The data requirements and concurrency evaluation shall be performed in accordance with Section 11.03.07 of this Article and the Traffic Impact Study Methodology and Procedures Manual (Appendix A). The traffic analysis shall be submitted simultaneously with the Concurrency Application.

1. A traffic impact study for a multi-phase Project shall be submitted in conjunction with the first Application for Concurrency Determination for the Project and shall include all future Development phases. The traffic study shall remain valid and in effect for a one (1) year period. Subsequent Development phases seeking a Final Concurrency Determination shall be required to update the traffic impact study with current data if the Application for Concurrency Determination for said Development phases is submitted more than one (1) year from the Project's original Application for Concurrency Determination.
2. Phased Projects will be required to perform a traffic study which analyzes both the impact of the phase(s) seeking a Certificate of Concurrency and the ultimate build out of the entire Project. The analysis of the total build out of the Project will be performed as part of the concurrency application for the first phase of the Project in order to assess the ultimate transportation needs of the entire Project, but shall not be used as a basis for a determination of transportation concurrency or for issuance of a Certificate of Concurrency. The methodology for performing the analysis shall be based on the following:
  - a. The Study Area of the total build out of the Project will be determined by the extent of all impacted segments for the total Project, including future phases and phases which have previously received a Certificate of Concurrency or Concurrency Exemption. The phase(s) of the Project seeking a Certificate of Concurrency will be evaluated for transportation concurrency based only on the Traffic Impact Area using the criteria contained in Appendix A of this Code for the phase(s) seeking the Certificate of Concurrency and shall include the Development for which a Certificate of Concurrency is being sought and the cumulative Development within the Project for which a Certificate of Concurrency has been issued subsequent to March 4, 1991.
  - b. Projects that consist of an expansion or an addition to existing

Development previously permitted will be analyzed based upon the cumulative impact of all Development for which a Final Certificate of Concurrency has been previously issued; however if existing Development has been constructed, the expansion or addition will be analyzed based only on the impact of the expansion or addition.

### **Sec. 11.05.02 Potable Water**

#### **A. Level of Service (LOS) Standards**

The Adopted LOS Standards shall be the LOS standards identified in the Capital Improvements Element of the Comprehensive Plan.

#### **B. Conditions**

A finding of concurrency with respect to the Adopted LOS Standards shall not preclude the placement of conditions on Development Permits regarding potable water service including, but not limited to, fire flow standards, sizing of distribution and transmission lines, and peak capacity.

#### **C. Availability of Adequate Capacity**

Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate potable water which shall be determined pursuant to the following information:

1. An inventory of all community water systems serving the unincorporated areas of the County, which includes, at a minimum, the following data for each system:
  - a. System capacity;
  - b. Capacity of wellfield, or other source of raw water supply;
  - c. Historical average flow of potable water;
  - d. Historical peak flow of potable water;
  - e. Number of hookups and the estimated potable water demand per hook-up;
  - f. Number of hook-ups for which contractual commitments have been made;
2. Project data pertaining to the proposed Development Permit under consideration which shall be provided by the Applicant, subject to verification by the Evaluating Department, Utilities Authority, or community water supply system operator and which shall, at a minimum, contain the following:
  - a. The specific location of the Project, including the identification of the entity expected to provide service to the Project.
  - b. The proposed land Uses and land Use intensities.

- c. Total potable water demand and peak demand projected to be generated by the Proposed Development.
- d. Project phasing information, if applicable.

### 3 Certification

- a. Projects Within the Service Area of a Publicly-Owned Water Supply System

If the Project is within the service area of the County Utilities Department, the County Utilities Department shall certify that potable water facilities are available at the Adopted Level of Service, consistent with Section 11.03.06 of this Article. If the proposed service provider is other than the County Utilities Department, documentation must be submitted by the provider indicating that the Project is within its service area and that adequate capacity is available to serve the Project as proposed at the adopted Level of Service. If the ability of a provider to serve a Proposed Development is contingent upon planned facility expansion, details regarding available financing and timing of such planned improvements shall be submitted.

- b. Projects Within the Service Area of a Community Water System or Franchised Water Utility.

If the Project is within the service area of a community water system or franchised water utility, the Applicant shall submit a letter and information from that entity verifying that adequate capacity is available to satisfy the demand for water created by the proposed Development and to satisfy the Adopted LOS Standards for water as identified in the Comprehensive Plan. Such information shall include, at a minimum, if applicable, the Florida Department of Environmental Protection permit number issued pursuant to a completed Notice of Intent to Use General Permit for Wastewater Collection/Drinking Water Distribution System {Form No. 17-555.910(7)} and, if applicable, an Application to Construct a Public Drinking Water System {Form No. 17.555.910(1)}

- c. Applicants Served by Wells

Where community water is not available, the Applicant shall comply with all applicable Permits or approvals from the St. Johns County Environmental Health Department or the St. Johns River Water Management District, as appropriate.

- 4. Prior to the issuance of a Certificate of Occupancy by the County, the Applicant shall be required to provide evidence of the reservation of capacity through the payment of water and wastewater connection fees for publicly owned utilities and non-franchised community water systems or a letter from a franchised utility verifying that a Utility Agreement has been executed. The Department of Environmental Protection Permit number as provided in Section 11.05.02.C.3.(b) shall be provided if applicable.

### D. Concurrency Analysis for Potable Water



Relying upon the data provided pursuant to Section 11.05.02.C, the Evaluating Department shall evaluate the impacts of the Proposed Development to determine whether the potable water facilities within the service area of the Proposed Development have available capacity to accommodate the Proposed Development. In the event that the data described in Section 11.05.02.C. are not available in their entirety, the required data may be provided by the Applicant subject to verification by the Evaluating Department.

### **Sec. 11.05.03 Wastewater**

#### **A. Level of Service (LOS) Standard**

The Adopted LOS Standards shall be the sanitary sewer LOS standards identified in the Capital Improvements Element of the Comprehensive Plan.

#### **B. Conditions**

A finding of concurrency with respect to the Adopted LOS Standards shall not preclude the placement of conditions on Development Permits regarding wastewater service including, but not limited to, sizing of collection and transmission lines, and peak capacity.

#### **C. Availability of Adequate Capacity**

Applications for Concurrency Determination shall be analyzed with respect to the availability of adequate wastewater capacity which shall be determined pursuant to the following information:

1. An inventory of all central wastewater systems serving the unincorporated area of the County, which includes, at a minimum, the following data for each system:
  - a. System capacity.
  - b. Historical average daily flow of treated wastewater.
  - c. Historical peak flow of treated wastewater.
  - d. Number of hook-ups and the estimated wastewater demand per hook-up.
  - e. Number of hook-ups for which contractual commitments have been made.
2. Project data pertaining to the proposed Development Permit under consideration which shall be provided by the Applicant, subject to verification by the County Utilities Department, Utilities Authority, municipal system, or privately owned wastewater treatment plant operator and which shall, at a minimum, contain the following:
  - a. The specific location of the Project, including the identification of the entity expected to provide service to the Project.
  - b. The proposed land Uses and land Use intensities.

- c. Total wastewater treatment demand and peak demand projected to be generated by the Proposed Development.
  - d. Project phasing information, if applicable.
3. Certification
- a. Projects within the Service Area of a Publicly-Owned Wastewater Treatment Plant
 

If the Project is within the service area of the County Utilities Department, the County Utilities Department shall certify that wastewater facilities are available at the Adopted LOS Standards, consistent with Section 11.03.06 of this Article. If the proposed service provider is other than the County Utilities Department, documentation shall be submitted by the provider indicating that the Project is within its service area and adequate capacity is available to serve the Project as proposed at the adopted LOS Standards. If the ability of a provider to serve a Proposed Development is contingent upon planned facility expansion, details regarding such planned improvements shall be submitted.
  - b. Projects Within the Service Area of a Privately-Owned Wastewater Treatment Facility
 

If the Project is within the service area of an individually-owned, community-owned or franchised wastewater system, the Applicant shall submit a letter and information from that entity verifying that adequate capacity is available to satisfy the demand for wastewater created by the proposed Development and to satisfy the Adopted Level of Service Standard for wastewater as identified in the Comprehensive Plan. Such information shall include, at a minimum, if applicable, the Florida Department of Environmental Protection Permit number issued pursuant to a completed Notice of Intent to Use General Permit for Wastewater Collection/Drinking Water Distribution System {Form No. 17-555.910(7)} and a copy of the latest applicable Operation and Maintenance Performance Report and, if applicable, Capacity Analysis Report prepared pursuant to Florida Administrative Code Chapter 17-600.405 or any successor regulation(s).
  - c. Projects Served by Septic Tanks or Package Treatment Plants
 

Projects served by septic tanks or package treatment plants shall comply with all applicable Permits or approvals from the St. Johns County Environmental Health Department or a Florida Department of Environmental Protection Package Sewer Treatment Plant Permit as appropriate.
4. Prior to the issuance of a Certificate of Occupancy by the County, the Applicant shall be required to provide evidence of the reservation of capacity through the payment of water and wastewater connection fees for publicly owned utilities or central system or a letter from a franchised utility verifying a Utility Agreement has

been executed. The Department of Environmental Protection Permit number shall be referenced as provided in Section 11.05.03.C.3(b).

D. Concurrency Analysis for Wastewater Facilities

Relying upon the data provided pursuant to Section 11.05.03.C. above, the Evaluating Department shall evaluate the impacts of the Proposed Development to determine whether the wastewater facilities within the service area of the Proposed Development have available capacity to accommodate the Proposed Development. In the event that the data described in Section 11.05.03.C. are not available in their entirety, the required data may be provided by the Applicant subject to verification by the Evaluating Department.

**Sec. 11.05.04 Parks / Open Space**

A. Level of Service (LOS) Standard

Consistent with the Recreation and Open Space Element and the Capital Improvements Element of the Comprehensive Plan, the following Adopted LOS Standards shall serve as the minimum criteria for determining whether available parks/open space acreage and recreation capacity exists.

1. For neighborhood parks, two (2) acres per 1,000 residents.
2. For community parks, three (3) acres per 1,000 residents.
3. For district parks, three (3) acres per 1,000 residents.
4. For regional parks/open space, twenty (20) acres per 1,000 residents.

B. Availability of Adequate Parks/Open Space Acreage

Adequate capacity of parks and recreational facilities shall apply only to Development Permits, or those portions of Development Permits, which propose residential Development. Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate parks/open space acreage which shall be determined pursuant to the following information:

1. An inventory of all parks and open space acreage, including undeveloped park land, owned by the County and including, at a minimum, the following data for each facility, to be developed by the County:
  - a. Type of park (i.e., Neighborhood, Community, District or Regional Park/Open Space).
  - b. The demand for park/open space acreage, calculated by multiplying the existing population by the Adopted LOS Standard for each park type.
  - c. The acreage of each park facility, by type.
2. Project data pertaining to the proposed Development Permit under consideration which shall be provided by the Applicant, subject to verification by the Evaluating Department and which shall, at a minimum, contain the following:

- a. The specific location of the Project.
- b. The total number of residential Dwelling Units proposed, by type.
- c. The total estimated residential population of the Proposed Development consistent with the average household size established by the Evaluating Department, based on latest census information or population estimates prepared by the University of Florida Bureau of Economic and Business Research.
- d. Project phasing information, if applicable.

C. Concurrency Analysis for Parks/Open Space Acreage

Relying upon the data provided pursuant to Section 11.05.04.B. above, the Evaluating Department shall evaluate the impacts of the Proposed Development to determine whether the park and open space acreage within the County have sufficient acreage to accommodate the Proposed Development. In the event that the data described in Section 11.05.04.B. are not available in their entirety, the required data may be provided by the Applicant subject to verification by the Evaluating Department.

**Sec. 11.05.05 Drainage**

A. Level of Service (LOS) Standard

Consistent with Level of Service policies of the Surface Water Management Sub-Element, and the Capital Improvements Element of the Comprehensive Plan, the following Adopted LOS Standards shall serve as the minimum criteria for determining whether available drainage capacity exists:

- 1. Projects shall be required to construct a complete drainage system sufficient to mitigate the impacts of a 10-year, 24-hour design rainfall event using the Soil Conservation Service type 2 modified rainfall curves.
- 2. Post Development runoff shall not exceed pre-Development runoff unless a maximum discharge rate has been adopted for the applicable drainage basin and the discharge does not exceed that rate. If a maximum discharge rate has not been adopted for the applicable drainage basin, post Development discharge may not exceed pre-Development discharge.

B. Availability of Adequate Capacity

Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate stormwater management system capacity which shall be determined pursuant to the following information:

- 1. Project data pertaining to the proposed Development Permit under consideration which shall be provided by the Applicant, consistent with the provisions of Article VI this Code.

2. Project phasing information, if applicable.

C. Concurrency Analysis for Drainage Facilities

Relying upon the data provided under Section 11.05.05.B. above, the Evaluating Department shall evaluate the impacts of the Project to determine whether the drainage facilities within the service area of the Project have available capacity to accommodate the Project.

**Sec. 11.05.06 Solid Waste**

A. Level of Service (LOS) Standard

Consistent with the Capital Improvements Element of the Comprehensive Plan, the following Adopted LOS Standard shall serve as the minimum criteria for determining whether available solid waste collection and disposal capacity exists:

1. The ability of the County to provide facilities sufficient to accommodate 4 pounds of solid waste per capita per day.

B. Availability of Adequate Capacity

Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate solid waste collection and disposal system capacity which shall be determined pursuant to the following information:

1. Documentation prepared by the Evaluating Department projecting annual usage rates of solid waste disposal through the expected life of the County Solid Waste Complex, using population projections consistent with those developed by the University of Florida Bureau of Economic and Business Research.

2. Project data pertaining to the proposed Development Permit under consideration which shall be provided by the Applicant, subject to verification by the Evaluating Department, in sufficient detail to determine the annual impact of the Project on the solid waste facilities, including at a minimum:

a. The number and type of residential Dwelling Units proposed and the estimated generation of solid waste from such units.

b. The type and intensity of non-residential Uses and the estimated generation of solid waste from such Uses.

c. Project phasing information, if applicable.

C. Concurrency Analysis for Landfill Capacity

Relying upon the data provided pursuant to Section 11.05.06.B. above, the Evaluating Department shall annually prepare a statement that available landfill capacity exists to meet existing and projected solid waste disposal requirements through the activation date of the County Solid Waste Complex. This statement will serve as the finding of concurrency for all Final Development Permits issued during the subsequent year.

### **Sec. 11.05.07 Mass Transit**

#### **A. Level of Service (LOS) Standard**

Consistent with the Mass Transit Element, and the Capital Facilities Element of the Comprehensive Plan, the following Adopted LOS Standard shall serve as the minimum criteria for determining whether available capacity exists. This LOS standard shall apply only to residential Projects.

The ability of the County to provide transportation disadvantaged services sufficient to accommodate 95,000 passenger trips per year.

#### **B. Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate mass transit facility capacity which shall be determined by analyzing Project data pertaining to the proposed Project provided by the Applicant, subject to verification by the Evaluating Department in sufficient detail to determine the annual impact of the Project on mass transit facilities, including, at a minimum:**

1. The number of persons within the Project expected to utilize transportation disadvantaged services.
2. The number of transit vehicles providing service to the transportation disadvantaged within the County.
3. The number of seats for each transit vehicle owned and operated by the transportation disadvantaged services provider.

#### **C. Concurrency Analysis for Transportation Disadvantaged Services**

Relying upon the data provided pursuant to Section 11.05.07.B. above, the Evaluating Department shall evaluate the impacts of the Project to determine whether the transportation disadvantaged services within the service area of the Project have available capacity to accommodate the Project, taking into consideration the number of transit vehicles within the County; the seating capacity of individual transit vehicles; the maximum number of daily and yearly passenger trips made by each vehicle, and the number of persons expected to utilize transportation disadvantaged services which shall be determined by multiplying the current unincorporated County population by 0.015.

### **Sec. 11.05.08 Public Schools**

#### **A. Level of Service (LOS) Standard**

Consistent with the Public School Facilities Element and the Capital Improvements Element of the Comprehensive Plan, the following Adopted LOS Standard shall serve as the minimum criteria for determining whether available public school capacity exists within a School Concurrency Service Area. This LOS standard shall apply only to residential Projects.

The districtwide level of service standards are initially set as the 100% of the Permanent Florida Inventory of School House (FISH) Capacity based on the utilization rate as established by the State Requirements for Educational Facilities (SREF), effective August

2005.

Leased Relocatables shall be utilized to maintain the LOS on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables shall not exceed 20% of the Permanent FISH capacity and shall not be used for a period to exceed five years. Relocatables may also be used to accommodate special education programs as required by law.

It is the intent of the School District that new schools be designed and constructed based on the following design capacities:

New Elementary (K-5)	Design Capacity of 700
New Middle (6-8)	Design Capacity of 1000
New K-8	Design Capacity of 1000
New High (9-12)	Design Capacity of 1500

B. Data Requirements and Concurrency Evaluation

The concurrency evaluation shall be performed in accordance with Section 11.03.07 of this Article pursuant to the Application for School Concurrency filed with the St. Johns County School District. The Application for School Concurrency submitted to the School District shall be submitted simultaneously with the Application for Concurrency Determination to be submitted to the County such that neither the Application for Concurrency Determination submitted to the County nor the Application for School Concurrency submitted to the School District can be processed unless the other has also been submitted.

C. Concurrency Analysis for Public School Facilities

Adequate capacity of public schools shall apply only to Development Permits, or those portions of Development Permits, which propose residential Development. Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate public school facility capacity by the St. Johns County School District:

1. The number of school age children within the Project expected to utilize public school facilities.
2. The availability of capacity in the applicable school concurrency service area for each level of school.
3. The availability of capacity in the adjacent school concurrency service area for each level of school.

## **PART 11.06.00 APPEALS**

### **Sec. 11.06.01 General Requirements**

An Applicant for a Final Certificate of Concurrency or an “adversely affected person” as defined in Section 9.07.01 of this Code may file an Appeal with the Board of County Commissioners of any decision made by the County Administrator within thirty (30) days from the date the action was taken.

#### **A. Form**

The Appellant shall file the appeal on a form established for such purpose by the County Administrator.

#### **B. Additional Information**

Nothing herein shall be construed as a limitation on the authority of the County Administrator or the Board of County Commissioners to require additional relevant information to be provided by the Appellant.

### **Sec. 11.06.02 Grounds for Appeal to the Board of County Commissioners**

An Appeal may be taken to the Board of County Commissioners in a de novo hearing only where the Appellant claims that the Criteria for evaluating the impact of the proposed Project on Public Facilities and Services as set forth in Part 11.03.00 and Part 11.05.00 of this Article were incorrectly applied, that the denial of a Final Certificate of Concurrency was based upon incorrect data, or where the Appellant claims that the application of the Concurrency Management Article to the Project would result in a taking of private property without lawful compensation. The filing of an Appeal on the basis of one of the grounds for Appeal set forth herein shall not preclude the consideration of any additional grounds for Appeal as prescribed in this Section.

### **Sec. 11.06.03 Completeness of Application**

Within ten (10) working days after initial submission of an Appeal, the County Administrator shall determine whether it is complete and shall so notify the Appellant in writing.

#### **A. Complete Application for Appeal**

If the Appeal is determined to be complete, the County Administrator shall schedule the Appeal for consideration by the Board of County Commissioners.

#### **B. Incomplete Application for Appeal**

If the Appeal is determined to be incomplete, written notice shall be sent by the County Administrator to the Appellant identifying all additional or revised information required, which shall be submitted by the Appellant within sixty (60) calendar days from the date of mailing of the notice. Within ten (10) working days after receipt of such additional information, the County Administrator shall determine whether the additional information submitted by the Appellant allows for a determination of completeness.



If then determined to be complete, the County Administrator shall so notify the Appellant and shall schedule the Appeal for a hearing by the Board of County Commissioners. If still determined to be incomplete, the County Administrator shall send notice in writing to the Appellant indicating whether initially required information has not yet been provided or whether the additional information provided has raised additional questions. The Appellant may, within thirty (30) calendar days from the date of mailing of the notice, elect to submit additional information and/or respond to questions, or request in writing that the appeal be submitted to the Board of County Commissioners. If the Appellant chooses to submit additional information, the County Administrator shall review the information for completeness within ten (10) working days after receipt of the additional information and then schedule the Appeal for a hearing by the Board of County Commissioners. If the Appellant chooses to submit the Appeal to the Board of County Commissioners, the County Administrator shall schedule the Appeal for a hearing by the Board of County Commissioners.

#### **Sec. 11.06.04 Decision of the Board of County Commissioners**

The Board of County Commissioners shall approve in whole or in part or deny the Appeal based upon the criteria set forth in this Article and, if applicable, the report of the County Attorney; or the Board of County Commissioners may postpone the matter for submission of additional information. If the matter is postponed for the submission of additional information, the Appellant shall have sixty (60) calendar days from the date of postponement to submit all additional or revised information specified by the County Attorney. If the Appeal claims that the Appellant's property has been taken, the County Attorney shall consider the criteria set forth in Section 11.06.06 of this Article and shall issue a written recommendation to the Board of County Commissioners within fifteen (15) working days of the date complete information, as determined by the Board of County Commissioners, has been submitted. A Decision shall be made by the Board of County Commissioners within the later of thirty (30) working days of the hearing or the issuance of the report of the County Attorney. The Decision of the Board of County Commissioners shall be in writing, shall contain findings of fact and conclusions of law, and shall refer specifically to the Property or portion of Property to which it applies. The Decision may contain reasonable conditions necessary to effect the purposes of this Article and the Concurrency Requirements of the Plan. The Decision shall be filed with the County Administrator and a copy shall be provided to the Appellant. The Decision of the Board of County Commissioners shall be considered final for purposes of judicial appeal. Review of the Decision or Order of the Board of County Commissioners shall be initiated by filing a petition for writ of certiorari with the Clerk of Courts in accordance with applicable Rules of Appellate Procedures.

#### **Sec. 11.06.05 Application of Concurrency Management System Criteria**

If the grounds for Appeal are that the criteria for evaluating the impact of the Project on Public Facilities and Services as set forth in Part 11.03.00 and Part 11.05.00 of this Article were incorrectly applied, or that the denial of a Final Certificate of Concurrency was based upon incorrect data, the Board of County Commissioners shall consider only the concurrency report and the reports of the Evaluating Departments and no additional evidence may be considered or received.

#### **Sec. 11.06.06 Takings**

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

In acting upon an Appeal claiming that the denial of a Final Certificate of Concurrency or conditional approval of a Final Certificate of Concurrency would result in a taking of private property without lawful compensation, the Board of County Commissioners shall consider the concurrency report, the reports of the Evaluating Departments, the standards specified in this Article or in the Comprehensive Plan, and other relevant evidence, and shall determine whether the enforcement of the Concurrency Management Article would result in a taking of private property in violation of the federal and Florida Constitutions. In making its determination, the County Attorney and the Board of County Commissioners may consider all relevant state and federal case law concerning regulatory takings.

- B. Any Appellant challenging a Decision, determination or result made under this Article as a temporary or permanent taking of private property must exhaust the Appeal process provided by this Section and any other subsequently enacted administrative procedures for Appeal or relief before proceeding with judicial review.

#### **Sec. 11.06.07 Vested Rights or Exemptions**

This Part shall not apply to any claim based upon vested rights, equitable estoppel, or an exemption from this Concurrency Management System (Article XI). All such claims shall be processed and determined in accordance with the Concurrency Exemptions provisions of Part 11.08.00 of this Article.

## **PART 11.07.00 DEVELOPMENT AGREEMENTS**

The County may, but under no circumstances is it required to, enter into a Development Agreement as authorized by Sections 163.3220 through 163.3243 F.S., as amended, which ensure that adequate Public Facilities and Services will be available concurrent with the impacts of a proposed development. The County Administrator shall, with the consultation of the Appropriate Departments, review and recommend approval, approval with changes, or denial to the Board of County Commissioners. No Development Agreement may be entered into by the County unless the Public Facilities and Services to be constructed by the Developer pursuant thereto are secured and guaranteed by such security as approved by the County Administrator and the Clerk of Courts as appropriate. Any funds or contributions received by the County pursuant to a Development Agreement shall be applied towards or spent solely on the Projects specified in the Development Agreement. Notwithstanding anything to the contrary contained in this Article, a Development Agreement may allow development to proceed notwithstanding failure of the developer to satisfy transportation concurrency when all of the requirements of Section 11.03.06.C.6. of this Article are met.

## **PART 11.08.00 CONCURRENCY EXEMPTIONS**

### **Sec. 11.08.01 Applicability**

This Part shall apply to all claims of exemption from, or vested rights or equitable estoppel as to ordinances and regulations adopted pursuant to the Objectives of the Capital Improvements Element of the Comprehensive Plan. This Part shall apply to the unincorporated area of St. Johns County only. This Part is not intended to apply to claims by property owners that the Comprehensive Plan or Land Development Regulations constitute a taking of property for which compensation is due. However, if a property owner bases a taking claim in part or completely on facts that relate to the administrative process for or standards applicable to a Concurrency Exemption Determination, the owner must avail himself of the procedures set forth in this Part prior to bringing any claim for an unconstitutional taking.

### **Sec. 11.08.02 Purpose**

The purposes of this Part are: (1) to expedite the process of concurrency review by identifying types of Development which shall be categorically exempt from the concurrency requirements of the St. Johns County Comprehensive Plan and implementing Parts; (2) to prevent the waste of public resources that would result from processing applications for Certificates of Concurrency for Projects with vested rights and for Projects as to which the County is equitably estopped from applying the provisions of Part 11.00.00 through Part 11.07.00; and (3) to provide a procedure for identifying, processing and estimating the impacts of exempt Projects on the capacity of public facilities and services.

### **Sec. 11.08.03 School Concurrency Exemptions**

The following residential development shall be considered exempt from the school concurrency requirements of this Article:

- A. Developments of Regional Impact (DRIs) for which a development order has been issued prior to the effective date of SB 360 or for which a development of regional impact application was submitted prior to May 1, 2005.
- B. Single family lots of record existing prior to the effective date of the Public School Facilities Element of the St. Johns County Comprehensive Plan (PSFE).
- C. Any residential development that has site plan, final subdivision approval, or the functional equivalent prior to the effective date of the PSFE, but only to the extent of the number of residential units that had such approval prior to the effective date of the PSFE.
- D. Amendments to residential development approvals, which have received site plan, final subdivision approval, or the functional equivalent prior to the effective date of the PSFE, and which do not increase the number of residential units or change the type of residential units proposed.
- E. Age restricted development that are subject to deed restrictions prohibiting the permanent occupancy of residents under the age of eighteen (18). Such deed restrictions must be recorded and must be irrevocable for a period of at least thirty (30) years.

- F. Group quarters including residential type of facilities such as local jails, prisons, hospitals, nursing homes, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses, firehouse dorms, college dorms exclusive of married student housing, and religious non-youth facilities.

#### **Sec. 11.08.04 Categorical Exemptions**

Upon request, the County Administrator will issue a Concurrency Exemption Determination for categorically exempt Projects. The following are categorically exempt from Part 11.00.00 through Part 11.07.00 of this Article:

- A. Subdivisions that have been approved by the Board of County Commissioners and recorded prior to June 19, 1978, as defined in Article XVI, the grandfather clause of the Residential Subdivision Regulations for St. Johns County, Florida, Ordinance No. 78-38, as amended.
- B. Subdivisions that have received final plat approval by the Board of County Commissioners pursuant to Section 72.0 of the Residential Subdivision Regulations for St. Johns County, Florida, Ordinance No. 78-38, prior to March 4, 1991, the effective date of the Concurrency Management Ordinance.
- C. Planned Special Developments and portions of Planned Unit Developments that have received Final Development Plan approval by the Board of County Commissioners prior to March 4, 1991.
- D. Projects with Final Local Development Permits issued prior to March 4, 1991.
- E. Projects or parts of Projects within and consistent with current valid Development Orders for Developments of Regional Impact issued pursuant to Section 380.06, F.S., prior to September 14, 1990 including:
  - 1. Projects with binding letters of interpretation from the Florida Department of Community Affairs pursuant to Section 380.06(20), F.S., specifying that the Project has vested rights.
  - 2. Projects for which Development has been authorized by a preliminary Development Agreement entered into pursuant to Section 380.06(8), F.S.
  - 3. Projects with local government Development Orders issued pursuant to Section 380.06(6), F.S.
  - 4. Projects with incremental Development Orders issued pursuant to Section 380.06 (21)(b), F.S., and within a Master Development Order.
  - 5. Development of Regional Impact Projects or parts of DRI Projects with only the following authorizations **shall not be categorically exempt**: a written agreement with the Northeast Florida Regional Council entered into pursuant to a pre-application conference; a recommendation and regional report submitted by the Northeast Florida Regional Council, including the recommendations submitted by other agencies as a part of the regional report during the local government review process under Section 380.06, F.S.; or a master Development Order issued

pursuant to Section 380.06(21), F.S., without incremental Development Orders.

### **Sec. 11.08.05 Concurrency Exemption Determination**

#### Necessity for Application

All Projects other than those previously granted a Concurrency Exemption Determination or which are categorically exempt shall be subject Part 11.00.00 through Part 11.07.00 of this Article.

### **Sec. 11.08.06 Criteria for Issuance of Concurrency Exemption Determination**

#### A. Modification of Exempt Projects

A Concurrency Exemption Determination may be granted for Projects or parts of Projects which are modifications of Categorically Exempt Projects or Projects with existing Concurrency Exemption Determinations regardless of whether the modifications are minor, major, or substantial deviations so long as the modification does not increase the impacts of the Project on Public Facilities and Services or alter the location or timing of those impacts in a way that would result in the projected operating Levels of Service being reduced below the projected operating Level of Service without the modification, or in any way that would impact on any Public Facility or Service that was not previously impacted.

#### B. Other Grounds for Concurrency Exemption

A Concurrency Exemption Determination may be granted, absent a determination of vested rights and/or equitable estoppel pursuant to Section 11.08.06.A, above, if the Applicant demonstrates:

1. Prior Development approvals granted by the County were subject to a thorough analysis of the impacts of the proposed Project on the applicable public facilities.
2. Public facility conditions have not changed substantially since the issuance of the prior Development approvals, or that the impacts on applicable public facilities have been specifically addressed in the Comprehensive Plan and the Five Year Capital Improvements Program or that the prior Development approvals have been expressly conditioned upon assuring concurrency.
3. Such conditions make it unnecessary or unreasonable to apply Part 11.00.00 through Part 11.07.00 of this Article.

### **Sec. 11.08.07 Effect of Concurrency Exemption Determinations**

- A. Issuance of a Concurrency Exemption Determination shall relieve the Applicant from being subject to the provisions of Part 11.00.00 through Part 11.07.00 of this Article provided, however, that the proposed Project shall be subject to all governmental requirements relating to availability and adequacy of public facilities which were in effect prior to March 4, 1991, the effective date of the Concurrency Management Ordinance.
- B. A Concurrency Exemption Determination shall have no effect on other applicable governmental requirements.

C. Duration

1. Categorical Exemptions

- a. Subdivisions that were recorded prior to June 19, 1978 shall not be subject to Part 11.00.00 through Part 11.07.00 of this Article.
- b. Subdivisions that have received final plat approval by the Board of County Commissioners prior to March 4, 1991, shall not be subject to Part 11.00.00 through Part 11.07.00 of this Article.
- c. The categorical exemptions for Planned Special Developments and portions of Planned Unit Developments that have received Final Development Plan Approval by the Board of County Commissioners prior to March 4, 1991 shall be extended for one additional year through October 30, 1997. A Construction status report shall be submitted by May 1, 1997 and annually thereafter through build out. The report shall be examined to determine whether that Development has commenced and is continuing in good faith and is consistent with its phasing schedule. Those Developments or portions of Developments which have not commenced, or continued physical Construction in the reporting year, or have failed to receive a Final Development Plan, plat, or Building Permit, or are not developing in good faith and according to the phasing schedule shall be subject to Part 11.00.00 through Part 11.07.00 of this Article.
- d. Projects with Final Local Development Orders issued prior to March 4, 1991 shall not be subject Part 11.00.00 through Part 11.01.00 of this Article unless physical Construction has not commenced. If physical Construction has not commenced, the Project shall be subject to Part 11.00.00 through Part 11.07.00 of this Article. (Final Local Development Order is defined as a currently valid Building Permit issued by the County Building Department).
- e. Projects or parts of Projects within and consistent with current valid Development Orders for Developments of Regional Impact issued prior to September 14, 1990 shall not be subject to Part 11.00.00 through Part 11.07.00 of this Article except as otherwise allowed by Florida law and County ordinance. Substantial Deviations as defined by 380.06(19) F.S. shall be subject to Part 11.00.00 through Part 11.07.00 of this Article to the extent allowed by Florida law and County ordinance.
- f. Appeal

A determination by the Growth Management Director of a Development's failure to otherwise obtain vesting in order to continue Development without meeting the requirements of concurrency may be Appealed to the County Administrator. The County Administrator may grant such vesting upon a determination that the Project qualifies for an exemption under this Article or the Project qualified for common law vesting. The County Administrator may grant an extension of time to file the required annual report upon a showing by the Applicant, or successor, that strict enforcement would

cause undue hardship because of circumstances beyond the Applicant's or successor's control. Requests for extension shall be submitted to the Growth Management Director thirty (30) days prior to the due date for the annual report.

## 2. Concurrency Exemption Determinations

a. The exemptions for Projects which have received Concurrency Exemption Determinations through December 31, 1995, and which have not built out, and which have been extended by the Board of County Commissioners through October 30, 1996 shall be extended through October 30, 1997. A Construction status report shall be submitted by May 1, 1997 and annually thereafter through build out. The report shall be examined to determine whether Development has commenced and is continuing in good faith and is consistent with its phasing schedule. Subject to this paragraph, after October 30, 1997 those Projects or portions of Projects which have not commenced physical Construction or have failed to receive a Final Development Plan, plat, or Building Permit, or are not developing in good faith and according to their phasing schedules, shall be subject to Part 11.00.00 through Part 11.07.00 of this Article.

b. For Projects which received Concurrency Exemption Determinations in 1996, a Construction status report shall be submitted by May 1, 1998 and annually thereafter until build out. The report shall be examined to determine whether Development has commenced and is continuing in good faith, and is consistent with its phasing schedule. Subject to this paragraph, after May 1, 1998, those Projects or portions of the Projects which have not commenced physical Construction or have failed to receive a Final Development Plan, plat, or Building Permit, or are not developing in good faith and according to their phasing schedules, shall be subject to Part 11.00.00 through Part 11.07.00 of this Article.

### c. Appeal

A determination by the Growth Management Director of a Development's failure to otherwise obtain vesting in order to continue Development without meeting the requirements of concurrency may be Appealed to the County Administrator. The County Administrator may grant such vesting upon a determination that the Project qualifies for an exemption under this Article or the Project qualified for common law vesting. In addition, the Growth Management Director may grant an extension of time to file the required annual report upon a showing by the Applicant, or successor, that strict enforcement would cause undue hardship because of circumstances beyond the Applicant's or successor's control. Requests for extensions shall be submitted to the Growth Management Director thirty (30) days prior to the due date for the annual report.

## D. Sale of Lots or Parcels

Nothing herein shall preclude the sale of a Parcel with a Concurrency Exemption Determination. A successor in interest shall have all the rights and responsibilities resulting from, and shall be bound by, the Concurrency Exemption Determination.



E. Amendment of Development Orders

The Concurrency Exemption Determination shall not be construed as a limitation on the ability of the Owner or a successor in interest to seek an amendment of a Development Order; provided, however, that any increased impact resulting from such amendment may be subject to Part 11.00.00 through Part 11.07.00 of this Article.

F. Geographic Scope

The Concurrency Exemption Determination shall apply only to the particular Parcel(s) for which application was made. In the case of Developments of Regional Impact with preliminary Development Agreements, the exemption shall extend only to the preliminary Development area identified in the agreement, and shall not extend to areas that are not included within the preliminary Development area.

G. Reconsideration/Revocation of Concurrency Exemption Determination

A Concurrency Exemption Determination may be reconsidered and revoked by the County Administrator notwithstanding any other provision of this Part, if the County Administrator determines that the decision on the Concurrency Exemption Determination was based on materially inaccurate or incomplete information and that correct and complete information was reasonably obtainable by the Applicant.

## **PART 11.09.00 PROPORTIONATE FAIR SHARE PROGRAM**

### **Sec. 11.09.01 Purpose and Intent**

The purpose of this Part is to establish a method whereby the impacts of Development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair Share Program, as required by and in a manner consistent with Chapter 163.3180, F.S.

### **Sec. 11.09.02 Findings**

The Board of County Commissioners finds and determines that transportation capacity is a commodity that has a value to both the public and private sector and that the County's Proportionate Fair Share Program:

- A. Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;
- B. Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair share of the cost of a transportation facility,
- C. Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion;
- D. Maximizes the use of both private and public funds for the provision of adequate transportation facilities to serve future growth. This may, in certain circumstances, allow the County to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the Capital Improvements Element,
- E. Is consistent with Chapter 163.3180, F.S. and supports the objectives and policies in the County's Comprehensive Plan.

### **Sec. 11.09.03 Applicability**

The Proportionate Fair Share Program may apply to all residential Developments in the County that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the County's Concurrency Management System, except for Developments of Regional Impact (DRI) using proportionate share under Chapter 163.3180, F.S., and Developments exempted from concurrency as provided in Part 11.08.00, Concurrency Exemptions.

The Proportionate Fair Share Program is intended to apply to roadway link deficiencies. If an intersection deficiency was identified in the concurrency denial determination and the improvements required to remedy that insufficiency can be incorporated into a link improvement for which a proportionate fair share is being calculated under Section 11.09.06, then the costs and proportionate fair share may be included in the link improvement and proportionate fair share calculation as defined in Section 11.09.06. The Proportionate Fair Share Program does not apply to minor intersection improvements such as signal retiming, installing traffic signals and constructing turn lanes required to remedy a deficiency that are not part of a roadway link

proportionate fair share as defined in Section 11.09.06. The County Administrator may consider and approve major intersection improvements such as grade separations, interchanges and through movement capacity improvements as eligible for the Proportionate Fair Share Program.

#### **Sec. 11.09.04 General Requirements**

A. An Applicant whose project meets the criteria of Section 11.09.03 may choose to satisfy the transportation concurrency requirements of the County by making a proportionate fair share contribution, pursuant to the following requirements:

1. The proposed Development is consistent with the comprehensive plan and applicable land development regulations.
  - a. For proposed Developments that are not consistent with the comprehensive plan and apply for a comprehensive plan amendment, Applicants may apply for the Proportionate Fair Share Program concurrent with the comprehensive plan amendment review process. The proportionate fair share agreement shall comply with the requirements as established herein. Applicants submitting proportionate fair share agreements with comprehensive plan amendments shall not pay the proportionate fair share amount until the comprehensive plan amendment is approved. The Applicant shall be required to finalize the proportionate fair share process as part of the actual application for concurrency and may be required to revise the proportionate fair share agreement based upon the final concurrency determination and review of the Proportionate Fair Share Program requirements.
2. The County Administrator has determined that years four and five of the Five-Year Schedule of Capital Improvements in the County's Capital Improvements Element (CIE) or an adopted long-term schedule of capital improvements for a long-term concurrency management system includes funding through construction completion for one or more transportation improvements that, upon completion, will satisfy the requirements of the County transportation Concurrency Management System for those transportation facilities upon which the transportation concurrency denial was based.
3. The proportionate fair share obligation shall be calculated according to the formula established in Chapter 163.3180, F.S. and Section 11.06.06. The County Administrator shall exercise final approval of the improvement to which the fair share payment shall be applied.

Notwithstanding the above requirements, upon recommendation by the County Administrator and finding by the Board of County Commissioners that the proposed project compromises public health, safety or welfare, proportionate fair share eligibility may be denied.

B. The County may choose to allow an Applicant to satisfy transportation concurrency deficiencies through the Proportionate Fair Share Program by the Developer contributing to an improvement or improvements that, upon completion, will create sufficient capacity to accommodate the additional traffic generated by the proposed Development if the

required improvements are not contained in the Five-Year Schedule of Capital Improvements in the County's adopted CIE or an adopted long-term schedule of capital improvements for a long-term concurrency management system, providing that:

1. The Board of County Commissioners holds an advertised public hearing to consider the proportionate fair share agreement and corresponding future changes to the adopted Five-Year Schedule of Capital Improvements in the County's CIE, and
  2. The County adopts, by Ordinance, a commitment to add the improvement(s) to the Five-Year Schedule of Capital Improvements in the County's CIE no later than the next regularly scheduled update and to complete the improvement(s) within a specified timeframe not to exceed ten years. To qualify for consideration under this section, the proposed improvement(s) must be reviewed by the County Administrator and determined to:
    - a. Either provide improvement(s) to each of the facilities upon which transportation concurrency was denied or to other facilities demonstrated to provide relief to the facilities upon which transportation concurrency was denied ; and
    - b. Be financially feasible pursuant to Chapter 163.3180, F.S., consistent with the Comprehensive Plan and in compliance with the provisions of this ordinance. Financial feasibility for this section means that additional contributions, payments or revenue sources to fund the improvement project(s) are reasonably anticipated during a period not to exceed 10 years.
    - c. The Five-Year Schedule of Capital Improvements shall be reviewed annually and updated as necessary to reflect proportionate fair share contributions.
    - d. The County is responsible for funding all capital improvements in the adopted Five-Year Schedule of Capital Improvements for which proportionate fair share payments are collected for specific roadway capacity improvements.
- C. If the funds allocated for the adopted Five-Year Schedule of Capital Improvements in the County's CIE are insufficient to fully fund construction of a transportation improvement identified as needed to satisfy the deficiencies identified from the concurrency denial of the development, the County may still enter into a binding proportionate fair share agreement with the Applicant authorizing construction of that amount of development on which the proportionate fair share is calculated if the proportionate fair share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities (County Administrator or FDOT District Secretary or his/her designee), significantly benefit the impacted transportation system, providing that:
1. The Board of County Commissioners holds an advertised public hearing to consider the proportionate fair share agreement and corresponding future changes to the adopted Five-Year Schedule of Capital Improvements in the

County's CIE; and

2. The improvement or improvements funded by the proportionate fair share agreement must be adopted into the Five-Year Schedule of Capital Improvements of the CIE of the comprehensive plan at the next annual capital improvements element update; and
3. The Applicant agrees to construct and/or fully fund all costs of the improvement(s) proposed as mitigation for the project impacts at the option of the County. The County may, but shall not be obligated to, accept funding of all costs of the improvement(s) proposed as mitigation for the project impacts. Any improvement project(s) proposed to meet an Applicant's proportionate fair share obligation must meet design standards of the County for locally maintained roadways or those of the Florida Department of Transportation (FDOT) for the State Highway System.

### **Sec. 11.09.05 Application Process**

- A. Upon notification of a failure to satisfy transportation concurrency, Applicants shall be notified in writing whether they may be eligible to satisfy transportation concurrency through a proportionate fair share contribution. Applicants shall submit to the County an Initial Determination request in writing within 30 days of the receipt of the denial determination indicating their desire to enter into a proportionate fair share agreement and requesting a pre-application meeting. The applicant may proceed to proportionate fair share mitigation bypassing the Initial Determination process after a denial determination is issued, and therefore, waive the right to appeal the denial determination.
- B. Prior to submitting an application for a proportionate fair share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on a State Road, then the Florida Department of Transportation (FDOT) may as appropriate be notified and invited to participate in the pre-application meeting or submit comments regarding the provisions of the proportionate fair share agreement.
- C. Proportionate Fair Share Agreements shall follow the procedures in Section 3.10 Proportionate Fair Share Agreements of the St. Johns County Development Review Manual.

### **Sec. 11.09.06 Determining Proportionate Fair Share Obligation**

- A. Proportionate fair share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
- B. A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
- C. The proportionate fair-share mitigation that is payable by the Applicant shall be determined per segment for each improvement needed to achieve an acceptable level-of-service on facilities for which transportation concurrency was denied and calculated as provided for in 163.3180 F. S., as follows:

“The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete buildout of a stage or phase being approved (including the cumulative impacts of prior approvals from the same development), divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. “

OR

Proportionate Share =  $\sum [((\text{Total Development Trips}_i) / (\text{SV Increase}_i))] \times \text{Cost}_i ]$

(Note: This is the sum of all necessary improvements.)

Where:

Total Development Trips<sub>i</sub> = Total PM peak hour trips from the development that are assigned to roadway segment i including cumulative impacts from prior phases of the same development.

The total development trips on a segment may exclude project trips for previous phases of a project if:

1. A Final Certificate of Concurrency was issued for that phase of development prior to the effective date of the Proportionate Fair Share Agreement, and
2. The project trips for the previously approved phase(s) significantly impacted the segment and were reserved in the concurrency management system on the roadway segment.

SV Increase<sub>i</sub> = Service volume increase provided by the improvement necessary to maintain the adopted level of service on roadway segment i. Service volume increase shall be determined using maximum services volumes at the level of service standard for before and after proposed improvement from the appropriate Generalized Peak Hour Two-Way Volume Tables from the most recent release of the FDOT *Quality/Level of Service Handbook* or an alternative methodology approved by the County Administrator. The service volume increase shall be based on interrupted flow service volumes unless the facility is a limited access facility or the County Administrator determines that the roadway presently and is projected to meet the uninterrupted flow definition in the most recent release of the FDOT *Quality/Level of Service Handbook*.

Cost<sub>i</sub> = Adjusted cost of the improvement to segment i.

Cost shall include all improvements and associated costs, such as design, land acquisition, planning, engineering, permitting, inspection, associated physical development costs directly associated with construction including utilities and project financing. For the purposes of determining proportionate share obligations, the County shall determine improvement costs based upon the actual cost of the improvement as obtained from the County's Capital Improvements Program or Florida Department of Transportation Work Program. If a project is not included in the County's Capital Improvements Program or FDOT Work Program, then improvement costs may be determined using one of the following methods:

1. A cost estimate from a previously approved Proportionate Fair Share Agreement

completed within the previous twelve months.

2. The Applicant shall prepare and submit with the application a certified and sealed engineer’s cost estimate based on a preliminary design of the proposed improvements sufficient to quantify all costs as noted above and the amount of right-of-way required for the improvement including a statement of the number of residential structures and businesses anticipated to require relocation. The cost estimate for all costs exclusive of right-of-way shall be approved by the County Engineering Division prior to calculation of the proportionate fair share obligation. Right-of-way costs shall be approved by the County Real Estate Division prior to calculation of the proportionate fair share obligation. The final cost estimate shall then be adjusted to the projected construction year based on the following formula using growth rates calculated from the most recent three years Annual Average Construction Cost Index as published by the Engineering News-Record or other inflation adjustment procedure approved by the County Administrator:

$$\text{Cost}_n = \text{Cost}_0 \times (\text{Cost\_growth}_{3\text{yr}})^n$$

Where:

- Cost<sub>n</sub> = The cost of the improvements in year n;
  - Cost<sub>0</sub> = The cost of the improvement in the current year;
  - Cost\_growth<sub>3yr</sub> = The growth rate of costs over the last 3 years;
  - n = The number of years until the improvement is constructed.
- The three-year growth rate is determined by the following formula:

$$\text{Cost\_growth}_{3\text{yr}} = [\text{Cost\_growth}_{-1} + \text{Cost\_growth}_{-2} + \text{Cost\_growth}_{-3}]/3$$

Where:

- Cost\_growth<sub>3yr</sub> = The growth rate of costs over the last 3 years;
- Cost\_growth<sub>-1</sub> = The growth rate of costs in the previous year;
- Cost\_growth<sub>-2</sub> = The growth rate of costs two years prior;
- Cost\_growth<sub>-3</sub> = The growth rate of costs three years prior.

If through the approval of a previous phase of a Development, a proportionate fair share obligation pursuant to this program was required on a roadway segment and that obligation was satisfied, the trips mitigated by that phase of Development may be subtracted from the total trips on the same roadway segment for future phases of the same development.

- D. If the County has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using the methods provided in Section 11.09.06 C.
  1. If the estimated value of a proportionate fair share improvement proposed by the applicant is less than the County’s estimated total proportionate fair share obligation for that development, then the applicant must also pay the difference in the form of a Monetary Payment or an equivalent improvement. Monetary Payment is the equivalent of cash, check, money order, or certified check.
  2. Where an Applicant constructs a transportation facility that exceeds the Applicant’s proportionate fair share obligation calculated under Section 11.09.06 C, then the

County may reimburse the Applicant for the excess contribution using proportionate fair share payments from other future Applicants for that specific scheduled CIE improvement and/or through some other means acceptable to the County and the Applicant. The refund shall not be conveyed until after construction of the transportation facility is completed and accepted by the County or State, whichever is applicable. In order to be eligible for a refund utilizing state-generated revenue, such as, but not limited to, gas tax proceeds, the Applicant's acquisition of consulting and contractor services for the design, permitting and construction of the transportation improvement must comply with state law requirements. Eligibility for a refund utilizing local sources of revenue, including but not limited to, impact fee credits and payments by future Applicants, shall be as determined by the County in negotiation with the Applicant. The Applicant must also provide the County with sufficient documentation (i.e. contract documents, invoices, etc.) to demonstrate the actual construction cost of the transportation improvement to the satisfaction of the County Administrator in order to receive a refund. This agreement may include a time limit for reimbursement. The service volume increase provided by the improvement shall not be added to the concurrency management system until the reimbursement amount is received or the reimbursement period ends, whichever comes first, and shall only be available to Applicants contributing a proportionate fair share payment toward the improvement during the reimbursement period.

- E. If the County has accepted right-of-way dedication for all or part of the proportionate fair share payment, credit for the dedication of the non-site related right-of-way shall be established by an independent appraisal report prepared by an appraiser with an MAI designation at no expense to the County. If the value of the proposed right-of-way dedication is \$500,000 or more, a second appraisal will be required at no expense to the County. The appraisal report(s) must be accepted and approved by the Land Management Systems Department. Alternatively, the Just (Market) Value contained in the St. Johns County Property Appraisers Valuation Report may be used. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land at no expense to the County.
1. If the estimated value of the right-of-way dedication proposed by the applicant is less than the County's estimated total proportionate fair share obligation for that development, then the applicant must also pay the difference. If the right-of-way dedication is included in the proportionate fair share calculations, then the final proportionate fair share obligation shall reflect the appraised right-of-way value.
  2. If the estimated value of the right-of-way dedication proposed by the applicant is more than the County's estimated total proportionate fair share obligation for that development, then the County may reimburse the Applicant for the excess contribution using proportionate fair share payments from other future Applicants for that specific scheduled CIE improvement and/or through some other means acceptable to the County and the Applicant. If the right-of-way dedication is included in the proportionate fair share calculations, then the final proportionate fair share obligation shall reflect the appraised right-of-way value. The refund shall be conveyed after the land is conveyed to and accepted by the County or State, whichever is applicable.
- F. Proportionate Fair Share contributions shall be applied as a credit toward the road impact fees for the development project. The road impact fee credit shall be reduced by up to



20% based on the projects percentage utilization of the additional capacity provided by the improvement(s) for which the proportionate share was calculated. Because the proportionate fair share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location, any impact fee credit provided pursuant to this Section shall not be eligible for transfer to any other location.

### **Sec. 11.09.07 Proportionate Fair Share Agreements**

- A. Upon execution of a Proportionate Fair Share Agreement (Agreement) the Applicant shall receive a certificate of concurrency approval and all trips attributable to the development shall be considered vested and shall be added to the concurrency management tracking system for the impacted facilities.
- B. If the proportionate fair share mitigation is in the form of a Monetary Payment or construction of a transportation improvement(s), then payment of the proportionate share contribution is due in full as follows:
  - 1. For proposed Developments that are not consistent with the comprehensive plan and apply for a comprehensive plan amendment, the proportionate fair share Monetary Payment will not be required until the agreement is finalized upon application for a rezoning and a Final Certificate of Concurrency as applicable under sub-section 2 following.
  - 2. For projects that are consistent with the Comprehensive Plan, the proportionate fair share Monetary Payment shall be due in full or a security instrument committing the financial obligation to construct the required transportation improvement(s) shall be provided to the County no later than the amendment to the County Five-Year Schedule of Capital Improvements or two (2) years from the approval of the Proportionate Fair Share Agreement, whichever comes first. Provided however, prior to construction plan approval for non-residential or final plat approval for residential, a proportionate fair share payment based on the percentage of development proposed on construction plan or final plat is required.

If the proportionate fair share payment is not received as required in this section and/or the approved proportionate fair share agreement, then the Agreement shall be considered null and void, the trips shall be removed from the concurrency management tracking system, and the applicant shall be required to reapply. Proportionate fair share payments shall be nonrefundable and the improvements to be contributed by the applicant as mitigation under the terms of the Agreement shall not be incorporated into the Five-Year Schedule of Capital Improvements in the County's CIE until the payment has been received as required by this section.

- C. The term of a Proportionate Fair Share Agreement shall not exceed the term of the companion Final Certificate(s) of Concurrency. A Proportionate Fair Share Agreement may be extended if the companion Final Certificate of Concurrency is extended pursuant to Sections 11.03.02.B and 11.03.04 of the Land Development Code. If applicable, the proportionate fair share payment shall count as a credit toward the prepayment of transportation impact fees required to extend the Final Certificate of Concurrency.
- D. All developer improvements authorized under this program must be completed prior to issuance of a final development permit or construction plan approval, or as otherwise

established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements.

- E. Dedication of necessary right-of-way for facility improvements pursuant to a Proportionate Fair Share Agreement must be completed prior to issuance of the final development permit or construction plan approval.
- F. Any requested modification to a Development Permit subject to a Proportionate Fair Share Agreement that would require a new Final Certificate of Concurrency as defined in Sec. 11.03.08 shall be subject to recalculation of both impacts to the transportation system and proportionate fair share obligation and may require additional proportionate fair share contributions.
- G. Applicants may submit a letter to withdraw from the Proportionate Fair Share Agreement at any time prior to the execution of the Agreement. The application fee and any associated advertising costs to the County will be nonrefundable.
- H. The County may establish multiparty Proportionate Fair Share Agreements for selected corridors to facilitate collaboration among multiple applicants on improvements to a mutually impacted transportation facility.

#### **Sec. 11.09.08 Proportionate Fair Share Fund**

- A. There is hereby created a new special revenue fund called the Proportionate Fair Share Fund where individual projects will be established and to which proportionate fair share payments shall be made pursuant to this Program. Revenue from this fund shall be used toward funding of scheduled improvements in the Capital Improvements Element of the Comprehensive Plan, or as otherwise established in the terms of the Proportionate Fair Share Agreement(s).
- B. In the event a scheduled facility improvement is removed from the CIE, then the proportionate fair share revenues collected for its construction may be applied toward the implementation of one or more alternative improvement(s) that would mitigate the impacts to the transportation system pursuant to the requirements of Section 11.09.04.

#### **Sec. 11.09.09 Cross Jurisdictional Impacts**

- A. In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the County may enter an agreement with one or more adjacent local governments to address cross jurisdictional impacts of development on regional transportation facilities. The agreement shall provide for a methodology to address the cross jurisdictional transportation impacts of development.
- B. Upon identification of an impacted regional facility pursuant to Section 11.09.09.A, the County shall notify the applicant and the affected adjacent local government in writing of the opportunity to derive an additional proportionate fair-share contribution, based on the projected impacts of the proposed development on the impacted adjacent facility.
  - 1. The adjacent local government shall have up to ninety (90) days in which to notify the County of a proposed specific proportionate fair-share obligation, and the intended use of the funds when received. The adjacent local government must

provide reasonable justification that both the amount of the payment and its intended use comply with the requirements of Section 163.3180, F.S. Should the adjacent local government decline proportionate fair-share mitigation under this section, then the provisions of this section would not apply and the applicant would be subject only to the proportionate fair share requirements of the County.

2. If the subject application is subsequently approved by the County, the approval shall include a condition that the applicant provides, prior to the issuance of any building permit covered by that application, evidence that the proportionate fair-share obligation to the adjacent local government has been satisfied. The County may require the adjacent local government to declare, in a resolution, ordinance, or equivalent document, its intent for the use of the concurrency funds to be paid by the applicant.

History: Ord. 2003-22; Ord. 2004-22; Ord. 2006-131; Ord. 2009-48; Ord. 2010-18; Ord. 2011-15; Ord. 2012-23; Ord. 2014-19; Ord. 2018-44

## ARTICLE XII DEFINITIONS

### PART 12.00.00 GENERALLY

This Article contains most of the definitions for use with this Code. Other definitions, however, may be located elsewhere in this Code and should be used as indicated.

### PART 12.01.00 DEFINITIONS

**A-weight sound level:** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated db(A).

#### **Abandoned Sign:**

**Off-premise:** Any Off-premise Sign Face which remains void of Copy for twelve (12) months or longer. Failure of an Owner to register the Sign with the State and/or County shall be prima facie evidence of Abandonment.

**On-premise:** Any On-premise Sign which is void of Copy or advertises a business no longer conducted or product no longer sold at that location. In making the determination that a Sign advertises a business no longer being conducted, the Administrator shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises and relocation of the business.

**Accessory, Agricultural Structure:** A Structure containing materials and uses which are accessory to an agricultural activity. Examples of such a Structure would be a pen to contain livestock and farming equipment, but not a Structure used primarily to contain hand tools and domestic vehicles.

**Accessory Family Unit:** Shall mean living quarters for one or more Family members, that may include full kitchen facilities, located within the main use Structure or on the same Lot as the main use Structure, provided no intervening street separates the Lot. A Family member shall have the same meaning as the Comprehensive Plan and as defined in Part XII of this Code.

**Accessory Use or Structure:** A Use or Structure of a nature customarily incidental and subordinate to the principal Use or Structure, and unless otherwise provided, on the same premises.

**Accessway:** A paved area intended to provide ingress and egress of vehicular traffic from a public Right-of-Way to an off-street parking area or loading area.

**Account Holder:** Means any person, tenant, customer, user, firm, association, corporation, governmental agency, or similar organization or entity who receives service, whether residential or commercial, or has an agreement to receive service, from the County, or an authorized representative of the County.

**Addition (to an existing building):** Means any walled and roofed expansion to the perimeter of a Building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

**Address:** A number and roadway name assigned to properties, buildings and/or structures located on, or with access from, officially named public and private roadways.

**Adjacent:** For purposes of determining notice requirements for certain limited use, adjacent properties shall be those directly abutting the subject property, or those which would abut by excluding:

- A. public Right-of-Way; or
- B. Publicly owned property fifty (50) feet or less in width.

**Administrator:** Shall mean the County Administrator of St. Johns County, Florida and/or his designee.

**Adopted Level of Service:** Means the Level of Service (LOS) Policies adopted in the St. Johns County Comprehensive Plan, as may be amended from time to time. All Development Order applications shall be evaluated for the purposes set forth in this Code in accordance with these adopted Levels of Service.

**Adult Arcade Amusement Center:** A business (a) that is located on the “premises” of a facility that is licensed by the State of Florida pursuant to Ch. 550, Florida Statutes, and (b) that operates Adult Arcade Amusement Machines that complies with section 849.161(1)(a)1., Florida Statutes. Adult Arcade Amusement Centers do not include Family Amusement Arcades.

**Adult Arcade Amusement Machine:** An electronic, mechanical, computer, or other device which operates by the insertion of coin and may also operate by the use or insertion of other type of monetary consideration, ticket, token, or card that activates the play of a game or multiple games which by application of skill may entitle the person operating the machine to receive (i) points representing a unit of game play on the machine or (ii) coupons which may be exchanged for merchandise available for sale to the general public on the premises of the Adult Arcade Amusement Center or via catalogs or kiosks produced by an Adult Arcade Amusement Center, other than alcoholic beverages and cash, provided the value of the merchandise does not exceed the amount set forth in section 849.161(1)(a) 1. Florida Statutes. The "application of skill" shall mean the ability of a player, with knowledge of the game, and by use of probability based strategies, manual dexterity and/or decision making to improve his or her level of theoretical success in the game offered by the machine by decreasing the game's advantage by at least 25% over a completely random strategy of play, as certified by an independent laboratory licensed under Chapter 551, Florida Statutes. The presence of a device as described above that requires the payment of monetary consideration for its operation shall result in the presumption that such machine is an Adult Arcade Amusement Machine as defined herein.

**Adult Bookstore:** Establishment having as a substantial or significant portion of its stock in trade, books, magazines, films, newspapers, photographs, paintings, drawings, videos, video disk, laser discs, or other publications or graphic media, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to pornographic material. A substantial or significant portion of its stock and trade shall be deemed to occur when twenty percent (20%) or

five hundred (500) square feet (whichever is less) of the floor area of the establishment contains the items listed above.

**Adult Care Center:** Establishment that provides, on a regular basis, assistance or care for five (5) or more unrelated adults for a period of less than twenty-four (24) hours a day and which receive a payment, fee or grant for the adults attending the facility, whether or not operated at a profit.

**Adult Photographic or Modeling Studio:** Establishment which offers or advertises the use of its premises for the purpose of photographing or exhibiting specified sexual activities or specified anatomical areas or the modeling of apparel that exhibits specified anatomical areas.

**Adult Use:** An adult Use as defined herein. Adult Uses include adult bookstores, adult theaters, special cabarets, physical culture establishments, and adult photographic studios.

**Advertising Display Area:** The advertising display surface area encompassed within any geometric figure which would enclose all parts of the Sign display, excluding the structural supports for a Sign, whether they be columns, pylons, or a building or part thereof. In computing area, standard mathematical formulas for known common shapes will be used. Common shapes shall include squares, rectangles, cones, spheres, trapezoids, triangles, circles, ovals, cylinders and other simple forms for which surface area formulas are established. The Administrator may break down complex forms into component simple forms; however, all pertinent area shall be included.

**Affordable Housing:** Housing is considered Affordable when payments including rent or mortgage, property taxes (for homeowners), renter's or homeowner's insurance, and utility costs do not exceed 30% of a household's gross income (adjusted for family size according to the U.S. Department of Housing and Urban Development).

**Agent:** Means any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a land Use change, rezoning, Appeal or any other activity set forth in this Code.

**Agricultural Use:** The use of land for bona fide agricultural purposes as determined by Enforcing Official taking the following factors into consideration:

- A. The length of time the land has been so utilized.
- B. Whether the Use has been continuous.
- C. Whether an indicated effort has been made to use the land in accordance with acceptable agricultural practices.

**Airport:** Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized in the interest of the public for such purpose.

**Airport Elevation:** The highest point of an Airport's usable landing area measured in feet from mean sea level.

**Airport Hazard:** Any Structure or Tree or use of land which would exceed the federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29 and which obstructs

the airspace required for the flight of aircraft in taking off, maneuvering, or landing or is otherwise hazardous to such taking off, maneuvering, or landing of aircraft and for which no person has previously obtained a Permit or Variance.

**Airport Hazard Area:** Any area of land or water upon which an Airport hazard might be established if not prevented as provided in this Code.

**Airside Activities:** Airside activities include, but are not limited to, runways, taxiways, taxilanes, aircraft aprons, storage hangars, terminal Buildings, aircraft maintenance facilities, and other similar airside activities and Structures.

**Airspace Height:** For the purpose of determining the height limits in all zones set forth in this Code, the datum shall be mean sea level elevation (AMSL) unless otherwise specified. All height regulations are located in Part 77 of the Federal Aviation Regulations.

**Alcohol Beverage Establishment:** Any establishment holding a valid license from the state beverage department where an alcohol vendor sell or offers for sale alcoholic beverages for off-premise or on-premise consumption. The definition includes establishments serving an alcoholic beverage by a club licensed under the state beverage law. See **Bar, Brewpub, Drinking Establishment, Microbrewery.**

**Alley:** A public or private way which affords only a secondary means of access to property abutting thereon.

**Alteration:** Alter or alteration shall mean any change in size, shape, character, or use of a Building or Structure.

**Alteration of a watercourse:** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**Alternative Tower Structure:** Alternative-design mounting Structures including but not limited to man-made Trees, clock towers, bell steeples, light poles, etc.

**Amateur Radio:** A private radio service defined in Part 97 of the FCC rules.

**Anchored Balloon:** A Balloon that may have various shapes, forms and sizes, that when inflated through any means and must remain secured to and have contact with the ground at all times.

**Animal:** A living organism other than a plant or bacterium. As used in this Code, the term animal excludes humans.

**Animal Care Facility:** An establishment where domestic animals owned by another person are temporarily boarded for a period not to exceed fourteen (14) hours for remuneration of any sort. Animal Care Facility is distinguished from a "kennel" as pets are typically boarded for the day and may offer accessory services such as retail sales of pet care supplies, and services such as dog walking and animal grooming.

**Animated Sign:** Any Sign or part of a Sign which changes physical position or Copy by movement, electronically or rotation, excluding Automatic Changeable Message Device.

**Antenna:** An apparatus designed for the transmitting and/or receiving of electromagnetic waves. As used herein the term Antenna includes all antennas integrated and used a single unit, such as an antenna array. For purposes of this Code, the following shall not be considered Antennas and shall not be regulated by this Code: antennas that are designed to receive direct broadcast satellite service, including direct-to-home satellite service, that are one meter or less in diameter or, antennas that are designed to receive video programming services via multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that are one meter or less in diameter or diagonal measurement; and, satellite earth station antennas in commercial or industrial zoning districts.

**Antenna Tower:** A facility that is constructed and designed primarily for the support of Antennas, which include the following types:

**Guyed Tower:** A tower that is supported in whole or in part by guy wires and ground anchors or other means of support in addition to the superstructure of the tower itself.

**Lattice Tower:** A tower that consists of vertical and horizontal supports and crossed metal braces, which is usually triangular or square in a cross section.

**Monopole:** A tower of a single pole design.

**Self Supporting Tower:** A tower that has no structurally supportive attachments other than at its foundation.

**Camouflaged Structure:** A Structure designed to support Antennas and designed to blend into the existing surroundings.

Unless otherwise stated in this Code the term "Antenna Tower" shall not include towers used exclusively to support Ham/CB/TV antennas and antennas that are designed to receive direct broadcast satellite service, including direct-to-home satellite service, that are one meter or less in diameter or, antennas that are designed to receive video programming services via multipoint distribution services, instructional TV fixed services, and local multipoint distribution services, and that are one meter or less in diameter or diagonal measurement; and, satellite earth station antennas in commercial or industrial areas.

**Appeal:** Means a request for a review of the Administrator's interpretation of any provision of this Code or a request for a Variance.

**Appeal For the purpose of part 3.03.00 "Flood Damage Control Regulations"** Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

**Applicant:** Means any person or the person's duly authorized agent who submits plans or other required submittals to any County Department or agency to obtain a Development Permit as defined herein.

**Application, Complete:** Means an application that includes all of the information required by this Code, the application form, or by the County, but does not mean that said information is sufficient in comprehensiveness of data or in quality of information provided.

**Application, Sufficient:** Means the application contains the information required by the County



for the technical evaluation of the Project and is adequate in comprehensiveness of data and in the quality of information provided.

**Archaeological Site:** An area which contains significant material remains of past life or activities and which meets one (1) or more criteria for designation.

**Area of Copy:** See Advertising Display Area.

**Area of Shallow Flooding:** Means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base Flood depths from one to three feet where a clearly defined channel does not exist, where the path of Flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Sign:** See Advertising Display Area.

**Area of Special Flood Hazard:** Is the land in the floodplain within a community subject to a one percent (1%) or greater chance of Flooding in any given year. This term is synonymous with the phrase "special flood hazard area."

**Arterial Road:** See Roadway Classifications.

**Artificial Light or Artificial Lighting:** The light emanating from any human made device.

**Assessed Value:** Shall mean the value to an improvement or property as determined by the St. Johns County Property Appraiser in the manner provided by law.

**ASCE 24:** A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

**ASTM:** Means American Society for Testing Materials.

**Auditorium:** The room, hall, Building, or part of a Building used for public gatherings.

**Authorized Representative of the User:** means:

- A. If the user is a corporation:
  1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  2. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to Sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the user is a partnership or sole proprietorship; a general partner or proprietor, respectively.
- C. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the

activities of the government facility, or their designee.

- D. The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the County.

**Automatic Changeable Message Device:** Any Sign which through a mechanical, electrical, solar, or other power source is capable of delivering messages which do or appear to rotate, change or move at any time in any way, including Tri-Vision or any Multi-Prism Sign faces. (Also see **Flashing Signs**).

**Automobile Service or Filling Station:** See Service Station.

**Automobile-Wrecking or Storage Yard:** The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked motor vehicles, trailers, or their parts.

**Awning:** A shelter supported entirely from the exterior wall of a Building that projects from a perimeter wall of a Building, including a building Canopy.

**Awning Sign:** Any Sign which is suspended from, attached to, painted on, supported from or forms a part of an Awning.

**AWWA:** Means American Water Works Association. Any reference to AWWA standards shall be taken to mean the most recently published revision unless otherwise specified.

**Background Area:** The entire area of a Sign on which Copy could be placed, as opposed to Copy area, when referred to in connection with Fascia or Wall Signs, computed in the same manner as Copy area.

**Background Traffic:** Means the estimated traffic for existing and approved but unbuilt Development within the County. Background Traffic may include projected traffic growth rates for Categorically Exempt Developments or Developments with a Concurrency Exemption Determination as determined by the County.

**Backlogged Segments:** Backlogged Segments means those roadways operating below the Adopted Level of Service which do not have prohibitive financial or environmental constraints, but which are not scheduled for major capacity improvement within the first three years of the adopted Florida Department of Transportation's Five-Year Work Program or the County's Five-Year Schedule of Capital Improvements.

**Balloon:** Gas filled, air filled or otherwise inflated items.

**Banner Sign:** A Special Event Sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted, so as to allow movement of the Sign.

**Bar, Cocktail Lounge, Saloon, or Tavern:** Any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages where the serving of food, if any, is merely incidental to the consumption of any such beverage. The premise is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including any business for which the sale of food or any other product or service is more than an incidental source of gross revenue. This definition is not applicable to

Microbreweries where the consumption of malt beverages within a tasting room, restaurant, or retail component is accessory to the primary use of manufacturing.

**Base:** A layer of selected, processed, or treated aggregate material of specified thickness and quality placed immediately below the pavement and above the subgrade to support the asphalt or concrete surface, and may include asphalt stabilized aggregate laid in advance of future paving.

**Base Flood:** Means the Flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base Flood is commonly referred to as the “100 year flood”

**Base Flood Elevation:** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

**Basement:** For the purpose of part 3.03.00 “Flood Damage Control Regulations, Basement means that portion of a Building having its floor subgrade (below ground level) on all sides.

**Beach:** The zone of unconsolidated material facing the Atlantic Ocean that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves), as is defined in Chapter 62B-33.002 (4), F.A.C. At the Matanzas Inlet in St. Johns County, the beach shall not extend landward of the centerline of the Matanzas Inlet Bridge; and at the St. Augustine Beach Inlet in St. Johns County, the beach shall not extend landward of the extreme westward points of said inlet.

**Beach Dune:** See Significant Natural Communities Habitat.

**Beacon Light:** Any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically or manually.

**Bed and Breakfast:** A Building, often of historical significance, containing a number of lodging units intended primarily for rental to provide overnight accommodations with board. No personal care services shall be provided at this facility.

**Best Management Practices (As it applies to Wellhead Protection):** Practices that are technologically and economically practicable and most beneficial in preventing or reducing adverse impacts to the quality of groundwater in Wellhead Resource Protection Areas. This includes acceptable methods for handling, use, transportation, and storage of a hazardous waste. This includes identification of proper methods for handling, use, transportation and storage, safely and accident prevention measures, data and records for hazardous wastes, and disposal in a proper manner as required by law.

**Billboard:** Any Sign, over thirty-two (32) square feet in size that is used for Off-premise outdoor advertising and display whether leased or not leased.

**Biochemical Oxygen Demand or “BOD”:** Means the quantity of oxygen utilized in the biochemical oxidation of organic matter expressed in terms of milligrams per liter.

**Board:** Means the Board of County Commissioners of St. Johns County, Florida.

**Boarding or Rooming House:** An establishment with lodging for three (3) or more persons, where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu. In addition, Single Family Dwellings in which sleeping accommodations are offered to three (3) or more unrelated persons for rentals of one week or more, and occupancy is generally by residents rather than transients, shall be considered a Boarding or Rooming House. Boarding or Rooming Houses shall be allowed in those zoning districts designated for Special Care Housing.

**Boat Dock, Boathouse, Boat Shelter, and structure (s) on docks:** Shall mean a structure where Private Pleasure Craft are stored, or a structure that extends over water or land to allow direct access to water and shall include boat houses, boat davits, viewing platforms or any other structure built upon the dock.

**Boat Dock, Neighborhood:** Establishments intended to serve the immediate residential community where boat slips or storage are limited for the use of the residences of the Development, are no more than 30 slips and are not for rental or sale. Watercraft may not be leased, rented or otherwise let for money or other valuable consideration or used for commercial purposes. Prohibited activities include, but not limited to, watercraft cleaning services, watercraft repair services, fueling and all retail activities. (Also see **Boat Dock, Single Family**).

**Boat Dock, Single Family:** A private Residential floating or fixed platform that serves without charge only watercraft owned or leased by the Single Family residence owner or lessee of the residence and used for pleasure purposes only. (Also see **Boat Dock, Neighborhood**).

**Bona Fide Agricultural Operations:** Bona fide agricultural operations activities normal and necessary for good faith commercial Agricultural Use of the land. Such Agricultural Uses include horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, aquaculture, piscaculture and all forms of farm products and farm production. Bona fide agricultural activities might include but are not limited to the following activities: transplanting, tilling; plowing; planting; harvesting; contouring to prevent erosion; fencing; construction of internal roads, bridges or culverts to facilitate these operations; construction or maintenance of irrigation and drainage ditches; control structures or dikes; and construction, operation or maintenance of Agricultural Use ponds. In determining whether the activity is normal and necessary for good faith commercial Agricultural Use of the land.

**Borrow Area:** Borrow area is an area within a Parcel of land where the spoils from an excavation are removed from that Parcel to be placed on another Parcel of land, or are sold, except for the spoils from a swimming pool or Building site. Borrow area excavation includes the leveling, scraping, or reducing of a hill or rise of land, as well as the digging of a pit, hole, depression or valley.

**Bracket Sign:** Any single or double Faced Sign mounted on brackets, poles or beams projecting at right angles from the front or side of any Building and supported solely by brackets, poles or beams.

**Breakaway Wall:** Means a wall that is not part of the structural support of the Building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the Building or the supporting foundation system.

**Brewpub:** An establishment where one of the primary activities is the limited manufacturing of

alcoholic malted beverages for onsite consumption, that produces less than 10,000 kegs (155,000 U.S. gallons) per year with no distribution component. Brewpubs are often associated with a tasting room, service area, restaurant, and/or retail component for patrons' onsite.

**Bug Light:** Any light that is marketed as being specifically treated in such a way as to reduce the attraction of insects to the light.

**Buildable Area:** That portion of a Parcel of property intended to be developed or site planned as a single Lot, tract, or Building site, exclusive of any setbacks, easement, jurisdictional wetland line or Yard areas required by any applicable Land Development Regulation; that is, all of the area upon which a Building, or other structure governed by setback, easement or jurisdictional wetland limitations, could be erected by right and without respect to any possible or desired Variance, and without respect to other limiting factors such as maximum Lot coverage or minimum open space requirements.

**Building:** Any Structure, either temporary or permanent having a roof impervious to weather and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This definition shall include tents, awnings, cabanas, or vehicles situated on private property and serving in any way the function of a Building but does not include screened enclosures not having a roof impervious to weather.

**Building Footprint:** That land area that is, or is proposed to be, covered by a Building or Structure.

**Building Frontage:** See Frontage, Building.

**Building, Principal:** See Principal Building.

**Building or Structure Sides:**

**Front of Building or Structure:** The front of a Building or Structure shall be that face of a Building that is adjacent to a required Front Yard or faces the rear of a required Front Yard.

**Rear of Building or Structure:** The rear of a Building or Structure shall be that face of a Building that is adjacent to or faces a required Rear Yard.

**Side of Building or Structure:** The side of a Building or Structure shall be that face of the Building that is adjacent to or faces a required Side Yard.

**Building Pad:** The horizontal limits of the area defined by the Building foundation and up to five (5) feet outside of the Building foundation.

**Building Permit:** Means any Permit issued by the Building Official for vertical construction for any Buildings for occupancy or use.

**Building Sewer:** Means the conduit or pipe which conveys Wastewater from the plumbing drain system of a Building to a public Sewer or other place of disposal.

**Bulk Water Utility:** Any Person or business entity of any kind whatsoever, lessee, trustee, or receiver owning, operating, managing, or controlling a System or proposing Construction of a

System to provide untreated or treated water to a Utility, bulk user or distributor of water for compensation.

**Bus Terminal:** An area and Building where buses stop to load and unload passengers and luggage or packages and the sale of bus tickets may occur. A bus terminal is not a bus stop.

**Business Site:** See Lot.

**Business Site Frontage:** See Lot Frontage.

**Calendar Year:** January 1 through December 31.

**Caliper:** The trunk diameter of a nursery grown Tree measured six (6) inches from the ground on Trees up to and including four (4) inches in Caliper, and twelve (12) inches above the ground for larger Trees.

**Canal:** a manmade trench created by excavation, the bottom of which is normally covered by water with the upper edges of its sides normally above water.

**Canopy:** See Awning.

**Canopy Sign:** Any Sign attached to or constructed in or on a Canopy or Marquee.

**Canopy Tree:** Any Tree that normally grows to an over-all height of at least thirty-five feet (35) and develops an average mature crown spread greater than thirty feet (30) as referenced in ST Fact Sheets, a series of the Environmental Horticulture Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, as amended, and Trees for Urban and Suburban Landscapes by Edward F. Gilman, 1997.

**Capacity:** Means the maximum demand that can be accommodated by a public facility or service without exceeding the Adopted Level of Service. For roadways, "capacity" means the maximum number of vehicles that can be accommodated by a given roadway during a specified time period under prevailing roadway, traffic and control conditions at that roadway's Adopted Level of Service.

**Capacity Commitment:** Means any agreement, commitment, and/or temporary Permit which guarantees the availability of a specific number of ERCs of County Water and/or Wastewater Treatment Capacity pursuant to an application for a designed Development.

**Capital Improvement:** Shall have the same meaning as the same term in the Comprehensive Plan.

**Carport:** An Accessory Structure or portion of a principal Structure, consisting of a roof and supporting members such as columns or beams unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor driven vehicles owned and used by the occupants of the Building to which it is accessory.

**Category 1 Criteria:** Means the minimum requirements for Wastewater, solid waste, drainage and potable water facilities, consistent with policies of the Comprehensive Plan.

**Category 2 Criteria:** Means the minimum requirements for parks and open space acreage, consistent with policies of the Comprehensive Plan.

**Category 3 Criteria:** Means the minimum requirements for roadways, roadway intersections and

mass transit facilities, consistent with policies of the Comprehensive Plan.

**Central Water or Wastewater System:** A water or Wastewater utility or system providing community utility services.

**Certificate of Completion:** Means the official certification of satisfactory completion of a Building, structure, electrical, gas, mechanical or plumbing system. The Certificate of Completion is proof that a Structure or system is complete and for certain types of Permits is released for use and may be connected to a utility system. The Certificate of Completion does not grant authority to occupy or connect a Building, such as a shell Building, prior to the issuance of a Certificate of Occupancy.

**Certificate of Concurrency, Informational:** Means a Concurrency Determination which establishes that the Public Facilities and Services are available at the time of issuance of the Informational Concurrency Determination but may not be available at the time of any subsequent concurrency determination review.

**Certificate of Concurrency, Final:** Means a Concurrency Determination which establishes that adequate Public Facilities and Services are available at the time the Final Certificate is issued and will be available at all subsequent stages of the Development approval process up to the date of expiration of the Final Certificate of Concurrency.

**Certificate of Occupancy:** (CO) means the official certification that a premise conforms to the provisions of the St. Johns County Land Development Regulations, and Building Codes, and may be used or occupied.

**Certified Arborist:** Means a Professional who maintains current credentials from the International Society of Arboriculture.

**CFR:** Means the Code of Federal Regulations.

**Changeable Copy:** See Automatic Changeable Message Device or Manual Changeable Copy Sign.

**Chemical Oxygen Demand or “COD”:** Means a measure of the oxygen equivalent of that portion of the organic matter in a water sample that is susceptible to oxidation by a strong chemical oxidant expressed in terms of milligrams per liter.

**Child Care Center:** Any establishment that provides, on a regular basis, supervision and care for more than five (5) children unrelated to the operator for a period of less than twenty-four (24) hours a day and which receives payment, fee or grant for any of the children receiving care, wherever operated, and whether or not operated for profit, except that the following are not included: public school and non-public schools which are in compliance with the compulsory school attendance law, Chapter 232, F.S.; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods. The term includes kindergartens, nurseries, nursery schools, day care centers and day nurseries.

**Chlorine Requirement:** Means the amount of chlorine, in milligrams per liter (mg/l), which must be added to Wastewater to produce a specified residual chlorine content, or to meet some other governmental regulatory standard.

**Church/Synagogue:** Tax exempt Buildings used for non-profit purposes by a recognized and

legally established sect for purpose of worship, including educational buildings when operated by such church/synagogue.

**Circus:** The temporary Use of land offering entertainment such as thrill rides, games of chance and skill, educational exhibits, display of oddities and the like. The term also includes carnivals and fairs.

**Citizens Band Radio (CB):** A radio service defined in Part 95 of the FCC rules.

**City:** Shall mean the City of St. Augustine, Florida.

**Clean Water Act:** Means the United States Clean Water Act also known as the Federal Water Pollution Control Act, as amended, 33 United States Code 1251 et. seq.

**Clear Zone:** Area clear of obstructions as referenced in FDOT Manual of Standards.

**Clearance Guide Sheet:** Means the appropriate pre-Construction Permit data sheet incorporating departmental approvals prior to issuance of a Building Permit.

**Clerk:** Means the Clerk of the Circuit Court of St. Johns County, Florida, or designee.

**Clerk of the Board:** The Clerk of the Circuit Court serving as the clerk and accountant of the Board.

**Club, Night:** A restaurant or dining room serving alcoholic beverages wherein paid floor shows or other forms of paid entertainment are provided for customers as a part of the commercial enterprise.

**Club, Private:** An association or organization of a fraternal or social character, not operated or maintained for profit. The term private club shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

**Coastal A Zone:** Area within a special Flood Hazard Area, landward of a V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1 ½ feet (457mm). The inland limit of the coastal A zone is (a) the Limit of Moderate Wave Action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

**Coastal Area:** The unincorporated area of St. Johns County lying easterly of the mean high water line of the west shoreline of the Intracoastal Waterway.

**Coastal Construction Control Line (CCCL):** The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

**Coastal Grassland:** See Significant Natural Communities Habitat.

**Coastal High Hazard Area:** A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity



wave action from storms or seismic sources. Coastal high hazard areas are also referred to as “high hazard areas subject to high velocity wave action” or “V Zones” and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE or V. [Note: The FBC, B defines and uses the term “flood hazard areas subject to high velocity wave action” and the FBC, R uses the term “coast high hazard areas.”]

**Coastal Strand:** See Significant Natural Communities Habitat.

**Code Enforcement Official or Code Enforcement Officer:** The Code Enforcement Official of St. Johns County, Florida or such other person or office designated by the County Administrator of St. Johns County.

**Collapse Zone:** The area on the ground within a designed prescribed radius from the base of an Antenna Tower within which, in a catastrophic failure, the tower is designed to fall or collapse, as certified by a licensed engineer.

**Collocation:** When more than one provider uses an Antenna Tower to attach Antennas or; use of a Structure whose primary purpose is other than to support Antennas, such as a utility pole.

**Combined Notice:** A notice of any public hearing before the Board of County Commissioners which is combined with a notice of public hearing before any other committee, agency or advisory Board to the Board of County Commissioners.

**Commercial Message:** Sign Copy that directly or indirectly names, advertises, or calls attention to a product, service, commodity, sale, sales event, activity, entertainment, real or personal property, or other commercial activity.

**Common Room:** A room or enclosed floor space used or intended to be used for living or sleeping purposes, excluding Sleeping Rooms, kitchens, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets, and storage space.

**Community Center:** A Building in which members of a community gather for social, educational, or cultural activities.

**Community Facility:** A facility designed to house persons convicted of a crime, or for the custody of persons arrested for a crime and awaiting adjudication. Such facilities shall include community correctional centers, probation and restitution center, vocational training centers and forestry camps (all as defined by the State of Florida Department of Corrections), or local government jails or detention centers.

**Compensatory storage:** The excavation within a free-flowing, riverine (non-tidal) flood hazard area of hydraulically equivalent volume as proposed fill for the purpose of balancing the effect of proposed fill on the floodplain, provided the excavated area is not below the normal water line of a pond or other body of water and it drains freely to the watercourse.

**Complete Application:** See Application, Complete.

**Completely Enclosed Building:** A Building separated on all sides from adjacent open space, or from other Buildings or other Structures, by a permanent roof and by exterior walls or party walls which are pierced only by windows and normal entrance or exit doors.

**Comprehensive Design Plan:** An architectural plan depicting complete Building, structural and electrical requirements, which integrates any Sign or part thereof.

**Comprehensive Plan:** Means the St. Johns County Comprehensive Plan adopted by the St. Johns County Board of County Commissioners, as may be amended from time to time.

**Concurrency Exemption Determination:** Means a decision by the County Administrator, or the Board of County Commissioners by which a Parcel is granted a Determination of Concurrency Exemption and is therefore exempt from the requirements of Part 11.00.00 through Part 11.07.00 of this Code.

**Concurrency Requirements:** Means the provisions of the Comprehensive Plan requiring that public facilities for traffic, mass transit, Wastewater, potable water, recreation/open space, solid waste, and drainage are available at the Adopted Levels of Service concurrent with the impact of Development.

**Concurrency Review Committee:** Means a committee as designated by the County Administrator.

**Concurrency Review Process:** The procedures, review time frames, and Appeals process defined by this Code.

**Confusing Sign:** See Hazardous Sign.

**Connected System:** Means a publicly-owned or privately-owned Wastewater collection system that connects to and discharges into a Wastewater System for purposes of treatment and disposal.

**Connection, Utility:** Means the installation of a utility service connection to water or Wastewater infrastructure of a central utility system owned by any Utility Provider.

**Connection, Vehicle Access:** Driveways, streets, turnouts or other means of providing for the right of access to or from Public or Private Roadways.

**Conservation:** To minimize or limit the impact of Development to the resource sought to be conserved. Conservation of the resource shall not require that the resource remain completely undisturbed.

**Constrained Facility:** A roadway segment on the Major Road Network that cannot feasibly be widened by at least two (2) through lanes due to physical, environmental, or policy reasons.

**Construction:** Any activity which results in the modification of surface features, including but not limited to grading, land clearing, or the placement or alteration of Buildings, Structures or utilities, unless specifically exempted by this or any other applicable St. Johns County Ordinance. Hand clearing as necessary for land surveying shall not constitute Construction.

**Construction Bond:** An obligation to complete Construction improvements as depicted on the approved Development Permit by a money forfeit.

**Construction Plans:** Means those properly detailed and dimensioned construction drawings, plans, specifications and calculations prepared by an Engineer or other Registered Professional, as defined herein and as prepared in accordance with County and other applicable regulations,

codes and standards, submitted to the County for approval of a Development Plan or Final Subdivision Plat, which sets forth the specific improvements to be made in conjunction with Development as they affect the existing site, its boundary conditions, topography, drainage, access, and associated road and other Rights-of-Way and Easements.

**Construction Sign:** Any Sign located on Premises upon which Construction is commencing or has commenced pursuant to a valid Construction Permit.

**Contiguous Wetland:** A Wetland that has a direct hydrologic connection to waters of the state.

**Contributing Property:** shall mean a building, site, structure or object which adds to the historical architectural qualities, historic associations or archaeological values for which an area of the County is significant because (a) it was present during the period of significance of such area and possesses historic integrity reflecting its character at that time; (b) is capable of yielding important information about the period; or (c) it independently meets the National Register of Historic Places criteria for evaluation.

**Contribution-In-Aid-Of-Construction:** Any amount or item of money, services, or property received by a Utility, from any Person or Governmental Authority, any portion of which is provided at no cost to the Utility which represents a donation or contribution to the capital of the Utility, and which is used to offset the acquisition, improvement or Construction costs of the Utility property, facilities, or equipment used to provide Utility services.

**Control Zone:** Airspace extending upward from the surface of the earth which may include one or more Airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

**Convenience Store:** Any retail establishment offering for sale prepackaged food products, delicatessen, household items, and other convenience goods commonly associated with the same. Convenience stores may include the retail sale of motor fuel where permitted.

**Cooking Facilities:** Kitchen equipment which includes any method for enclosed cooking, including an oven or microwave or toaster oven for enclosed cooking and flat heated surfaces designed for open cooking, including a hotplate. For the purpose of determining a Dwelling Unit, any combination that includes both enclosed cooking and open cooking would constitute a separate independent living unit.

**Copy:** Any permanent or temporary text, graphics, logo or other representation or image depicted on a Sign Face.

**Corporate Undertaking:** The unqualified guarantee of a Utility to pay a refund and any interest connected therewith which may be ordered by the Board of County Commissioners at such time as the obligation becomes fixed and final.

**Correctional Facility:** A facility for the housing of persons convicted of or being held for a crime.

**Correctional Facility, Major:** A prison facility regulated by the Florida Department of Corrections designed for maximum security to house persons convicted of a crime.

**County:** The unincorporated areas of St. Johns County, Florida.

**County Administrator:** Means the Office of the County Administrator of St. Johns County, Florida, or the County Administrator's designee.

**County Attorney:** Means the Office of the County Attorney of St. Johns County.

**County GIS:** Geographic Information System maintained by GIS Addressing.

**Coverage of a Lot by Buildings:** That percentage of Lot area that is or may be covered or occupied by Buildings.

**Covered Patio:** A solid roofed Structure attached to the primary Structure which does not contain conditioned space, and which all sides not formed by the walls of the primary Structure are at least fifty percent opened or composed of screening or vinyl panel windows.

**Critical Transportation Link:** Any location where the existing or projected peak hour traffic volume (existing traffic plus vested development traffic plus reserved Development traffic plus project traffic) equals or exceeds ninety percent (90%) of the maximum service volume of the adopted Level of Service standard, or other calculated segment capacity as approved by the County.

**Cultural Resource:** Any prehistoric or historic site, Building, object, district or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, engineering works, architectural interiors, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the County. A Cultural Resource may also be determined to be a Significant Cultural Resource as provided in Article III.

**Cultural Resource Management Plan:** A plan prepared to address preservation and management of a Cultural Resource or group thereof, which is approved by the County in accordance with Article III of this Code.

**Cultural Resource Review Board:** Shall mean the advisory board of unincorporated St. Johns County, which shall advise the Board of County Commissioners in the establishment of policy, priorities and procedures for the protection of Cultural Resources and conduct other functions assigned by the Board of County Commissioners with respect to Cultural Resources.

**Cultural Resources Inventory:** Shall mean the list of known or potential Cultural Resources within unincorporated St. Johns County which shall be mapped and periodically updated and shall note those resources designated as Significant Cultural Resources, Landmarks or Landmark Districts, and National Register properties or districts.

**Cumulative Beach Illumination:** Artificial Light source that, as a group illuminate any portion of the surface of the beach.

**Day Nurseries and Kindergartens:** Any service which during all or part of the day regularly gives care to six (6) or more children, not of common parentage, who are under six (6) years of age, whether or not it has a stated educational purpose, and whether the service is known as a day care service, day nursery, day care agency, nursery school, kindergarten, play school, progressive school, or by any other name. The total number of children receiving care shall be counted including children or foster children of the owner or persons in charge, in determining the applicability of this definition.

**Days:** Shall mean consecutive calendar days.

**Decibel (db):** A unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ration of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

**Decision Height:** The height at which a decision must be made, during an ILS instrument approach, to either continue the approach or to execute a missed approach.

**Declaration of Land Restriction (Nonconversion Agreement):** A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated Dwellings

**Decoration:** Any decoration visible from a public area that does not include lettering or text and is not displayed for commercial advertising.

**Dedication:** For purposes in this Code other than Platting under Part 5.01.00, dedication is the setting apart of land for public use or the transfer of title and possession of private property by an owner or developer to public ownership for public use. An owner may receive some form of consideration, such as impact fee credits, concurrency credits, waivers, and/or density bonuses for the dedication.

**Deficient Transportation Link:** Any location where the existing or projected peak hour traffic volume (existing traffic plus vested Development traffic plus reserved Development traffic plus project traffic) exceeds one hundred percent (100%) of the maximum service volume of the adopted Level of Service standard, or other calculated segment capacity as approved by the County.

**De Minimis Activity Facility:** Means a facility operated by an organization exempt from federal taxation under Section 501(c) of the Internal Revenue Code and with five (5) or fewer electronic or mechanical devices that are used to conduct a drawing by chance, sweepstakes or game promotion utilizing those electronic or mechanical devices.

**Demonstration of Compliance or “DOC”:** Means data, reports, drawings, or other information provided in suitable format to demonstrate that compliance with a 90-day or other governmental regulatory compliance schedule has been achieved.

**Density:** Means the number of Dwelling Units per acre with respect to residential land Uses as determined by the calculation methodology in the St. Johns County Comprehensive Plan as amended.

**Design Flood:** The flood associated with the greater of the flowing two areas:

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Design Flood Elevation:** The elevation of the “design flood,” including wave height, relative to

the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the water surface depth number (in feet) specified on the flood hazard map plus 1 foot of freeboard. In areas designated as Zone AO where the depth number is not specified on the map, the depth number of the water surface shall be taken as being equal to 2 feet. The design elevation shall include an additional 1 foot of freeboard equaling 3 feet total.

**Detached Sign:** See Ground Sign.

**Detention:** A process for collecting, temporarily storing, and releasing through a controlled outlet a defined amount of stormwater runoff generated from a runoff contributing area to downstream and lower lying area for the purpose of providing for Flood protection through attenuation of discharge rate and Flood volumes as well as detention of state regulated water quality discharges. Also, the collection and temporary storage of storm water in such a manner as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater.

**Developable Land:** All of a Parcel of land except:

- A. Lands lying within proposed public Rights-of-Way.
- B. Lands lying within established coastal setback lines.
- C. Marshlands, swamps, floodplains, and other Environmentally Sensitive Lands where local, state or federal regulations otherwise prohibit Development.
- D. Bodies of water such as ponds, lakes, streams either natural or manmade.

**Developed Area:** That portion of a plot or Parcel upon which a Building, Structure, paved ground surface area, gravel landscaping or other Improvements have been placed.

**Developer:** Means any person, individual, partnership, association, syndicate, firm, corporation, trust or legal entity engaged in developing or subdividing land under the terms of the St. Johns County Land Development Code. The term "developer" is intended to include the term "subdivider," even though the persons involved in successive stages of a Development Project may vary.

**Developer's Engineer:** Means an engineer or engineering firm registered with the State of Florida Department of Professional Regulation, retained by the developer to provide professional engineering services for a Project.

**Development:** Any man-made change to improved or unimproved structure and/or real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials. The following activities or uses shall be taken as to involve "development" as defined in this section:

- A. Mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

- B. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure, or on land or a material increase in the number of dwelling units in a structure or on land.
- C. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal.
- D. Demolition of a structure.
- E. Clearing of land as an adjunct of construction.
- F. Any other activities referenced in Section 380.04, F.S.

For those operations or uses that shall not be taken to involve “development” as defined in this section, please reference Section 380.04, F.S.

**Development Agreement:** Means any agreement entered into by the County with any person having a legal or equitable interest in real property located within its jurisdiction as provided for by Sections 163.3220 and 163.3243, F.S., as may be amended from time to time.

**Development Area:** Means those areas depicted on the Future Land Use Map of the St. Johns County Comprehensive Plan which depict the overall growth areas for the County during the Comprehensive Plan's planning horizon time period.

**Development Order:** Means any Order granting, denying, or granting with conditions, an application for a Development Permit.

**Development Permit:** Means any Building Permit, subdivision approval, rezoning, Special Use, Variance, or any other official action of the County having the effect of permitting the Development of land.

**Development Permit, Final (As it applies to Article XI of this Code):** Means County approval which authorizes physical Construction for a Project which has a specific plan of Development in terms of the density, intensity, use and timing of the project. A Final Development Permit is approval of: engineered Construction Plans, a Final Subdivision Plat; approval of a Special Use when the approval authorizes commencement of Construction; or a Building Permit for Projects not requiring platting or engineered Construction Plan approval.

**Development Permit, No Impact (As it applies to Article XI of this Code):** Means a Development Permit authorizing Development or other activities that do not create a demand for public facilities and services. "No Impact Development Permits" include, but are not limited to: a textual amendment to the Land Use Element of the County Comprehensive Plan; conceptual or sketch plan approval; a Tree Removal Permit; Land Clearing Permit; Sign permit or any Building Permit issued solely for the erection, modification or relocation of a Sign; any Site Plan approval issued solely for the purpose of authorizing the landscaping of a paved surface area; or any Variance or Special Use approved solely for the purpose of allowing Tree removal; land clearing; the erection, modification, or relocation of a Sign; or the landscaping of a paved surface; or accessory Buildings or Structure which do not create additional impacts.

**Development Permit, Preliminary (As it applies to Article XI of this Code):** Means approval which does not authorize actual Construction, alterations to land or Structures or other Development. A Preliminary Development Permit may authorize a change in the allowable Use of land or a Building, and may include conceptual approvals where a series of approvals are

required before authorization to commence land alteration or Construction may be given. A Preliminary Development Permit shall include, but not be limited to: an amendment to the Future Land Use Map or Land Use Element of the County Comprehensive Plan which affects land Use or Development standards; submission of preliminary sketch plans; a subdivision master plan; preliminary subdivision plan; preliminary Development Plan; Zoning Variance or Special Use when approval does not authorize commencement of Construction; a written determination of consistency with the Comprehensive Plan.

**Development Review Process:** The review and permitting process enacted by St. Johns County for the purpose of assessing the impacts of new Development or alterations to existing Development and ensuring that the Development has met applicable Federal, State and local regulations and permitting requirements.

**Diameter at Breast Height (DBH):** The standard diameter measure of a single-trunked Tree at four and one-half (4.5) feet above grade. When a Tree is Multi-Trunked, DBH shall be equal to the aggregate diameters of the individual trunks measured at four and one-half (4.5) feet above grade. Where the individual stems are less than eight (8) inches in diameter, the largest three (3) trunks will be used.

**Direct Beach Illumination:** Illumination of the beach, or any portion thereof, by Artificial Light or reflectors, in which the light source or reflector is visible from the surface of the beach.

**Directional Sign:** Any Sign which solely serves to designate the location of or provides direction to any place or area.

**Directly Accessed Segment:** The first road segment on the Major Road Network on which traffic from the Project's site is expected to travel. If a Development has more than one (1) access point, it may be possible for two (2) or more Directly Accessed Segments to exist.

**Discharge:** Means to dispose, deposit, place, emit, unload, release, or cause or allow to be disposed, deposited, placed, emitted, unloaded, released or otherwise introduce pollutants into Wastewater facilities including the collection and transmission system, the treatment plant and the reuse or disposal system, also known as the St. Johns County Wastewater System or SJCWS.

**Diverted Linked Project Trips:** Project trips attracted from the traffic volume on roadways within the vicinity of the Project but that require a diversion from that roadway to the project's Directly Accessed Segment(s) to gain access to the Project. Diverted Linked Project Trips add traffic to the Project's Directly Accessed Segment(s), but may not add traffic to the roadways in the vicinity of the Project on which they were originally traveling.

**Division of Real Property:** As used in the definition of subdivision shall include division by sale or transfer of land, it shall include division by survey and it shall include division by use of a drawing, map or plat.

**Documented Onsite:** The providing of a creditable occurrence record for a species at a location within a Development Project's boundaries, based upon the provision of such evidence from the developer, local, regional, state or federal agencies, or other reliable sources, including, but not limited to, scientific publications and surveys.

**Domestic Waste:** Means any viscous liquid, or gaseous material derived principally from the use of sanitary conveniences of residences (including apartments and hotels), office buildings,



industrial plants, institutions, or commercial establishments.

**Donation:** For purposes of this Code, the voluntary transfer of title to private property by an owner or developer for public ownership for public use without any consideration or expectation of consideration.

**Door Sign:** See Window Sign.

**Double-faced Sign:** A Sign with two (2) Faces that are usually but not necessarily parallel.

**Drainage/Utility Easement:** A nonpossessing interest held by one person in land of another whereby the first person is accorded partial use of such land for a specific purpose. An Easement restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land.

**Drinking Establishment:** An establishment where alcoholic beverages are obtained within or thereon and where such beverages are consumed on the premises. If the facility also sells food, and the sale of food products represents more than fifty percent (50%) of the facility's total sales, the facility shall be considered an Eating Establishment.

**Drip Line:** The area directly under the canopy of a Tree enclosed in an curvilinear line projected to the ground, the Drip Line, equal to the crown spread of a Tree.

**Drive-in Facility:** Any portion of a Building or Structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

**Drive-In Restaurant or Refreshment Stand:** Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles on the premises or in other than a completely enclosed Building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

**Dry Detention System:** A normally dry stormwater storage area which meets the herein defined function of "Detention". Dry detention systems are similar in function to retention systems; however, due to soil and hydrological conditions full recovery of the facility within the regulatory time period cannot be accomplished through ground infiltration alone and additional measures must be implemented through secondary controlled outlets or bleed-down devices to assure these type systems will function as designed. The secondary outlet also provides for gradual release of a defined flood protection volume if applicable.

**Dry Land Excavation:** A land excavation that does not extend below the water table.

**Dry Storage of Pleasure Watercraft:** A commercial facility for removing from the water, watercraft used for recreation and pleasure purposes and storing such craft on land or above land or water on boat lifts.

**Dune:** A mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach and deposited by any natural or artificial mechanism.

**Durable Surface:** The surface course of a pavement constructed of concrete or bituminous

material.

**Dwelling:** Any Building, or part thereof, occupied in whole or in part, as the residence or living quarters of one (1) or more persons, permanently or temporarily, continuously, or transiently, with Cooking Facilities.

**Dwelling, Accessory:** A Dwelling Unit which is clearly incidental to the primary Use of a Lot and contains no Cooking Facilities.

**Dwelling, Multiple Family or Multi-Family:** For purposes of determining whether a Lot is in multiple dwelling Use, the following considerations shall apply:

- A. Multiple dwelling Uses shall include those in which individual Dwelling Units are intended to be rented and maintained under central ownership and management; those which are under collective ownership and management including cooperative apartments, condominiums, and the like; rowhouses or townhouses in individual ownership; and all other forms of multiple dwellings, regardless of ownership, management taxation or other considerations, where such form does not meet the requirements of this Code for a Single Family Dwelling.
- B. Where an undivided Lot contains more than one (1) Building and the Buildings are not so located that the Lots and Yards conforming to requirements for Single Family Dwellings in the district could be provided, the Lot shall be considered to be in multiple dwelling Use if there is more than one (1) Dwelling Unit on the Lot, even though the individual Buildings may each contain only one (1) Dwelling Unit.
- C. Guest Houses and household employee's quarters shall not be considered as Dwelling Units in the computation of (B) above.
- D. Any multiple dwelling in which Dwelling Units are available for periods of less than one (1) week shall be considered a tourist home, a motel, or hotel as the case may be.

**Dwelling, One Family or Single Family:** A Building containing only one (1) Dwelling Unit. The term is not to be construed as including mobile homes, travel trailers, housing mounted on self propelled or drawn vehicles, tents, houseboats, or other forms of temporary or portable housing. For the purpose of this Code, rowhouses, townhouses, condominiums, cooperative apartments or any other form of Dwelling Units which are not in individual detached Buildings meeting all the requirements of a Single Family Dwelling shall not be construed to be Single Family Dwellings.

**Dwelling, Two Family:** A duplex or other attached Dwelling Unit providing two (2) Dwellings.

**Dwelling Unit:** A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or Dwelling Units which may be in the same Structure, and containing sleeping facilities and Cooking Facilities.

**Easement:** A nonpossessing interest held by one (1) person in land of another whereby the first person is accorded partial use of such land for a specific purpose. An Easement restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land.

**Easement, Drainage/Utility:** See Drainage/Utility Easement.

**Eating Establishment:** An establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready to consume state.

**Eaves:** The lowest horizontal line of a sloping roof.

**Egress Sign:** A Sign at the exit from a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and/or vehicular traffic safety. See also Directional Sign.

**Electrical Sign:** Any Sign containing electrical wiring which is attached or intended to be attached to an electrical source.

**Electronic Equipment:** Any electronic or mechanical device provided by or on behalf of the operator of an Electronic Game Promotion that is used or adapted for use to conduct and/or reveal the results of a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes or game promotions that display results by simulating a game or games ordinarily played on a slot machine.

**Electronic Game Promotion:** A sweepstakes or other game promotion which utilizes Electronic Equipment and a drawing by chance conducted in connection with the sale of a consumer product or service which utilizes Electronic Equipment.

**Elevated Building:** Means a non-basement Building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

**Embellishment:** Any letters, figures, characters, or other representations in cut-outs, irregular forms, or similar designs which contain a portion of the Advertising Message and is attached or superimposed upon the Sign and extends beyond the Sign's border.

**Emergency Work:** Any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

**Encroachment:** An advancement beyond proper or legal limits. Some forms of encroachment may include, but are not limited to the following:

- a) The protrusion of a structure or building into a required setback, landscaped area or easement.
- b) The protrusion of a vehicle into a vehicular accessway, pedestrian way, or landscaped area.
- c) The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**Endangered or Threatened Species:** See Threatened or Endangered Species.

**Enforcement Actions:** Means those actions taken by St. Johns County in response to violations of this Code.

**Enforcing Official:** The individual designated by the County Administrator of St. Johns County who shall be responsible for the administration of the provisions of this Code. The duties of the Enforcement Official may also be performed by the St. Johns County employees who work under the Enforcement Official's direction and supervision.

**Engineer:** A Professional Engineer registered in Florida, or other person exempted pursuant to the provisions of chapter 471, Florida Statutes, who is competent in the field of civil engineering.

**Environmental Protection Agency or "EPA":** Means the United States Environmental Protection Agency or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

**Environmentally Sensitive Areas:** When used in this Code shall mean lands, waters or areas within the County which meet any of the following criteria:

- A. Are Wetlands determined to be jurisdictional, and which are regulated by the FDEP and the SJRWMD;
- B. Are Estuaries, or estuarine systems;
- C. Are Outstanding Florida Waters & Natural Water Bodies;
- D. Are areas designated pursuant to the Federal Coastal Barrier Resource Act (PL 97-348), and those beach and dune areas seaward of the Coastal Construction Control Line;
- E. Are areas designated as Conservation or Preservation;
- F. Are Essential Habitat to Listed Species as determined by approved methodologies of the Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, and the U.S. Fish & Wildlife Service;
- G. Are areas which, because of their unique ecological or environmental nature, or their diversity of significant potential for conservation and preservation due to ownership patterns, Development status, or other factors, are designated as Environmentally Sensitive Areas by action of the Board of County Commissioners.

**ERC:** Means Equivalent Residential Connection, consisting of three hundred-fifty (350) gallons per day of water or Wastewater capacity.

**Erect:** To build, construct, reconstruct, alter, convert, move, attach, hang, place, suspend, or affix a Sign. Erect shall not include the changing of moveable copy.

**Erected:** The word erected includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building: Excavations, fill, drainage, demolition of an existing Structure, and the like.

**Essential Habitat:** Habitat which if lost would result in elimination of Endangered or Threatened Species or Species of Special Concern from the area in question. Essential Habitat typically provides functions for the Endangered or Threatened Species during restricted portions of that species' life cycle. Habitat includes the place or type of site where a species naturally or normally

nests, feeds, resides, or migrates, including for example, characteristic topography, soils, and vegetative cover.

**Estuary:** A semi-enclosed, naturally existing coastal body of water which has a free connection with the open sea and within which seawater is measurably diluted with fresh water derived from riverine systems.

**Evaluating Departments:** Means the departments assigned to review the effect of the issuance of Development Orders on various public facilities and services, as described in this Code.

**Excavating:** Lowering the elevation of land to create a basin below natural land surface by digging or dredging with mechanical equipment.

**Excessive Amounts:** Means volumes or concentrations of materials which would create a physical hazard to a Wastewater System.

**Exempt Sign:** Any Sign exempted from Sign Permit requirements as described in this Code.

**Exempt Trees:** Means species listed by the Florida Exotic Pest Plant Council, Florida Administrative Code section 5B-57.007 "State Noxious Weed List," and all pine species. Exempt Trees may not be used for Tree inch value.

**Existing Construction:** For the purpose of part 3.03.00 "Flood Damage Control Regulations", any Building or Structure for which the "start of Construction" commenced before July 6<sup>th</sup>, 1973 the effective date of the first Floodplain Management Ordinance

**Existing Source:** Means any source of discharge, the Construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Clean Water Act.

**Extended Stay Lodging Facility:** A Building or group of Buildings containing self-sufficient lodging units designed for rental or lease by the day or week. Common areas associated with the facility such as recreation facilities, business meeting rooms, lobby/registration areas and parking areas, are to be utilized by guests only. A common eating area for residents only may be provided. No additional services such as restaurants and convention facilities shall be provided. No retail establishments or personal services shall be permitted.

**External Trip Factor:** The inverse (calculated as  $[1 - (\text{internal capture} / \text{gross trip ends generated by the Project land Uses})]$ ) of the Internal Capture Factor which is multiplied by the Gross Project Trip Ends to calculate the Net Project Trip Ends. The External Trip Factor is applied to mixed-Use Projects.

**Face:** The part of the Sign, including trim and background, which contains the Message or informative contents.

**Facing:** All portions of the Sign Face and Automatic Changeable Faces displayed at the same location and facing the same direction.

**Family:** One (1) or more persons related by blood, marriage, adoption, legal guardianship, or similar formal care giving relationship recognized by Florida law, allowing for an additional group

not to exceed three (3) unrelated persons; but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families. The term family shall not be construed to mean a fraternity, sorority, club, monastery, or convent, or institutional group.

**Family Amusement Arcade:** A business which, in addition to a food and beverage business for which it possesses state and local licenses and permits, also operates an integrated arcade business that complies with section 849.161(1)(a)l., Florida Statutes, catering primarily to families and minors.

**Family Day Care Home:** Means an occupied residence in which child care is regularly provided for children from at least two (2) unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, which includes those children under thirteen (13) years of age who are related to the care giver:

- A. A maximum of four children birth (0) to twelve (12) months of age.
- B. A maximum of three (3) children from birth (0) to twelve (12) months of age, and other children, for a maximum total of six (6) children.
- C. A maximum of six (6) preschool children if all are older than twelve (12) months of age.
- D. A maximum of ten (10) children if no more than five (5) are preschool age and of those five (5), no more than two (2) are under twelve (12) months of age.

**Family Unit:** Shall include the land owner's spouse, lineal ascendants, lineal descendants, brothers and sisters and the descendants of deceased brothers and sisters.

**Farm Animal:** Animal commonly associated with farm use including but not limited to domestic hoofed mammals and domestic fowl.

**Farm Worker Housing:** Living accommodations for farm workers or for families in which the head of household is a farm worker, including residential migrant housing and migrant labor camps as defined in Chapter 10D-25, F.A.C.

**Fascia Sign:** Any Sign attached to or Erected against a wall of a Building, with the parallel plane to the Building wall. Fascia Sign includes Wall Signs and Signs located on the fascia of a roof or canopy, or affixed to a roof plane.

**Feather Sign:** Any sign extending in a sleeve-like fashion down a telescoping or fixed pole that is mounted in the ground or on a building or stand. A Feather Sign is usually shaped like a sail or feather, and attached to the pole support on one vertical side.

**Federal Aviation Administration (FAA):** the federal agency charged with regulating civilian aviation and safety standards.

**Federal Communications Commission (FCC):** the federal agency charged with licensing and regulating wireless communications at the national level.

**Federal Emergency Management Agency (FEMA):** The federal agency that, in addition to

carrying out other functions, administers the National Flood Insurance Program.

**Fence Sign:** Any Sign placed on or attached to an enclosing or dividing barrier. Fence Signs include Wall Signs.

**Fiber Optics:** A system of thin transparent fibers of glass or plastic that are enclosed by material of a lower index of refraction and that transmit light throughout their length by internal reflections.

**Filling Station:** See Service Station.

**Final Decision:** Means the final decision of the Board of County Commissioners on an application for Appeal.

**Final Inspection:** The last required inspection upon which a Certificate of Occupancy is issued.

**Fire Protection Break:** A natural or constructed barrier of limited fuels used to provide a control line from which to work during an active or future prescribed fire or wildfire.

**Fish Camp:** Places designed for passive and active recreational activities that directly involve water related and boating activities. Fish Camps normally have direct access to water and may have boat docks, boat launching facilities, and individual boat slips for transient use. Fish Camps may also include supporting facilities, such as refueling, restaurants, bait and tackle shops and retail sales of similar boating needs and specialty items, and may also include the sale of beer and wine for on or off premise consumption. Fish Camps shall not include boat repair facilities and boat storage (wet or dry) exceeding one week in length.

**Five Year Schedule of Capital Improvements (or Schedule):** Shall have the same meaning as the same term in the St. Johns County Comprehensive Plan, as amended from time to time.

**Flag:** A Sign consisting of a piece of cloth, fabric, or other non-rigid material. Any Flag and pole or attachment that frequently holds a Flag shall be deemed a permanent Flag.

**Flashing Sign:** Any Sign which utilizes an externally-mounted or internally designed intermittent flashing, in which the message changes more than once every two (2) hours, or electronic light source and devices which result in changing light intensity (including on-off-on), brightness or color or which is constructed and operated so as to create an appearance of illusion of motion or creates movement by any means. Flashing Signs include Running Lights and scrolling digital text. (also see **Automatic Changeable Message Device**).

**Flea Market:** An open air market offering hand-crafted merchandise, second hand merchandise, produce, farm products, and similar items for sale in other than a completely enclosed Building.

**Flood or Flooding:** Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood damage-resistant materials:** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC-B, Section 1612.2 and FBC-R Section R322.1.8.]

**Flood Hazard Area:** The greater of the following two areas:

- 1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- 2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Flood Hazard Boundary Map (FHBM):** Means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Areas of Special Flood Hazard have been defined as only Approximate Zone A.

**Flood Insurance Rate Map (FIRM):** Means an official map of a community, issued by the Federal Emergency Management Agency, which delineated both the Areas of Special Flood Hazard and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS):** Means the official hydrology and hydraulics report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.

**Flood Prone:** Areas shown on FEMA FIRM Maps as A or V zones.

**Floodplain Administrator:** The office or position designated and charged with the administration and enforcement of Part 3.03.00 of this Code. May be referred to as the Floodplain Manager.

**Floodplain Development Permit or Approval:** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

**Floodproofing:** Means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway:** The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Floodway encroachment analysis:** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**Floor:** Means the top surface of an enclosed area in a Building (including basement), i.e., top of slab in concrete slab Construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Floor, Lowest:** The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement,



usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24.

**Floor Area:** Except as may be otherwise specifically indicated in relation to particular districts and Uses, floor area shall be construed as the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) Buildings, excluding attic areas with a headroom of less than seven (7) feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other Building machinery and equipment, parking Structures, and basement space where the ceiling is not more than an average of forty-eight (48) inches above the general finished and graded level of the adjacent portion of the Lot.

**Florida Building Code:** The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

**Florida Friendly:** See Xeriscape

**Floridan Aquifer:** The potable water zone located in the Ocala and Avon Park geological formations generally associated with the Eocene Age which are overlain by the Hawthorne Formation of Myocene Age which varies in thickness and depth.

**Fluorescent:** The property of some materials to glow or to appear to glow when excited by a stimulus, such as light or an electron beam.

**Flutter Sign:** See Feather Sign.

**Food Waste:** Means any superfluous solid material produced either from the domestic or commercial preparation, cooking, consumption, or dispensing of food, or from the handling, storage, or sale of produce.

**Footcandle (fc):** a measure of light falling on a surface. A footcandle is equal to the lumens of light incident on an area divided by the total area (i.e., lumens per square foot).

**Force Main:** Means a conduit (pipe) that transports Wastewater under pressure.

**Foundation:** Structural support for exterior walls of a Building, as described in the St. Johns County Building Code.

**Fragmentation:** The division of a large piece of habitat into a number of smaller, isolated patches or the physical separation of like habitat by more intensive land uses.

**Franchise Certificate:** A privilege granted by the Board of County Commissioners authorizing a Utility to provide service in a specific Territory pursuant to this Code, and rules and regulations promulgated pursuant to this Code.

**Franchised Wastewater Utility:** Means a Wastewater utility providing Wastewater service to a designated service area under a Certificate of Authority issued by the St. Johns County Water and Sewer Authority or the Florida Public Service Commission.

**Franchised Water Utility:** Means a community Water System providing water service to a

designated service area under a Certificate of Authority issued by the St. Johns County Water and Sewer Authority or the Florida Public Service Commission.

**Free-Standing Sign:** Any Sign not structurally secured to the ground or to any other Structure, such as, an “A Frame” Sign.

**Freeway:** See Roadway Classifications.

**Frontage:** Linear distance measured along all abutting street Rights-of-Way.

**Frontage (As it applies to Article VII of this Code):** For purposes of Sign placement under Article VII, frontage shall mean the length of the property line of any one premise, for which a Sign is permitted, parallel to and along each Right-of-Way it borders.

**Frontage, Building:** The length of a Building facing (1) the Right-of-Way, or (2) adjacent public or private travel lanes which house the main customer entrance to the business.

**Frontage of a Lot:** See Lot Frontage.

**Functionally dependent use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

**Garage, Parking:** A Building or portion thereof designed or used for temporary parking of motor vehicles, and within which gasoline and oils may be sold only to parking patrons of the garage.

**Garage, Private:** An Accessory Structure designed or used for inside parking of private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main Structure is to be considered part of the main building. An unattached private garage is to be considered as an accessory Building.

**Garage, Repair:** A Building or portion thereof, other than a private storage, or parking garage or service station, designed or used for repairing, equipping, or servicing of motor vehicles. Such garages may also be used for hiring, renting, storing, or selling of motor vehicles.

**Garage, Storage:** A Building or portion thereof designed and used exclusively for the storage of motor vehicles, and within which temporary parking may also be permitted.

**General Store:** A retail establishment engaged in the selling of groceries and convenience goods to the residents of a predominantly rural or agricultural area.

**Generalized Planning Maximum Service Volumes:** The generalized daily, peak hour or peak hour/peak directional service volumes as defined in the Florida Department of Transportation publication entitled Level of Service Handbook, as updated from time to time, and/or as supplemented by St. Johns County.

**GIS Addressing:** The St. Johns County Board of County Commissioners GIS Division.

**Government or Non-Profit Use:** Shall mean that the occupant or user of at least sixty-five percent (65%) of the Usable Space of a site is an agency of the Federal, State or local

government, or a non-profit corporation certified by the Department of State under Section 617.0128, F.S.

**Governmental Authority:** A political subdivision as defined in Section 1.01, F.S., authorized to provide water or Wastewater service.

**Governmental Body:** Shall mean any agency of the County, State, or Federal Government.

**Grab Sample:** Means a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

**Gross Project Trip Ends:** The sum of the proposed Project trips as calculated by applying the appropriate trip end estimation method as indicated in the St. Johns County P.M. Peak Hour Trip Rate and Percent New Trips Data Table or the most recent edition of the Institute of Transportation Engineers *Trip Generation Informational Report* for each Project land Use. In the case of an existing land Use on the Parcel to be replaced or modified by the proposed Project, the Project trip ends for the proposed Project are subtracted from the existing land Use(s) trip ends to determine the Gross Project Trip Ends.

**Gross Vehicle Weight Rating (GVWR):** The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

**Ground Cover:** Low growing plants planted in such a manner as to form a continuous cover over the ground.

**Ground Level:** The grade at the crown of road perpendicular to the location of a Sign.

**Ground Level Barrier:** Any vegetation, natural feature or artificial Structure rising from the ground which prevents Artificial Lighting from shining directly onto the beach/dune system.

**Ground Sign:** Any Sign which is incorporated into or supported by Structures or supports in or upon the ground and independent of support from any Building. Includes Pole Sign.

**Grubbing:** The removal or destruction of any living rooted vegetation; the denuding of a Parcel by digging, raking, or dragging, or bulldozing activities which disturb the roots of such vegetation or the soil in which such roots are located in a manner which is calculated to result, or likely to result, in the death, destruction or removal of such vegetation.

**Guest House, Guest Quarters, or Cottage:** A unit in a Building separate from and Accessory in Use and size to the main residential Building on a Lot, intended and used only for intermittent or temporary occupancy by a non-paying guest or family member. A Guest House may contain limited kitchen facilities such as microwave oven, bar sink, less than 10 cubic foot refrigerator/freezer, provided the unit is not occupied by the same tenant in excess of thirty (30) days within the same calendar year, and the unit shall not be rented. A Guest House shall not be considered a separate Dwelling Unit provided such conditions are met. A Guest House shall also meet the same required yards as the principal Building or Structure.

**Ham/CB/TV Antenna:** Non-commercial amateur radio or citizens band antennas, or antennas

that are designed to receive television broadcast signals.

**Hatchling(s):** Any species of Marine Turtle, within or outside of a nest, that has recently hatched from an egg.

**Hazardous Sign:** Any Sign displaying a Copy that in any way simulates emergency vehicles, traffic-control Signs, or devices, or directional, informational and warning Signs that are Erected or Maintained by the State of Florida, St. Johns County, railroad, public entity or similar agency involved with the protection of the public health, safety and welfare.

**Height of a Building:** The vertical distance from the lowest point of the established grade surrounding the perimeter of the Building to the highest point of the roof or parapet.

**Height of Sign:** The Height of a Sign shall be measured from the vertical distance from the crown of the road, other than an elevated roadway, immediately adjacent to the Structure or from the existing natural grade immediately adjacent to the Structure, whichever is higher.

**Heliport:** An area, either at ground level or elevated on a Structure, licensed or approved for the landing and take off of helicopters, and including auxiliary facilities such a sparking, waiting room, fueling and maintenance equipment.

**Helistop:** A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

**High Volume Irrigation:** An irrigation system that does not limit the delivery of water to the root zone and typically has a minimum flow rate per emitter of more than 30 gph or higher.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

**Historic Property:** shall mean a building, site, structure or object which is:

- (a) Individually listed in the National Register of Historic Places;
- (b) A contributing property in a National Register listed historic district;
- (c) Designated as a historic property or landmark under the provisions of a local historic preservation ordinance; or
- (d) A contributing property in a historic district designated under the provisions of a local historic preservation ordinance.

**Historic Structure:** Means any Structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

**Historic Tree:** A Tree which has been determined by the Board of County Commissioners of St. Johns County to be of notable historic interest and value to St. Johns County because of its provable involvement in a County historic event, or historic association with the community. The Tree which has been designated as a Historic Tree by the Board of County Commissioners of St. Johns County with such designation recorded in the Official Public Records of St. Johns County following a public hearing with due notice provided in advance by certified mail mailed to the owner of the land upon which such Tree is located.

**Holographic Display Sign:** An advertising display that creates a three-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.

**Home for the Aged:** A facility for the care of the aged with routine nursing or medical care provided.

**Home Occupation:** A business, profession, occupation or trade conducted entirely within a residential Building or a Structure accessory thereto and carried on by the family residing therein, which use is clearly accessory, incidental and secondary to the use of the Building and property for dwelling purposes and does not change the essential residential character or appearance of such Building or property (see Section 2.03.07).

**Home Office:** A home occupation consisting of a private office of a practitioner of a recognized profession, business or trade which is located entirely within the residential Structure and does not involve in office contact with clients or the public and is clearly accessory, incidental and secondary to the residential Use of the Building and property (See Section 2.02.04).

**Hospital:** A Building or group of Buildings having facilities for overnight care of one or more human patients, providing services to in-patients and medical care to the sick and injured, and which may include as related facilities such as laboratories, out-patient services, training facilities, central service facilities, and staff facilities; provided however, that any related facility shall be incidental and subordinate to principal hospital use and operation. Only those Buildings licensed as a hospital under the laws of the State of Florida shall be included within this definition. A hospital is an institutional Use under this Code.

**Hotel, Motel, Motor Hotel, Motor Lodge, or Tourist Court:** A Building or a group of Buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from Multiple Family Dwellings and Boarding or Rooming Houses, where rentals are for periods of one week or more and occupancy is generally by residents rather than transients.

**Household Animal:** Animal which is customarily kept for personal use or enjoyment which are not exhibited to the public, nor raised for commercial purposes. A household animal shall include domestic dogs and cats, white mice, domestic rabbits and any other animals deemed by the County Administrator to be appropriate as domestic pets.

**Household Employees Quarters:** Dwelling Units for domestic employees employed on the premises. Such units may be in either a principal or an accessory Building, and if in an accessory Building may be used alternatively as a guest house, but no such living quarters shall be rented, leased, or otherwise be made available for compensation of any kind except in the form of housing for employees.

**Housing for the Elderly:** A facility in the nature of multiple family housing, with no provision for routine nursing or medical care.

**Illuminated Sign:** Any Sign illuminated in any manner by an artificial light from an interior or exterior source.

**Illumination:** the areal density of the luminous flux incident at a point on a surface measured in footcandles.

**Impact(s) of the Development:** Means and refers to the point in time at which a Development is authorized to commence Construction pursuant to the issuance of a Building Permit or any other Development Permit authorizing the erection of a Structure intended for human habitation, occupancy or use.

**Impacted Segment:** Any segment on the Major Road Network on which peak hour traffic generated by a Development contributes one percent (1.0%) or more of the maximum service volume of the adopted Level of Service standard, up to a maximum of four (4) miles from the project boundaries or as extended by provisions of this Code.

**Impervious Surfaces:** Any Building, concrete, pools, wet retention/detention areas, pavement or compacted materials utilized for parking or roadways.

**Impervious Surface Area (ISA):** the sum of all Impervious Surfaces within a portion or portions of a proposed Development site or Project.

**Impervious Surface Ratio (ISR):** the ISR shall be calculated by dividing the total Impervious Surface Area, exclusive of the surface area of any wet retention/detention areas, by the total area of the proposed Development site or Project.

**Improvement:** Shall mean changes in the condition of real property brought about by the expenditure of labor or money for restoration, renovation or rehabilitation of such property. Improvements include new Construction, additions and Accessory Structures (i.e. a garage) necessary for efficient contemporary use.

**Indirect Beach Illumination:** Illumination of the beach, or any portion thereof, by artificial light or reflectors, in which the light source or reflector is not visible from the surface of the beach.

**Indirect Discharge or Discharge:** Means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act.

**Indirectly Illuminated Sign:** Any Sign which reflects light from a source intentionally directed upon it by a means of flood lights, goose-neck reflectors, externally mounted florescent light fixtures and similar lighting devices.

**Individually Owned Package Treatment Plant:** Means a package treatment plant owned by private investors serving proprietary uses and having a limited and constrained geographic service area.

**Individually Owned Water Supply System:** Means a water supply system owned by private investors serving proprietary uses and having a limited and constrained geographic service area.

**Industrial User or "IU":** Means any user discharging non domestic waste into a central Wastewater System or a connected system from any non domestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act.

**Industrial Waste Surcharge:** Means an additional service charge assessed against central Wastewater System industrial users whose Wastewater characteristics exceed established surcharge limits.

**Industrial Wastewater Discharge Permit or "IWD Permit":** means written authorization from

the Director to discharge industrial Wastewater to a Wastewater System or a connected system and setting conditions and/or restrictions on such discharge.

**Ingress Sign:** A Sign at the entrance to a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and/or vehicular traffic safety.

**Instantaneous Maximum Allowable Discharge Limit:** Means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**Institutional Lender:** A financial intermediary such as a State or federally chartered bank, a life insurance company or other similar entity subject to regulatory oversight for the protection of depositors, investors or policy holders.

**Instrument Runway:** A runway having an existing or planned instrument approach procedure utilizing air navigation facilities or area type navigation equipment.

**Intensity:** Means the number of square feet of Development per acre by land Use type for non residential land Uses.

**Interference:** Means a discharge which, alone or in conjunction with a discharge or discharges from other sources which cause an inhibition or disruption of the a Wastewater System, its treatment processes or operations, or its sludge processes, use, or disposal which is a cause of, or significantly contributes to, either a violation of any requirement of a Utility Provider's National Pollution Discharge Elimination System ("NPDES") Permit or to the prevention of sludge use or disposal by the a Wastewater System in accordance with any criteria, guidelines, or regulations developed pursuant to the Clean Water Act, Solid Waste Disposal Act, the Clean Air Act, as amended (42 U.S.C. 7401 et seq.), the Toxic Substances Control Act, as amended (15 U.S.C. 2601 et seq.), or more stringent state criteria applicable to the method of disposal or use employed by the Wastewater System.

**Interior Area:** The entire Parcel of land to be developed exclusive of the front, rear and side perimeter set backs as required by zoning and/or landscape areas.

**Interior Light Fixture:** Any light fixture or point source of light which is located within an enclosed Structure.

**Interior Property Line:** Any property line, other than fronting on a Public or Private Roadway Right-of-Way or Access Easement.

**Internal Capture:** Trips generated by a mixed Use Project which travel to another on-site land Use.

**Internal Capture Factor:** The percentage of the total trips generated by a mixed Use Project that travel from one (1) on-site land Use to another on-site land Use.

**International Golf Parkway Scenic Roadway:** That portion of International Golf Parkway (formerly known as Nine Mile Road) that passes through Twelve Mile Swamp.

**Irreparable or Irreversible Violation:** Shall be a violation of this Code which cannot be corrected

within a reasonable time. The violation shall be considered irreparable or irreversible if restoration of the property to the original condition prior to the violation cannot be achieved within five (5) years for the unpermitted removal or disturbance of a Specimen or Historic Tree, Historic Resource or Landmark, Scenic Roadway Buffer, Upland Buffer, Significant Natural Communities Habitat, or other Environmentally Sensitive Area. The restoration and replacement requirements shall be determined by the County Administrator.

**Intersection Analysis:** A mathematical analysis of two intersecting roadways to determine its vehicular capacity and Level of Service.

**Inventory of Trees:** Inventory of Protected Trees provided by a State of Florida licensed Land Surveyor and Mapper, Landscape Architect, Architect, Engineer or a Certified Arborist. The Inventory shall include the Tree size (Diameter at Breast Height, DBH) and Tree type on a Site Plan prepared by a State of Florida licensed Engineer or Landscape Architect.

**Isolated Wetland:** A Wetland that is surrounded by uplands and without a natural connection to waters of the state.

**Joint Use Driveway:** A single connection that serves as a driveway to more than one (1) residential or non-residential property or Development, including those of different ownership.

**Junk Yard:** Place, Structure, or Lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are brought, bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and Building material yards, house-wrecking yards, heavy equipment wrecking yard, and yards or places for the storage, sale, or handling of salvaged house wrecking for structural steel materials. This definition shall not include automobile wrecking for storage yards, or pawnshops, and establishments for the sale, purchase, or storage of second hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded or salvaged materials incident to manufacturing activity. However, establishments for the sale, purchase or storage of second hand refrigerators, stoves, plumbing fixtures, and similar merchandise shall be considered a junk yard for the sole purpose of requiring that such establishments display their merchandise behind a visual barrier as required for junk yards in this Code.

**Kennel:** Any place or premises where four (4) or more dogs over four (4) months of age are kept for pay or for sale. This definition shall not apply to veterinarians operating under license from the State of Florida who board dogs.

**Kindergarten:** See Day Nurseries.

**Lake:** A body of standing water occupying a natural basin or man-made depression in the earth's surface.

**Lake Cleaning:** Land excavation to restore a lake, as defined in this Code, to its natural or artificially constructed depth; and/or its natural or artificially constructed shape by the removal of land excavation materials.

**Lake Creation:** The land excavation which will result in the creation or enlargement of a lake as defined.



**Land Alteration:** Land Alteration is any activity which removes vegetation or changes the topography of the land by Grubbing, Protected Tree removal, clearing, grading, filling, or excavating, except for activities undertaken to maintain existing grounds.

**Land Clearing:** See Land Alteration.

**Land Development Code (LDC), St. Johns County:** Means those regulations adopted by St. Johns County governing the Development of land within the unincorporated area of the County.

**Land Development Regulations:** Shall have the same meaning as the same term in Section 163.3164, F.S., as amended.

**Land Development Traffic Assessment:** A traffic impact study that is required for all major Developments generating thirty (30.0) or more average peak hour trips. The Land Development Traffic Assessment (LDTA) summarizes existing conditions in the Development's impact area; estimates the traffic that will be generated by the proposed Development; projects the future traffic conditions with the proposed Development traffic; and outlines roadway Improvements which are needed to maintain the adopted Level of Service standards on the Major Road Network.

**Land Excavation:** The excavation and offsite hauling of sand, peat, clay, stone, shell, and the like, disturbing one thousand (1000) square feet or more of land.

**Landmark:** A Cultural Resource or a group of Cultural Resources of archaeological, architectural or historic significance to St. Johns County which meets one or more of the criteria for designation and has been officially designated by the Board of County Commissioners through the approved process. A landmark may include an historical site which was the location of a significant historical event. References to Landmarks shall include any or all designated Landmarks, Landmark Sites, and Landmark Districts.

**Landmark Site:** The land on which a Landmark and its associated Structures, grounds, premises and settings are located. A Landmark Site shall only be designated in conjunction with the designation of a Landmark and shall be identified through its legal description. A Landmark Site may include part of one or more Parcels.

**Leachate:** Means a liquid waste as a result of chemical and biochemical reactions of the landfilled waste and the percolation of liquids through solid waste while it simultaneously extracts dissolved or suspended materials. The sources of the liquid include moisture contained in the landfilled solid waste, rainfall, and surface groundwater infiltration.

**Legal Positive Outfall:** An outfall to a Natural Water Body such as the ocean, a river or a creek, or State of Florida jurisdictional Wetlands contiguous to a Natural Water Body or to some other legally established drainage way which has the hydraulic capacity to accept and convey the proposed stormwater discharge. "Legally established drainage way" refers to a drainage way within a public Right-of-Way, a recorded or platted Easement, or an implied Easement or servitude under Florida law.

**Legally Documented Unrecorded Subdivision:** Shall mean a legally documented unrecorded residential division of property depicted by a drawing, plat or sketch that was in existence as of June 19, 1978, filed and documented in the public records of St. Johns County, and defined as an "Unrecorded Subdivision."

**Letter of Map Change (LOMC):** An official determination issued by FEMA that amends or revises

an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- A. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- B. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- C. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- D. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

**Level 1 Development Review:** This review is intended to be for Projects considered minor in nature which can be handled at the counter level; do not require in-depth reviews, are subject to a minimum of inter-departmental involvement, and are not subject to State and/or federal permitting requirements.

**Level 2 Development Review:** This review category is an in-depth inter-departmental review for all private and public projects which are not subject to action or approval from the St. Johns County Planning & Zoning Agency or St. Johns County Board of County Commissioners.

**Level 3 Development Review:** This review category is an in-depth inter-departmental review for all private and public Projects which are subject to action or approval from the St. Johns County Planning & Zoning Agency or St. Johns County Board of County Commissioners.

**Level of Service:** Shall have the same meaning as the same term in Chapter 9J-5, Florida Administrative Code.

**Licensed Sign Contractor:** Any Person certified by the State of Florida as a Sign Contractor and/or licensed by St. Johns County and registered with the State of Florida to build, Erect, Maintain or install Signs within St. Johns County, Florida.

**Life Care Center:** A facility which provides one or more levels of personal care services to residents but which provides an independent or semi-independent lifestyle to its residents and which is not licensed as an Adult Congregate Living Facility or Community Residential Home by the Florida Department of Children and Families. A life care treatment facility may be built in combination with a congregate living facility or a nursing convalescent and extended care facility.

**Light Fixture:** A stationary artificial light source composed of lamp(s), reflectors(s), globe(s), and other elements necessary to produce and direct light.

**Light-duty truck:** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- A. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- B. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- C. Available with special features enabling off-street or off-highway operation and use.

**Limit of Moderate Wave Action:** Line shown on FIRMs to indicate the inland limit of the 1 ½-foot (457 mm) breaking wave height during the base flood.

**Link:** A portion of a roadway segment located on the Major Road Network defined by two consecutive intersecting roadways.

**Link Improvement:** A change in the physical or operating characteristics of a portion of a roadway segment that results in increased capacity and/or improvements to the general quality, Level of Service and safety characteristics of the link.

**Liquor Store:** An establishment engaged in the retail sale of packaged alcoholic beverages for consumption off-premises.

**Listed Species:** Species so listed as Threatened or Endangered Species and Species of Special Concern by the Florida Fish and Wildlife Conservation Commission, Florida Department of Agriculture and Consumer Services, and U.S. Fish & Wildlife Service.

**Loading Space, Off-Street:** Space logically and conveniently located for pickups or deliveries or for loading or unloading, scaled to deliver vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

**Location:** Any Lot, Premise, Building, Structure, wall or other places that a Sign is attached, Erected or otherwise placed or may be attached, Erected or otherwise placed.

**Lot:** Shall have the same meaning as the same term in Chapter 177, F.S.

**Lot Frontage:** The front of an interior Lot shall be construed to be the portion nearest the street. Where a thirty (30) feet Easement is used to access no more than two (2) Dwelling Units, the front shall be construed to be the portion nearest the street from which the Easement extends. For the purpose of determining Yard requirements on corner Lots and through Lots, all sides of a Lot adjacent to street shall be considered frontage, and Yards shall be provided as set out in this Code.

**Lot Frontage (As it applies to Article VII of this Code):** For purposes of Sign placement under Article VII, Lot Frontage shall be the linear frontage of an individual Lot or Lots or Business Site

on the street or streets serving the business or businesses constructed or located thereon, as measured along a straight line extending between the two points where property corners intersect street Right-of-Way lines.

**Lot Measurement, Depth:** Depth of a Lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the Side Lot lines in front and rearmost points of the Side Lot lines in the rear.

**Lot Measurement, Width:** Width of a Lot shall be considered to be the distance between straight lines connecting Front and Rear Lot lines at each side of the Lot, measured across the rear of the required Front Yard, provided, however, that the width between Side Lot lines at their foremost points (where they intersect with the Street Line) shall not be less than eighty percent (80%) of the required Lot width except in the case of Lots on the turning curve of a road or the circle of a cul-de-sac, where the eighty percent (80%) requirements shall not apply. The minimum Lot widths of Lots on the turning curve of a road or the circle of a cul-de-sac shall be twenty-five (25) feet at the Street Line.

**Lot of Record:** Means:

- A. A Lot which is part of a subdivision which has been recorded in the Office of the Clerk of the Circuit Court of the County, or
- B. A Lot, Parcel or tract described by metes and bounds, the description of which has been so recorded in the Office of the Clerk of the Circuit Court of St. Johns County consistent with the Land Development Regulations in effect at that time, or
- C. A Lot, Parcel or tract described by metes and bounds, the division of which complies with the Land Development Regulations in effect on the date of conveyance creating the division as evidenced by reasonably reliable documentation substantiating such conveyance.

**Low Impact/Stealth Tower:** A tapered monopole that is equipped with visually low impact antenna mounts of wireless communication service providers. Examples include, but are not limited to, low-profile mounts, closed-mounts, cobra-mounts and side-arm antennas.

**Low Profile Light Fixture:** Any light fixture, set on a base, where the point source of light is no higher than forty-eight (48) inches off the ground, and is designed in such a way that light is directed downward from a hooded light source.

**Low Volume Irrigation:** An irrigation system designed to eliminate overspray and runoff by limiting the delivery of water to within the root zone and measured thirty (30) gallons per hour or less per emitter. Examples include drip, micro, trickle and soaker systems.

**Maintain:** To cause or allow any Sign, Sign Structure, or any part of either, to continue in existence; or to replace, repair or refurbish less than one-sixth of the Sign Structure annually.

**Maintenance Bond:** An obligation for timely maintenance as a guarantee against faulty workmanship, construction and materials by a money forfeit.

**Major Intersection:** The location at which two (2) roadway segments located on the Major Road Network cross or intersect each other.

**Major Road Network:** A listing of all existing and planned roadway segments within St. Johns County that comprise the roadway network to be used when evaluating the traffic impacts of proposed Development.

**Major Road Network Map:** A map illustrating all existing and planned roadway segments within St. Johns County that comprise the roadway network to be used when evaluating the traffic impacts of proposed Development.

**Management Plan:** A plan prepared to address conservation and management of Environmentally Sensitive Areas, which is approved by the County in accordance with Article IV of this Code. The Management Plan describes and depicts the location of areas to be conserved or preserved, including any protective buffers. The Management Plan indicates the location of Significant Natural Communities Habitat, Listed Species, and Essential Habitat. The plan identifies habitat management activities and contains an action plan with specific implementation activities, schedules, and assignments of responsibilities.

**Manual Changeable Copy Sign:** Any Sign on which copy is changed manually.

**Manufactured Home:** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities and constructed to the standards promulgated by the United States Department of Housing and Urban Development. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

**Manufactured Home Park:** Means a development as described in Chapter 723, F.S.

**Manufactured Home Subdivision:** A manufactured home subdivision is a Parcel of land set aside where Lots are sold or leased to manufactured home owners for the purpose of placing manufactured homes thereon for living and sleeping purpose, including any land, Building, Structure or facilities used by occupants of manufactured homes on such premises.

**Manufactured/Mobile Home:** A residential Dwelling Unit constructed to standards promulgated by the United States Department of Housing and Urban Development.

**Manufactured/Modular Building:** Means a closed Structure, Building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished Building or as part of a finished Building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. This definition does not apply to Manufactured/Mobile Homes. Manufactured/Modular Building may also mean, at the option of the manufacturer, any Building of open Construction made or assembled in manufacturing facilities away from the Building site for installation, or assembly and installation, on the Building site.

**Manufacturing, Agricultural:** This Use involves establishments primarily engaged in the grading, sorting, packing, refining and processing of raw agricultural Projects. The processed material is typically grown, cultivated or produced onsite and is an integral part of the agricultural enterprise.

**Marina:** Establishments used for the docking or storage of watercraft used for pleasure purposes or Limited Commercial Purposes including Charter fishing or sightseeing, minor watercraft repair services, watercraft cleaning services, watercraft wet or dry berthing or storage, fueling, parking, sale of watercraft, retail, restaurant, motel, launching facilities and other customary accessory facilities. A watercraft pump-out facility is required. (Also see Marina, Community)

**Marina, Community:** Establishments intended to serve the immediate surrounding community for the docking of vessels for pleasure purposes only. Activities include boat slip rental, boat storage and incidental food or fishing supply sales. Activities are limited to sub-regional intensity including limiting hours of operation, limiting the number of wet slips and dry berths combined to no more than 75 boats and prohibiting Commercial watercraft activities such as Charter Fishing or Sightseeing. Prohibited activities include watercraft cleaning services, watercraft repair services, watercraft sales and retail activities such as motels and fueling. A watercraft pump-out facility is required. (Also see **Marina**).

**Marine Turtle(s):** Any specimen belonging to the species *Caretta caretta* (loggerhead turtle), *Chelonia mydas* (green turtle), *Dermochelys coriacea* (leatherback turtle), *Eretmochelys imbricata* (hawksbill turtle), or any other Marine Turtle using St. Johns County Beaches as a nesting habitat.

**Maritime Hammock:** See Significant Natural Communities Habitat.

**Market value:** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, assessed value adjusted to approximate market value by a factor provided by the Property Appraiser, or Actual Cash Value (replacement cost depreciated for age and quality of construction). Any appraisal used for permitting purposes must be within (1) one year of the permit application.

**Marquee:** Any permanent roof-like Structure projecting beyond a Building wall at an entrance to a building or extending along and projecting beyond the Building wall and generally designed and constructed to provide protections against the weather.

**Marquee Sign:** Any Sign attached to or hung from a Marquee.

**Mean Sea Level:** Means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Code, the term is synonymous with National Geodetic Vertical Datum (NGVD).

**Medical Marijuana:** Means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a Medical Marijuana Treatment Center for medical use by qualified patient. This definition does not include marijuana for non-medical use.

**Medical Marijuana Treatment Center (MMTC):** has the same meaning as Article X, Section 29(b)(5) of the Florida Constitution, further regulated in Section 381.986, Florida Statutes (2017), and means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana related to

supplies, or educational materials to qualifying patients or their caregivers, and is registered by the Department of Health. For purposes of this Code, MMTC also applies to Dispensing Organizations registered pursuant to the Compassionate Medical Cannabis Act of 2014. MMTC does not apply to entities not registered with the Department of Health or otherwise not allowed pursuant to state law. The following components are considered part of a Medical Marijuana Treatment Center:

- a. **Cultivating Facility or Cannabis Farm:** The agricultural component of a MMTC that grows, harvests, and cultivates marijuana for a Medical Use as allowed by law. Cultivation Facilities must be located more than 500 feet from the real property that comprises a public or private elementary school, middle school, or secondary school.
- b. **Dispensing Facility, Retail Facility, or Dispensary:** The retail component of a MMTC described by Section 381.986, Florida Statutes (2017) that sells, offers for sale, distributes, dispenses, or administers Medical Marijuana, products containing marijuana related supplies, or Medical Marijuana educational materials to qualifying patients or their caregivers as allowed by law.
- c. **Processing Facility or Plant:** The processing component of a MMTC that converts marijuana into Medical Marijuana products as allowed by law. Processing Facilities must be located more than 500 feet from the real property that comprises a public or private elementary school, middle school, or secondary school.

**Medical Waste:** Means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**Microbrewery:** Any establishment where the primary activity is the manufacturing of alcoholic malted or distilled beverages primarily for off-site consumption, with a distribution component. Microbreweries may include a tasting room, service area, restaurant or retail component under applicable development permits. The standards for on premise sale or consumption of alcoholic beverages for Microbreweries will also apply to distilleries engaged in the same types of activities.

**Minimum Descent Altitude:** The lowest altitude, expressed in feet above mean level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

**Minimum Enroute Altitude:** The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

**Minimum Obstruction Clearance Altitude:** The specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.

**Minimum Requirements (As it applies to Article XI of this Code):** Means the criteria for determining whether adequate public facilities are available to accommodate the impacts of a Project, or will be available when the impacts of the Project occur. The minimum requirements refer to the point in time at which facilities must be available at the Adopted Level of Service in order to satisfy the adequate public facilities review in accordance with this Code or, if otherwise provided, the mechanism for ensuring that such facilities will be adequate concurrent with the impacts of Development.

**Minimum Specifications:** To determine minimum specifications for all plant material for which credit will be given in complying with the requirements of this Code.

**Mining:** Any surface excavation for the principal purpose of removing material from the site and transporting to another site for sale, processing, refining, filling, Construction or disposal. Mining includes the operation of "Borrow Pits" for soil, shell, clay, rock, and similar materials. Projects which remove material for sale as a secondary function in the creation of a storm water management system within the scope of a Site Plan shall be exempted from the provisions of this Code pertaining to Mining and Borrow Pit Operations.

**Mobile Sign:** See Portable Sign.

**Monument Sign:** Sign placed upon the ground independent of support from the face of a Building and constructed of solid material and Construction design.

**Motel:** See Hotel, etc.

**Motor Hotel or Motor Lodge:** See Hotel, etc.

**Motor Vehicle:** Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles.

**Moving Copy:** See Animated Copy.

**Multi-Family Dwelling:** See Dwelling, Multiple Dwelling.

**Multi-message:** Any Sign Face that contains more than one Advertising Display Area, when viewed from one direction.

**Multi-Prism Sign:** See Automatic Changeable Message Sign.

**Multi-Trunked Tree:** Any Tree that grows with two (2) or more trunks. For survey purposes, an existing Multi-Trunked Tree shall branch at a minimum of one (1) foot above grade and the DBH of all trunks shall be added together to obtain the total DBH.

**National Categorical Pretreatment Standard:** Means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

**National Geodetic Vertical Datum (NGVD):** As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**National Pollutant Discharge Elimination System Permit or "NPDES Permit":** Means a Permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).

**National Register of Historic Places:** Shall mean the list of historic properties significant in American history, architecture, archaeology, engineering and culture, maintained by the Secretary of the Interior, as established by the National Historic Preservation Act of 1966, as amended.



**Native Tree:** Means any tree species with a geographic distribution indigenous to St. Johns County and may include those species listed in *The Atlas of Florida Vascular Plants*, published by the Institute for Systematic Botany.

**Natural Preserves:** Publicly or privately owned lands or waters set aside for preservation in their natural state.

**Natural Water Body:** Includes rivers, streams, lakes, navigable waters and associated tributaries, canals, meandered lakes, enclosed water systems, and other surface waters owned by the State of Florida.

**Natural Wetland Hydroperiod:** The normal seasonal fluctuations in the surface and ground water levels of Wetlands and the resulting duration of surface flooding in response to seasonal rainfall.

**Neon Sign:** A Sign using neon gas or similar substance for lighting.

**Nest (As it applies to Marine Turtles):** An area where Marine Turtle eggs have been naturally deposited of subsequently relocated.

**Nesting Season (As it applies to Marine Turtles):** The period from May 1<sup>st</sup> through October 31<sup>st</sup> of each year.

**Net New Project Trip Ends:** The result of the New Project Trip Ends multiplied by the Percent New Trips Factor. The Net New Project Trip Ends are the Project trips assigned to the Major Road Network.

**Net Project Trip Ends:** The result of the Gross Project Trip Ends multiplied by the appropriate External Trip Factor.

**New Construction:** For the purposes of administration of Part 3.03.00 and the flood resistant construction requirements of the *Florida Building Code*, structures for which the “start of construction” commenced on or after July 6, 1973 and includes any subsequent improvements to such structures.

**New Source:** Means:

- A. Any Building, Structure, facility, or installation from which there is (or may be) a discharge or pollutants, the Construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act (33 U.S.C. 1347) which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
  1. The Building, Structure, facility, or installation is constructed at a site at which no other source is located; or
  2. The Building, Structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  3. The production or Wastewater generation processes of the Building,

Structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the Construction does not create a new Building, Structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - 1. Begun, or caused to begin, as part of a continuous onsite Construction program; or
  - 2. Any placement, assembly, or installation of facilities or equipment; or
  - 3. Significant site preparation work including clearing, excavation, or removal of existing Building, Structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - 4. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**Night-time or Night:** The period between sunset and sunrise as published in The St. Augustine Record newspaper.

**Non-Commercial Message:** Any message which is not a Commercial Message.

**Non-Conforming Sign:** Any Sign which was lawfully erected but which does not comply with the land Use, setback, size, spacing, and lighting provisions of State or local law, rule, regulation, or Ordinance passed at a later date or a Sign which was lawfully erected but which later fails to comply with State or local law, rule, regulation, or Ordinance due to changed conditions.

**Non-Conforming Use:** Any preexisting Structure or use of land which is inconsistent with the provisions of this Code or any amendments thereto.

**Non-Contact Cooling Water:** Means water used for cooling which does not come into direct contact with any raw material, intermediate produce, waste produce, or finished product of the factory or facility using such water.

**Noncontributing Property:** shall mean a building, site, structure or object which does not add to the historic architectural qualities, historic associations or archaeological values for which the area of the County is significant because (a) it was not present during the period of significance of the

area; (b) due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period; or (c) it does not independently meet the National Register of Historic Places criteria for evaluation.

**Non-Electrical Sign:** Any Sign that does not contain electrical wiring or is not attached or intended to be attached, to any electrical energy source.

**Notice of Significant Violation or “NOSV” (As it applies to Wastewater Systems):** Means a written notice provided by the County when it has been determined that a significant violation has occurred.

**Notice to Show Cause or “NSC” (As it applies to Wastewater Systems):** Means a written notice issued by the County giving a Person or an industry opportunity to demonstrate to the County why a Permit should not be revoked or service terminated.

**Nursery, Plant:** An enterprise that conducts the retail and/or wholesale of plant, Trees and shrubs grown on the premises, as well as accessory items directly related to their care and maintenance, excluding power equipment such as gas or electric lawn mowers and farm implements.

**Nursing Home:** A public or private facility, institution, Building, residence, or other place, profit or non-profit, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, maintenance, personal care or nursing for three (3) or more persons not related by blood or marriage to the operator, who by reason of illness or physical infirmity or advanced age are unable to care for themselves, as defined in Chapter 464, F.S.; provided that this definition shall include homes offering services for less than three persons when the homes are held out to the public to be establishments which regularly provide nursing and custodial services. Only those homes, Buildings or places licensed under the laws of the State of Florida as Nursing Homes shall be included within this definition.

**Obscene Sign:** Any Sign containing statements, words, pictures or symbols of an obscene nature. The word Obscene shall be as defined in Section 847.001, F.S., as amended from time to time.

**Obstruction:** Any existing or proposed manmade object or object of natural growth or terrain that violates that federal obstruction standards contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29.

**Occupied:** The word occupied includes arranged, designed, built, altered, converted to, or intended to be used or occupied.

**Office, Business or Professional:** An office for such operations as real estate agencies, advertising agencies (but not Sign shop), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title insurance companies, management consultants, stockbroker, and the like; or an office for the use of a person or persons generally classified as professionals such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians, psychiatrists, psychologists, and the like. For the purpose of this Code, a barber or beauty shop shall not be deemed a business or professional office.

**Official Date of Filing:** The date upon which it has been determined by the County Administrator, that the Applicant has filed the minimum filing requirements as established by this Code.

**Official Zoning Atlas:** See Zoning Atlas, Official.

**Off-premise Sign:** Any Sign which directs attention to a Person; product; business; merchandise; service; institution; residential area; entertainment; attraction; charitable, religious, or other organization; or any activity conducted by any company, Person, or organization not located, sold, purchased, rented, based, offered, furnished, existing, or otherwise associated with the property on which the Sign is located. For purpose of clarification, a Sign (i) that does not so direct attention but which available to do so and (ii) that is not an On-premise sign shall also be defined as being an Off-premise Sign.

**Offsite Conservation Land Bank:** An area of land approved by the County that is appropriate for off-site conservation or preservation of Environmentally Sensitive Areas as provided in Article IV of this Code and which is in either public or private ownership or has been acquired by a nonprofit conservation organization for the purpose of being used as a land bank for the conservation, preservation or restoration of land.

**Off-site Sign:** See Off-premise Sign.

**On-premise Sign:** Any Sign which directs attention to a Person; product; business; merchandise; service; institution; residential area; entertainment; attraction; charitable, religious, or other organization; or any activity conducted by any company, Person, or organization located, sold, purchased, rented, based, offered, furnished, existing, or otherwise associated with the property on which the Sign is located.

**On-site Sign:** See On-premise Sign.

**Orders of the Authority:**

A. Final Order

Any order of the Authority disposing of procedural matters issued in conjunction with proceedings or hearings.

B. Preliminary Order

1. Recommends the issuance, modification, denial, transfer or revocation of a Franchise Certificate.
2. Fixes or changes a rate or a charge, service availability charges or conditions, or matters of service, quality or quantity. All Preliminary Orders are subject to confirmation by the Board.

C. Recommended Order

Any Order of the Authority recommending an interim rate, and also any other Order of the Authority resulting from a hearing held pursuant to a Combined Notice.

**Origin/Destination Survey:** The collection of data at a land Use resulting from an on-site interview to determine characteristics about travel to and from the land Use.

**Other Waste:** Means municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand,

ashes, offal, oil, tar, chemicals, and all other substances as distinct from domestic waste, Industrial Waste, or food waste.

**Outdoor Seasonal Sales:** Are temporary seasonal uses, which include but are not limited to Christmas tree sales, pumpkin sales, fireworks, plant sales, and similar fresh produce sales including u-pick farms. Outdoor seasonal sales are not intended to include periodic retail sales events (on premise or off-premise) or the sale of manufactured items such as furniture, bedding, automobile parts, household goods, spas, pools, or other similar items.

**Owner:** Means the Owner of the freehold estate, as appears by deed of record, agreement for deed, or properly executed contract for purchase.

**Package Store:** A place where alcoholic beverages with an alcoholic content in excess of fourteen percent are dispensed or sold in containers for consumption off the premises.

**Parapet or Parapet Wall:** That portion of a Building wall that rises above the lowest level of the eaves.

**Parcel:** Means a tract of land or group of contiguous, compact Lots under single ownership, identified as a Parcel on the Property Appraiser's maps.

**Park, Community:** Shall have the same meaning as described in the Comprehensive Plan.

**Park, Neighborhood:** Shall have the same meaning as described in the Comprehensive Plan.

**Park, Regional / Open Space:** Shall have the same meaning as described in the Comprehensive Plan.

**Park, Urban:** Means a County-wide park designed to serve the needs of the entire County.

**Park trailer:** Means a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions. [Defined in 320.01, F.S.]

**Parking Area:** A paved ground surface area used for the temporary parking of vehicles by employees or customers, either for compensation, or to provide an accessory service to a commercial, industrial, or residential Use.

**Parking Bays:** Parking areas subdivided into uninterrupted rows of Parking Spaces which are generally separated by only single or double painted lines.

**Parking, Off-Site:** An area for the parking of personal vehicles separated from the main use parcel for which the area is serving.

**Parking Space, Off-Street:** An unobstructed area for the temporary parking of a personal motor vehicle located totally outside of a street, alley or Right-of-Way. Each parking space must have a means of access from a public street and be located in a manner that does not require backing onto a street, alley or Right-of-Way.

**Parking Spaces:** A paved ground surface area used for the temporary storage of a single vehicle to serve a primary use. Groups of spaces and abutting Accessways are called Parking Bays.

**Party:** Any Person having an identifiable interest in an agency proceeding of St. Johns County.

**Pass Through:** Means the discharge of pollutants through a central Wastewater System in quantities or concentrations which, alone or in conjunction with the discharge or discharges from other sources, cause the effluent there from, to violate any of the requirements of the Wastewater treatment facility Permit, or applicable State or federal standards (including any increase in the magnitude or duration of a violation).

**Passerby Trips:** Trips that enter and exit a site that would have been traveling on the street adjacent to the site regardless of whether they enter or exit the site.

**Patio:** An open courtyard used for either passive recreation or relaxation located with the house or immediately adjoining the house.

**Paved Ground Surface Area:** Any paved ground surface area (excepting public Right-of-Way) used for the purpose of driving, parking, storing or display of vehicles, boats, trailers and mobile homes, including new and used car lots and other open-lot Uses. Parking Structures, covered drive-in parking areas to the drip line of the covering or garages, shall not be considered as paved ground surface areas.

**Pavement:** The subgrade, base and surface course installed within the roadbed to specific design criteria which, in combination, constitute the roadway.

**Peak Hour Volume:** The number of vehicles that pass a point on a roadway segment during the highest one (1) hour traffic volume on a typical day in the peak season.

**Pennants:** Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, which will flutter or swing in the wind.

**Percent New Trips Factor:** A factor by which the trip rate is multiplied to calculate only those new trips that are added to the roadway by new Development. This factor is calculated by the formula  $[1 \text{ minus } (\text{passerby trips}/\text{total trips generated by the land use})]$ . Factors for each land use are contained in the St. Johns County P.M. Peak Hour Trip Rate and Percent New Trips Data Table in Appendix A of this Code.

**Permanent Sign:** Any Sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall, or building. Unless otherwise provided for herein, a Sign other than a Temporary Sign shall be deemed a Permanent Sign unless otherwise indicated elsewhere in this Code.

**Permit:** Means written approval by a County agency that allows a person to proceed with something regulated by this Code.

**Person:** Means individual, corporation, firm, company, joint venture, partnership, sole proprietorship, association, or any other business entity, any State or political subdivision thereof, any municipality, any interstate body and any department, agency, or instrumentality of the United States and any officer, agent, or employee thereof, and any organized group of Persons whether incorporated or not.

**pH:** means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter (g/l) of solution. Neutral water, for example, has a pH value of seven (7) and a hydrogen ion concentration of  $10^{-7}$ .

**Place of Assembly:** A place designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or dance performances, speeches or ceremonies, and other such entertainment events, and including but not limited to coliseums, athletic centers, concert halls, and auditoriums.

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

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

**Plan, Preliminary Subdivision:** Includes the Site Plan; Protected Tree Survey or Inventory location map; preliminary engineering plans, specifications and calculations; and other necessary materials for a Development or Project phase or the entirety.

**Plat, Final Subdivision:** Includes the plat to be recorded; final engineering plans, specifications and calculations; certification of Improvements, as built drawings, or performance guarantee; and other required certifications, bonds, agreements, approvals, and materials for a Development or Project phase or the entirety of a Parcel of land.

**Plot:** See Lot.

**Point Source of Light:** The actual light source such as the bulb, fluorescent tube, lamp, etc., from which light emanates.

**Pole Light:** Any light fixture, set on a base or pole where the point source of light is higher than forty-eight (48) inches off the ground.

**Pole Sign:** See Ground Sign.

**Pollution:** Means the man-made or man-induced alteration of the chemical, physical, biological,

and radiological integrity of water.

**Porch:** A roofed-over space, with the roof impervious to weather, attached to the outside of an exterior wall of a Building, which has no enclosure other than the exterior walls of such Buildings. Open mesh screening shall not be considered an enclosure.

**Port:** Establishments used primarily for the docking of watercraft used for Commercial Purposes including Commercial fishing, cruises, tugs, barges, dredges, providing repair and cleaning services for such watercraft, providing wet or dry berthing or storage of watercraft, the sale of watercraft, fueling, restaurant, motel, launching facilities and other customary accessory facilities. A Watercraft pump-out facility is required.

**Portable Housing Unit:** Means those units defined as Recreational Vehicle, and also Park Models as defined in Florida Statutes and Florida Administrative Code.

**Portable Sign:** A Sign that has no permanent attachment to a Building or to the ground by means of a footing, including but not limited to, an A-frame Sign, Sign with wheels designed to be pulled or towed on a trailer or similar device, pull attachments.

**Potable Water Facilities:** The same as defined in the St. Johns County Comprehensive Plan.

**Poultry:** Any chickens, turkeys, ducks, geese, guineas, or other fowl.

**Power Generation Facility:** A facility that generates electricity by means of geothermal power, burning of coal, oil, or gas, or by hydropower. Accessory generators for hospitals, schools, and other similar Uses shall not be considered a power generation facility.

**PRD:** For the purposes of this Code, a Planned Rural Development (PRD) shall mean a development proposed within the areas designated as Agricultural-Intensive (A-I) or Rural/Silviculture (R/S) on the Future Land Use Map of the Comprehensive Plan. Such development shall proceed under unified control and pursuant to a unified plan of Development. Residential, Agricultural and Silvicultural Uses, and Uses ancillary to and supportive of said Uses may be allowed within PRD's. PRD's consisting of greater than one hundred (100) Dwelling Units may include Neighborhood Business and Commercial Uses within the PRD.

**Premise:** See Lot.

**Preservation:** To prevent Development's impact on the resource sought to be preserved. "Preservation" of the resource shall require that the resource remain completely undisturbed.

**Pretreatment:** Means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a Wastewater System. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Rule 62-625.410(5), F.A.C.

**Pretreatment Requirements:** Means any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on an Industrial User under any federal or State law, rule, or regulation, or this Code, or any orders issued by the County.

**Pretreatment Standards:** Means the Prohibited Discharge Standards, the State of Florida's



Pretreatment Standards contained in Title 62 of the F.A.C., the National Categorical Pretreatment Standards, and the pollutant discharge limits for any specified pollutant contained in this Code, whichever standard is the most stringent.

**Primary Dune:** The first natural or man-made mound or bluff of sand which is located landward of the beach and which has substantial vegetation, height, continuity and configuration.

**Primitive Campground:** Places designed for passive outdoor recreational activities, that may include tents and/or outdoor campsites. Primitive Campgrounds may also include park-like amenities such as picnic tables, grills, open shelters, restroom facilities, nature trails and similar passive recreational uses. Primitive Campgrounds shall not include Recreational Vehicle Campgrounds.

**Principal Building:** The structure in which the principal use of the parcel is conducted on which such structure is situated.

**Private Pleasure Craft:** A vessel which is privately owned or leased primarily for aquatic recreational purposes. Private pleasure craft do not include commercial, official, or scientific vessels. Private pleasure craft may or may not contain facilities qualifying them as Dwelling or lodging Units.

**Professional Engineer:** An engineer registered in the State of Florida in good standing with the Florida Board of Engineers as defined by Florida Statutes, Chapter 471.

**Prohibited Discharge Standards or Prohibited Discharges:** Means the absolute prohibitions against the discharge of certain substances under this Code.

**Project:** Means the proposed Development of a particular Parcel or Parcels of land involving a land Use or group of land Uses at a particular density and/or intensity pursuant to a Development Order.

**Projecting Sign:** Any Sign which is affixed to any Building, wall or Structure and extends beyond the Building wall, Structure, Building line, or property line more than thirty (30) inches.

**Proposed Development:** See Project.

**Protected Area:** An area surrounding a Protected Tree, a Historic Tree, or a Specimen Tree within which physical intrusion is prohibited in order to prevent damage to the Protected Tree and the roots and soil around the Protected Tree base; the dimensions of which shall be the Drip Line, centered at the Protected Tree.

**Protected Tree:** Any Tree having a Diameter at Breast Height (DBH) of eight (8) inches or greater, excluding Exempt Trees. Native Southern red cedar (*Juniperus silicicola*) and Sand live oak (*Quercus geminata*) with a DBH two (2) inches or greater shall be a Protected Tree whenever it occurs on lands lying east of the Intracoastal Waterway, Tolomato River or Matanzas River. Any Tree preserved or planted to meet the requirements of this Code becomes a Protected Tree, regardless of size.

**Provider (As it applies to Antenna Towers):** An individual or entity, authorized to do business in the County, who offers commercial mobile services, Unlicensed Wireless Services, common carrier wireless exchange access services, as defined in Title 47, United States Code, Section 332(c)(7)(C), or the holder of a valid FCC broadcast license.

**Public Facilities and Services:** Means the following types of facilities:

- A. Roadways and roadway intersections, including Freeways, Arterials and Collectors within the jurisdiction of St. Johns County, or Freeways, Arterials and Collectors within the jurisdiction of the Florida Department of Transportation that are located within the boundaries of the unincorporated area.
- B. Wastewater facilities, as defined in Section 9J 5.003(87), F.A.C., or any successor provisions thereto, and any central Wastewater System.
- C. Potable water facilities, as defined in Section 9J 5.003(71), F.A.C., or any successor provisions thereto.
- D. Drainage facilities, as defined in Section 9J 5.003(28), F.A.C., or any successor provisions thereto.
- E. Solid waste facilities, as defined in Section 9J 5.003(94), F.A.C., or any successor provisions thereto.
- F. Parks and open space acreage, including neighborhood, community, and regional/open space parks.
- G. Mass transit facilities, which shall refer to transportation disadvantaged services.

**Public Sign:** Any Permanent or Temporary Sign Erected by or on the order of a public official or quasi-public entity at the federal, state, or local government level in the performance of any duty including, but not limited to, noncommercial Signs identifying a government building or service, traffic control Signs, street name Signs, street address Signs, Warning Signs, Safety Signs, informational Signs, traffic or other directional Signs, public notices of events, public notice of government actions, proposed changes of land use, any proposed rezoning, or any other government speech.

**Publicly Owned Treatment Works or POTW:** Means a “treatment works,” as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the County, the City of St. Augustine, the Town of Hastings, or any other governmental entity. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Wastewater or industrial wastes of a liquid nature and any conveyances which convey Wastewater to a Treatment Plant.

**Publicly Owned Wastewater Treatment Plant:** Means any Wastewater Treatment Plant owned or operated by the County, the City of St. Augustine, the Town of Hastings, or any other governmental entity.

**Publicly Owned Water Supply System:** Means any water supply system owned or operated by the County, the City of St. Augustine, the Town of Hastings, or any other governmental entity.

**PUD:** For the purposes of this Code, a Planned Unit Development (PUD) shall mean the Development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with Uses and Structures substantially related to the character of the entire Development. Permissible Uses may include any Use which is permitted or permissible by Special Use in any zoning district.

**Qualifying Property:** Shall mean any real property in the County which, at the time the preconstruction application is submitted, (a) is Historic Property or (b) for the purpose of receiving

the exemption on one hundred percent (100%) of the Assessed Value of the improvements under the criteria set forth in Section 5 hereof, the property is either (i) Historic Property or (ii) the Florida Division of Historical Resources or the Cultural Resources Review Board has determined that the property meets the criteria established in rules adopted by the Florida Department of State pursuant to Section 196.1996, F.S.

**Raw Classification Points:** The rating system for proposed new and/or existing Billboards nominated for Swapdown. Such Points are based upon the physical characteristics of the Billboard Face, the supporting Structure, and the site location. Such Raw Classification Points may also be termed "Classification Points", "Raw Points" or "Points" within Article VII.

**Reasonable Collocation Terms:** Terms, including but not limited to, monetary compensation, duration and renewability of lease, and facilities provided, that are consistent with industry and local customs.

**Reclaimed Water:** Treated wastewater.

**Reconstruction:** Rehabilitation or replacement of a Structure or Structures which either have been removed or damaged, or altered to an extent of seventy percent (70%) or more of the assessed valuation of such Structure or Structures or seventy percent (70%) of the combined assessed valuation of such Structures and land as shown on the most recent tax roll of St. Johns County, Florida.

**Reconstruction (as it pertains to Historic Preservation):** For Historic preservation purposes, reconstruction means the process of reproducing by new construction the exact form and detail of a demolished or significantly altered building, structure or object as it appeared at a certain point in time.

**Recreational Vehicle:** A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

- (1) Built on a single chassis;  
Four hundred 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards;
- (2) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (3) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recreational Vehicle Campground:** Places designed for passive outdoor recreational activities that include individual sites for the parking and accommodation of a Recreational Vehicle. Recreational Vehicle Campgrounds may include supporting facilities, which may include but are not limited to, an area for Primitive Camping, such as picnic tables, grills, open shelters, swimming pool, restroom facilities, restaurant facilities and camp store with limited retail sales, nature trails and similar passive recreational uses.

**Recyclable Household Goods:** Small household goods which are utilized in residential units and can be recycled and reused. Such items include but are not limited to aluminum cans, glass bottles, old newspapers, and used clothing.

**Recyclable Household Goods Collection Facilities:** A facility where recyclable household

goods are collected for recycling. Such facilities do not recycle the goods or distribute them as new products; they are just points of collection.

**Recyclable Material Recovery Facilities:** A facility where recovered materials (generally newspapers, plastics, metals, glass and paper) are delivered for further processing (sorting, bailing, condensing, etc.) for shipment to recovered material markets.

**Recyclable Metal Recovery Facilities:** A facility for the recovery of various metal material or parts of items whose value is in the salvage of scrap metals for future reduction to its raw state. Such items include but are not limited to inoperable machinery, appliances, automotive vehicles, etc., excluding small household items such as aluminum cans and similar items.

**Reflective:** Any substance or material capable of reflecting light or images.

**Registered Professional:** Means a professional registered in the State of Florida and regulated by the Florida Department of Business and Professional Regulation according to his/her field of licensure with the respective regulatory boards. Examples of Registered Professionals may include professional engineers licensed under Chapter 471, F.S., professional landscape architects licensed under Chapter 481, F.S., and professional geologists licensed under Chapter 492, F.S., who have the requisite skills.

**Regularly and Frequently Open to Public:** Shall mean a property in which public access to the property is provided not less than fifty-two (52) days a year on an equitably spaced basis, and at other times by appointment. Owners of such property are not prohibited from charging a reasonable nondiscriminating admission fee.

**Regulatory Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the one hundred (100) year base Flood without cumulatively increasing the water surface elevation more than the designated height. The location and extent of Regulatory Floodways are defined in the Flood Insurance Study for St. Johns County, September 18, 1985, published by the Federal Emergency Management Agency, as may be updated or amended from time to time.

**Remove or Removal:** The actual physical removal of a Tree or plant or the effective removal through damaging, poisoning or other direct or indirect action resulting in or likely to result in, the death of a Tree or plant. Protected Trees that have been planted or preserved shall not be damaged by excessive pruning, shearing or topping of trees into round balls, topping, lion's tailing, over raising, or any other pruning which results in a tree structure that will be susceptible to blow-over. All pruning shall be done following the American National Standard (ANSI 300) for Tree Care Operations "Tree, Shrub and Other Woody Plant Maintenance - Standard Practices."

**Renovation or Rehabilitation:** Shall mean the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, cultural and archaeological significance or are severely deteriorated, "Renovation" or Rehabilitation" means the act or process of applying measures designed to sustain and protect the existing form and integrity of a property, or reestablish the stability of an unsafe or deteriorated property while maintaining the essential form of the property as it presently exists.

**Repetitive Loss:** Means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood

event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Required Improvements Bond:** An obligation to complete Construction Improvements as depicted on approved plans, to provide for the application of final Wearing Surface Course, and for publicly-dedicated roadways only provide repairs to infrastructure related to faulty workmanship, construction, materials, and third party damage during the bonding period.

**Reservation Fee:** Means the impact fee applicable to a public facility or service, which may be paid by an Applicant in order to extend the expiration of the Final Certificate of Concurrency.

**Reserved Development:** All Development Projects approved after the effective date of the Concurrency Management Ordinance for which a Certificate of Concurrency has been issued.

**Resource Recovery Facility:** A facility in which garbage, minerals, glass, tin cans, paper, rags, and other materials are reclaimed or converted into energy.

**Restaurant:** An establishment where food is ordered from a menu, prepared, and served for pay primarily for consumption on the premises in a completely enclosed room, under the roof of the main Structure, or in an anterior court. A Drive-In Restaurant or Take-Out Restaurant as defined here is not a Restaurant. A cafeteria shall be deemed a Restaurant as defined herein.

**Restoration:** Shall mean the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of removal of later work or by the replacement of missing earlier work.

**Retention:** A process for collecting and permanently storing with subsequent release through ground infiltration or evaporation a defined amount of storm water runoff from a runoff contributing area without release to downstream and lower lying areas.

**Retention System:** A normally dry stormwater storage area which meets the herein defined function of "Retention". In general, retention systems are limited to areas where soil and hydrological conditions do not influence the systems infiltrative capacity and/or recovery rates. In general, these systems are shallow and/or limited to areas where the seasonal high groundwater table is well below the ground surface such as in areas consisting of Hydrological Soil Group A (see definition of Stormwater Management System).

**Retreat:** A place designed to provide privacy and promote well-being through relaxation, meditation, study, or prayer. Retreats may include overnight lodging and restaurant facilities for guests only. Retreat does not include health clubs, gyms, spas, or similar places.

**Revolving Sign:** A Sign so erected or constructed as to periodically change the direction toward which any plane containing part of the Sign Area is oriented, whether power-driven or propelled by the force of wind or air.

**Rezoning Petition:** Means a request to amend the Zoning Atlas.

**RF Engineer:** An individual who; is a Professional Engineer or, is retained and designated a radio frequency engineer by a firm regulated by the FCC or, holds an FCC General Radiotelephone license or equivalent.

**Right-of-Way:** Any strip or area of land, including surface, overhead, or underground, granted by deed for fee ownership, for construction and maintenance according to designated Use, such as for drainage and irrigation canals and ditches; electric power, telegraph, and telephone lines; gas, oil, water, and other pipe lines; retention and detention; highways, and other roadways, including right of portage; sewers; flowage or impoundment of surface water; and tunnels.

**Right-of-Way Width:** The shortest distance across a public Right-of-Way, measured from one side to the other, perpendicular to the centerline thereof.

**Roadway:** Means Arterials, Collectors (Major and Minor), and Local Roads, except that for the purposes of Section 6.02.03, roadway shall mean a public or private traffic-carrying way set aside for vehicular traffic regardless of size or designation.

### **Roadway Classifications:**

**Arterial:** A part of the roadway system serving as a principal network for through traffic flow, including all State Roads and any other roadway serving a similar function as designated by the St. Johns County Board of County Commissioners.

**Major Collector:** A part of the roadway system serving as a principal network for through traffic flow. The routes connect areas of principle traffic generators (See Roadway Functional Classifications in Appendix E of this Code).

**Minor Collector:** A distributor and collector roadway servicing traffic between Major Collectors and Local Roads (See Roadway Functional Classifications in Appendix E of this Code). In addition, roadways serving as major entrances to residential or commercial Developments will be classified as Minor Collectors when the traffic volume is projected to exceed two thousand (2000) vehicles per day (VPD) at build out.

**Local Road:** Roadway used primarily for direct access to Residential Driveways, Commercial Driveways, or other abutting roads.

**State Road:** Any Street, road, highway or other way open to travel by the public generally and dedicated to public use according to law or by prescription and designated by the Florida Department of Transportation, as provided by law, including Freeways, Principal Arterials, and Minor Arterials, as part of the State Highway System.

**Commercial Driveway:** Roadways used for direct access from Local Roads or Collector Roadways to commercial, office, industrial, institutional Uses, or multi-family residential Projects.

**Residential Driveway:** A cleared or improved driveway located on a privately owned Parcel or located within a Right-of-Way or Easement owned by property owners adjoining the driveway. The Right-of-Way or Easement must be recorded. A residential driveway located entirely within a single Parcel need not be located within an Easement. A residential driveway does not serve more than two (2) Dwelling Units and does not extend beyond property lines of those units served.

**Roadway, Private:** An improved street or road located within a Right-of-Way or access Easement owned by a Property Owners' Association, private individuals or any entity other than St. Johns County, the State of Florida, or another local government. Ownership of Private Roadways

servicing residential Development shall be vested jointly by all abutting land owners or in a Property Owners' Association whose voting members include such abutting land owners. A developer retaining ownership of Private Roadways after construction and approval shall grant a recorded Easement to all abutting properties which will provide for the use of the Private Roadways by all future Lot owners, their guests, invitees, successors and assigns. The grant of Easement may be accomplished by recorded plat.

**Roadway, Public:** A street or road located within a Right-of-Way owned by St. Johns County, the Florida Department of Transportation, or another local governmental entity. The roadway must have been dedicated or deeded to, and accepted by, the governmental entity.

**Roof Line:** The top edge of the roof or the top of a parapet, whichever forms the top line of the Building silhouette.

**Roof Sign:** A Sign painted on or affixed to the roof of a Building and primarily supported by that roof Structure and extending above the ridge of the roof, except Fascia Signs, as defined herein.

**Rotating Sign:** See Revolving Sign.

**Rule of the Board:** A regulation approved by the St. Johns County Board of County Commissioners by Ordinance or Resolution as may be hereafter enacted or amended.

**Running Lights:** See Flashing Sign.

**Runway:** A defined area on an Airport prepared for landing and take-off of aircraft along its length.

**Rural Area (As it applies to Article VII of this Code):** Any area predominantly developed with low density and characterized by social, economic, and institutional activities which may be largely based on Agricultural Uses or the extraction of natural resources in unprocessed form, or areas containing large proportions of undeveloped, unimproved or low density property.

**Rural Home Industry:** An occupation conducted as an Accessory Use in the Open Rural zoning district which is incidental and accessory to the Agricultural and/or residential Use.

**Rural Industry:** Rural Industry is a type of Use that includes such activities as welding services, repair of farm equipment, furniture making, lawn maintenance services, tool sharpening and lawn maintenance equipment repair limited in scope to an agricultural scale or to support agricultural or residential activities.

**Sand Dunes:** Means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Sandhill:** See Significant Natural Communities Habitat.

**Sanitarium:** A facility for the recuperation and treatment of physical or mental disorders, without provision for major surgery.

**Sanitary Convenience:** Means facilities such as toilets, sinks, and drains which are used to convey sanitary Wastewater.

**Sanitary Landfill:** Means the places set aside by the Board of County Commissioners for the

reception of solid waste or sludge, including the County Solid Waste Complex or any successor or additional facilities needed to attain the solid waste Adopted Level of Service.

**Satellite dish antenna:** Used for receiving satellite television signals, of a size greater than two and one-half (2.5) feet in diameter.

**Search Ring:** The area in which the antenna of a wireless communication service provider must be located in order to provide the provider's designed wireless communication service to a defined geographical area.

**Seasonal High Groundwater Level (SHGL):** the observed elevations of groundwater determined by a geotechnical engineering investigation, and adjusted in accordance with seasonal and subsurface conditions, influences and factors.

**SBC:** "Standard Building Code" latest edition of the technical detailed regulations for Structures as promulgated by the Southern Building Code Congress, Inc. and adopted by St. Johns County in accordance with Chapter 553, F.S.

**Scenic Highway:** Any road or highway, so designated by the St. Johns County Board of County Commissioners, the Federal or State government.

**Scenic Highway or Scenic Roadway (As it applies to Antenna Towers):** Means SR 13/CR 13 from Duval County line to SR 207 (William Bartram Scenic Highway); SR A1A from Duval County line to Flagler County line (Buccaneer Trail); or any highway designated by an Act of Florida Legislature or the St. Johns County Board of County Commissioners as a Scenic Highway or Scenic Roadway.

**Scenic Resources:** Natural and manmade features that give remarkable character to the visual landscape. These resources are striking in appearance and provide a pleasing and memorable experience for viewers.

**Scenic Vistas:** Specific points and areas along a roadway that have beauty due to the natural environment, topography, cultural and Historic Resources.

**Scintillating:** See Flashing Sign.

**Scrub:** See Significant Natural Communities Habitat.

**Search Area:** A geographic area in which a Provider's Antenna is intended to be located to serve all or part of the Provider's coverage area as certified by the Provider's RF Engineer.

**Security Sign:** Signs measuring no larger than three (3) square feet in size and indicating that the premises are protected by security.

**Segment:** A series of sequential links identified on the Major Road Network in which the beginning and ending points are defined by the County using criteria that includes changes in roadway operating characteristics, locations of signalized intersections and municipal boundaries.

**Septic Tank Waste:** Means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.



**Service:** The readiness and ability on the part of Utility to furnish and maintain water and/or wastewater service to the point of delivery for each Lot or tract (pursuant to applicable rules and regulations of applicable regulatory agencies).

**Service Area, Potable Water:** Means the geographic area served by a franchised water supply system, an individually owned water supply system, or a publicly owned water treatment.

**Service Area, Wastewater:** Means the geographic area served by an individually owned package treatment plant, a franchised Wastewater Treatment Plant, or a publicly owned Wastewater Treatment Plant.

**Service Station:** An establishment for the dispensing of motor fuels and related products at retail and having pumps, underground storage tanks and other facilities for such activity and which may include the retail sale and service of minor automobile parts and accessories, and which may also include the inspection, servicing or minor repair of motor vehicles in not more than three (3) enclosed service bays or stalls. These services shall not include body repair and painting, welding, or tire recapping and vulcanizing.

**Sewage:** Means human excrement and gray water (household showers, dishwashing operations, etc.).

**Shall:** Designates a mandatory condition. Where certain requirements in design or application are described with the "shall" stipulation, it is mandatory that these requirements be met.

**Shopping Center:** A group of commercial establishments, with a common parking lot and/or using a common name.

**Short Term Vacation Rental:** Any unit or group of units in a condominium or cooperative or any individually or collectively owned Single Family, Two Family, or Multi-Family Dwelling that is also a transient public lodging establishment but that is not a timeshare project.

**Should:** Designates an advisory condition. Where the word "should" is used, it is considered to be advisable usage, recommended but not mandatory.

**Shrubs:** Self-supporting woody species of plants characterized by persistent stems and branches originating from the base.

**Sign:** Any device, fixture, placard, or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, Person, institution, organization, or place of business, or which identifies or promotes the interests of any Person and which is viewable or to be viewed from any public street, road, highway, right-of-way, or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "Sign" shall include all structural members. A Sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single Sign. The term "Sign " for regulatory purposes shall not include the following objects: graveyard and cemetery markers visible from a public area; vending machines or express mail drop-off boxes visible from a public area, not including any Sign extending outside or above the vending machine or express mail drop-off box; decorations that do not constitute advertising visible from a public area; artwork that does not constitute advertising or a building's architectural features visible from a public area; a

manufacturer's or seller's markings on machinery or equipment visible from a public area; official public notices and court markers required by federal, state, or local regulation; newspapers, leaflets or books intended for individual distribution to members of the public; and attire that is being worn, badges, and similar personal gear. The foregoing are not Signs for purposes of these regulations.

**Sign Contractor:** Any Person authorized to Erect Signs within St. Johns County.

**Sign Label:** A label affixed either on the Face or the channel of a Sign denoting the name of the manufacturer or designated servicing company for purpose of identification by County officials.

**Sign Legend:** See Copy.

**Sign Structure:** Any Structure which supports, has supported, or is capable of supporting a Sign, including decorative cover.

**Sign Walker:** Persons who walk, pace, jog, run or otherwise move, along Right-of-Ways wearing boards, costumes, clothes, or other forms of advertising for the purpose of advertising a product or products, business or businesses.

**Significant Industrial User:** Means, except as provided in (C) below, the following:

- A. All dischargers subject to Categorical Pretreatment Standards under 40 CFR Section 403.6 and 40 CFR Chapter I, Subchapter N and adopted by reference in Chapter 62-660 F.A.C.
- B. All noncategorical Discharges (those discharges not included under 40 CFR Section 403.6 and/or 40 CFR Chapter I, Subsection N) that have a reasonable potential to violate any pretreatment standard or requirement, or to adversely affect the operation of a central Utility Provider, or that contribute a process waste stream which makes up five percent (5) or more of the average dry weather hydraulic or organic capacity of a central Wastewater System treatment plant, or that discharge an average of twenty-five thousand (25,000) gallons per day or more of Wastewater to the Wastewater System of a central Utility Provider.
- C. The County need not designate any noncategorical Industrial User meeting the criteria in (B) above as a Significant Industrial User when:
  1. With the agreement of the FDEP, such noncategorical Industrial User has no potential for adversely affecting a central Wastewater System's operation or for violating any Pretreatment standard or requirement. The agreement of FDEP is not necessary in cases where the noncategorical Industrial User discharger would have been designated as a Significant Industrial User only because of an average discharge of twenty-five thousand (25,000) gallons per day or more of process Wastewater; or
  2. Such noncategorical Industrial User has successfully petitioned the County to be deleted from the list of Significant Industrial Users on the grounds that it has no potential for adversely affecting a central Wastewater System's operation or violating any Pretreatment standard or requirement.

**Significant Natural Communities Habitat:** The following natural communities are established as Significant Natural Communities Habitat:

**Beach Dune:** Beach Dune is characterized as a wind-deposited, foredune and wave-deposited upper beach that are sparsely to densely vegetated with pioneer species, especially sea oats. Other typical pioneer species include beach cordgrass, sand spur, coastal or bitter panic grass, railroad vine, beach morning glory, seashore paspalum, beach elder, dune sunflower, sea purslane, and sea rocket. Beach Dune, especially along its ecotone with the unvegetated beach, is also the primary nesting habitat for numerous shorebirds and marine turtles, including many rare and endangered species. Beach Dune may also be referred to as: sand dunes, pioneer zone, upper beach, sea oats zone, and coastal strand.

**Coastal Grassland/Coastal Strand:** Coastal Grassland is characterized as a treeless flat land or gently undulating land with barren sand or a sparse to dense ground cover of grasses, prostrate vines, and other herbaceous or shrubby species that are adapted to harsh maritime conditions. Coastal grassland is the primary nesting ground for some shorebirds including some rare and endangered species. Coastal Grasslands may also be referred to as: overwash plain, deflation plain, salt flat, and coastal savannah. Coastal Strand is characterized as stabilized, wind-deposited Coastal Dunes that are vegetated with a dense thicket of salt-tolerant shrubs, especially saw palmetto. Other typical plants include sand live oak, cabbage palm, myrtle oak, yaupon holly, wax myrtle, southern red cedar, greenbrier, pinweed, Spanish bayonet, goldenrod sea oxeye. Coastal Strand may also be referred to as: scrub zone, maritime thicket, and coastal scrub.

**Maritime Hammock:** Maritime Hammock is characterized as a narrow band of hardwood forest lying just inland of the Coastal Strand community. Live Oak, cabbage palm, and redbay generally combine to form a dense, wind-pruned canopy whose streamlined profile deflects winds and generally prevents hurricanes from uprooting the trees. Other typical plants include American holly, southern magnolia, southern red cedar, wild olive, saw palmetto, beautyberry, poison ivy, prickly ash, and ferns. Migrating birds rely on these forests for food and shelter following trans-oceanic or trans-gulf migrations. Maritime Hammock may also be referred to as: coastal hammock, maritime forest, sub-tropical hammock.

**Sandhill:** Sandhills are characterized as a forest of widely spaced pine trees with a sparse understory of deciduous oaks and a fairly dense ground cover of grasses and herbs on rolling hills of sand. The most typical associations are dominated by longleaf pine, turkey oak, and wiregrass. Other typical plants include bluejack oak, sand post oak, sparkleberry, persimmon, winged sumac, dropseed, Indian grass, foxglove, bracken fern, partridge pea, gopher apple, and golden-aster. Sandhill may also be characterized by longleaf pine - turkey oak, longleaf pine - xerophytic oak, or longleaf pine - deciduous oak associations, or high pine woodlands.

**Scrub:** Scrub occurs in many forms, but is often characterized as a closed to open canopy forest of sand pines with dense clumps or vast thickets of scrub oaks and other shrubs dominating the understory. The ground cover is generally very sparse, being dominated by ground lichens or, rarely, herbs. Open patches of barren sand are common. Where the overstory of sand pines are exposed to more intense sunlight. Typical plants include sand pine, sand live oak, myrtle oak, Chapman's oak, scrub oak, tree lyonia, saw palmetto, flatwoods plum, red bay, and fetterbush. Scrub may also be referred to as: sand pine

scrub, Florida scrub, sand scrub, oak scrub.

**Xeric Hammock:** Xeric hammock typically develops on well-drained sandy soils where fire-exclusion allows for the establishment of an oak canopy. The canopy is more or less closed and dominated by sand live oak, Chapman's oak, turkey oak, bluejack oak, southern live oak, or sand post oak. An emergent canopy of pine may be present. The understory is usually open and consists of shrubs characteristic of either sandhill or scrub and may include saw palmetto, myrtle oak, rusty staggerbush, fetterbush, sparkleberry, deerberry, American beautyberry, wild olive, Florida rosemary, or yaupon holly. The groundcover is generally sparse or absent, but may contain some scattered wiregrass, beaksedge, witchgrass, and goldenrod.

**Significant Non-Compliance (As it applies to Wastewater Systems): Means:**

- A. One or more of the following violations of Wastewater discharge limits:
  - 1. **Chronic violations.** Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period (any magnitude of exceedance).
  - 2. **Technical Review Criteria (TRC) violations.** Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six (6) month period. There are two groups of TRCS:
    - Group I for conventional Pollutants  
(BOD, TSS, fats, oil, and grease) TRC = 1.4
    - Group II for all other pollutants TRC = 1.2
  - 3. Any other violation(s) of user's effluent limit (average or daily maximum) that the County Administrator reasonably believes has caused, alone or in combination with other discharges, Interference (e.g., slug loads) or pass-through; or endangered the health of the Wastewater treatment personnel or the public.
  - 4. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment and has resulted in the central Wastewater System provider to exercise its emergency authority to halt or prevent such a discharge.
- B. Violations of compliance schedule milestones, contained in a Permit or Enforcement Order, for starting Construction, completing Construction, and attaining final compliance by ninety (90) days or more after the schedule date.
- C. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within thirty (30) days from the due date.
- D. Failure to accurately report non-compliance.
- E. Any other violation or group of violations which the control authority determines will

adversely affect the operation or implementation of the pre-treatment program, except when the FDEP is acting as the control authority.

**Significant Violation (As it applies to Wastewater Systems):** Means a violation which remains uncorrected forty-five (45) days after notification of non-compliance, or which is part of a pattern of non-compliance over a twelve (12) month period; or which involves a failure to accurately report noncompliance; or which resulted in the County Administrator exercising emergency authority.

**Silvicultural Use:** The use of the land for bona fide Silvicultural purposes as determined by the County Administrator taking the following factors into consideration:

- A. "Silviculture Best Management Practices, 1993", as updated, Florida Department of Agriculture and Consumer Services, Division of Forestry.
- B. Comply with the requirements of Chapters 373 and 403, F.S.
- C. Comply with the St. Johns River Water Management District Silviculture Rule, Chapter 40C-400.500, F.A.C.

**Single Family:** Pertains to Single Family constructed housing unit or mobile home unit.

**Single Family Dwelling Unit:** See Dwelling, One Family

**Site Plan:** The maps or drawings accompanying a Development Application showing the specific location and design of Improvements to be installed in accordance with the requirements of this Code.

**SJSO E-911:** The St. Johns County Sheriff's' Office E911 Section.

**Slaughterhouse:** An establishment where animals are killed, butchered and prepared for further processing.

**Sleeping Room:** Any room that can be used for sleeping and that:

- A. is located along an exterior wall;
- B. has a closet and a door or an entrance where a door could reasonably be installed; and
- C. has an emergency means of escape and rescue opening to the outside in accordance with the Florida Building Code.

A room may not be considered a Sleeping Room if it is used to access another room except a bathroom or closet. "Sleeping Room" does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.

**Sludge:** Means any solid or semisolid waste generated from a municipal, commercial, or industrial Wastewater Treatment Plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a Wastewater Treatment Plant.

**Slug:** Means any discharge of water, Wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow could cause Interference with the performance of a central Wastewater System or a violation of the prohibited discharge standard.

**Small Project:** Means Projects which generate less than fifty (50) Average Daily Trips or less than five (5) peak hour trips.

**Snipe Sign:** Any Sign of any material, including paper, cardboard, wood, or metal, when tacked, nailed, stapled, posted, pasted, glued, or otherwise attached in any way to Trees, poles, stakes, fences, utility boxes, street furniture, fire hydrants or other objects.

**Solid Waste Facility:** Shall have the same meaning as Solid Waste Management Facility in Rule 62-701, F.A.C.

**Special Cabaret:** Any bar, dance hall, restaurant, or other place of business which features persons who display or expose Specified Anatomical Areas to others, or any such establishment advertising for, or a Sign or Signs identifying which, use the words, “adult”, “topless”, “nude”, “bottomless”, or other words of similar import.

**Special Care Housing:** Housing that provides a family living environment and may provide limited care and supervision to meet the physical, emotional and social needs of one or more individuals. Special Care Housing includes group homes, congregate care homes, assisted living facilities, and foster homes. Special Care Housing does not include Nursing Homes, except as accessory to congregate care homes and assisted living facilities. Further, Special Care Housing does not include out-patient treatment or rehabilitation centers, medical clinics, or psychiatric care treatment facilities.

**Special Event:** A temporary sales, activity, or promotion, whether commercial or non-commercial requesting special advertising to the public.

**Special Event Sign:** A Sign which carries a message advertising or otherwise indicating a Special Event.

**Special Flood Hazard:** Is the land in the floodplain within a community subject to a one percent (1%) or greater chance of Flooding in any given year. This term is synonymous with the phrase “special flood hazard area.”

**Special Flood Hazard Area:** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

**Special Use:** Means a Use that would not be appropriate generally or without restriction throughout a zoning division or district but which if controlled as to number, area, location, or in relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such Uses may be permissible in a zoning classification or district upon the granting of a Special Use and meeting the requirements of this Code.

**Species of Special Concern:** Species so listed by the Florida Fish and Wildlife Conservation Commission.

**Specifications:** Means the specifications contained in the S&D or W&WW Manual.

**Specified Anatomical Areas:** Less than completely and opaquely covered: human genitals or pubic region; buttock; female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activity:** Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy, whether actual or simulated; fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**Specimen Tree:** A Protected Tree proven by measurements documenting the Protected Tree by species, height, crown spread, D.B.H. and overall condition or its species equal to or exceeding seventy percent (70%) of the current Florida State Champion Tree as published in "Big Trees of the Florida Register" for all species except fifty percent (50%) for Live Oak, Laurel Oak, Southern Magnolia and Southern Red Cedar.

**Spinner:** Any device used to attract attention to the Premises on which it is located through mechanical means or by the atmosphere.

**Spot Light:** See Beacon.

**Stable:** A Building, Structure or area for the housing of Farm Animals including accessory facilities.

**Stabilized Drive:** A minimum twenty (20) foot wide compacted surface which can support an eighty thousand (80,000) pound fire truck.

**Standard Drawings:** Means the detailed drawings in the S&D or W&WW Manual.

**Standard Industrial Classification (SIC) Code:** Means a classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

**Standards and Detail Manual (S&D Manual):** The detailed criteria and standards which graphically depict typical roadway and drainage design for Construction including exhibits, within unincorporated St. Johns County, and which are consistent with the objectives and standards of this Code.

**Start of Construction:** Means the date of issuance of a building permit for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall,

ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Statutory Sign:** A Sign the County is required to Erect by any state or federal statute for safety, directional, or traffic control purposes.

**Stormwater:** The flow of water which results from, and which occurs immediately following a rainfall event.

**Stormwater Management System:** A system designed and constructed or implemented to control discharges which are necessitated by rainfall events. These systems incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse stormwater to prevent or reduce Flooding, overdrainage, environmental degradation and water pollution or otherwise affect the quantity and quality of the discharges from a Project to downstream and lower lying areas. In general, all stormwater management systems within St. Johns County, unless exempt from the discharge requirements in this Code, will function as “Detention” or combination of “Retention” and “Detention” as defined herein.

**Streamer:** See Spinner.

**Street:** A public highway, road, or thoroughfare which affords the principal means of access to adjacent premises.

**Street Line:** That line limiting the Right-of-Way of the street and being identical with the property line of persons owning property fronting on the street.

**Structural Maintenance (As it applies to Antenna Towers):** The performance of work as required for the continued safe operation of the Structure. Repairs must comply with all structural Code requirements in effect at the time the Structure was built. The replacement of an existing Antenna Tower with a new Antenna Tower of like design, of the same or lesser height, on the same site, built to current Code, shall be considered Structural Maintenance. Structural Maintenance for the purpose of this definition shall mean work that strengthens a weakened element or prolongs the tower's life by mechanical means.

**Structural Modification (As it applies to Antenna Towers):** Addition or deletion of structural members, guys, or guy hardware, as well as, cutting, grinding, drilling, welding, bolting, unbolting, riveting or bending of any structural component of a Structure, or any like action that is likely to have a significant effect on the integrity of that Structure. The addition or removal of non-structural antennas, transmission lines and/or appurtenances using accepted industry standards and practices shall not be considered a Structural Modification.

**Structure:** Means a walled and roofed Building that is principally above ground, including screened enclosures, a Manufactured/Mobile Home, a gas or liquid storage tank, or other man-made facilities or infrastructures including, but not limited to, towers, smokestacks, utility poles, and overhead transmission lines.

**Structure Analysis (As it applies to Antenna Towers):** An analysis performed, reported and sealed by a Professional Engineer in accordance with the applicable provisions of the Building Code.



**Study Area:** Means a geographical area analyzed through the Land Development Traffic Assessment which assesses the transportation needs of a Development Project. For single phase Projects, the Study Area and Traffic Impact Area are equivalent. For multi-phase Projects, the Study Area is defined by the Traffic Impact Area for the total build out of the Project. However, the phase(s) of the Project seeking a Certificate of Concurrency will be evaluated for transportation concurrency based only on the Traffic Impact Area for the phase(s) seeking a Certificate of Concurrency and shall include the Development for which a Certificate of Concurrency is being sought and the cumulative Development within the project for which a Certificate of Concurrency has been issued subsequent to March 4, 1991.

**Subdivider:** Any person, partnership or corporation, or duly authorized agent who undertakes the subdivision of land as defined herein.

**Subdivision (verb form: Subdivide, Subdivided):** Any land, vacant or improved, which is divided into two (2) or more Lots, Parcels, sites, Plots, tracts, or interests for the purpose of Development. Subdivision includes resubdivision.

**Subdivision Entrance Sign:** Any Sign located at or near the entrance to a subdivision, neighborhood or multi-family Project.

**Subgrade:** The portion of a Private or Public Roadway, which has been prepared as specified, upon which the base course is to be placed.

**Substantial Damage:** Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Means repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Historic buildings. A variance, with approval of the St. Johns County's Cultural Resources Review Board and the Floodplain Administrator, is authorized to be issued for the alteration, repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 1112 Historic Buildings, upon a determination that the proposed alteration, repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair,

improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

**Suburban Area (As it applies to Article VII of this Code):** Any area located outside Urban Areas and characterized by social, economic and institutional activities which are predominantly based on the manufacture, production, distribution, or provision of goods and services in an area which may include residential and non-residential uses typically in a low to medium density setting, and may include a mixture of rural and urban Development patterns.

**Sufficient Application:** See Application, Sufficient.

**Surface Course:** An asphalt or concrete wear surface of specified thickness and quality placed over the base course.

**Surficial Aquifer:** The potable water zone located 50 to 100 feet below the land surface otherwise known as the water table aquifer.

**Suspended Solids:** Means tiny particles of solids disbursed but undissolved in a solid, liquid, or gas, which are removable by laboratory filtration.

**Swale:** A manmade trench which:

- A. Has a top width-to-depth ratio of the cross-section equal to or greater than six-to-one (6:1), or side slopes equal to or greater than three (3) feet horizontal to one (1) foot vertical: and,
- B. Contains contiguous areas of standing or flowing water only following a rainfall event: and,
- C. Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake: and,
- D. Is designed to take into account the soil erodibility, soil percolation, slopes, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

**Swapdown:** The procedure detailed in Article VII of this Code under which existing Billboards are voluntarily removed by Owners in exchange for new Billboard Permits.

**Swimming Club:** A recreational facility containing one (1) or more swimming pools and may contain Accessory Uses such as diving facilities, administrative offices, or locker room.

**Swing Sign:** Any Sign installed on an arm or spar that is not simultaneously permanently fastened to an adjacent wall or upright pole.

**Sworn Statement:** Means an affidavit properly executed and notarized stating that all information, included in the application or provided by the declarant is true and correct to the best of the declarant's knowledge.

**Take-Out Restaurant:** An establishment where food is ordered through a walk-up window from a permanent Structure for consumption off the premises shall be deemed a Take-Out Restaurant. A Restaurant with an accessory take-out window shall not be deemed a Take-Out Restaurant as defined herein.

**Telecommunications:** The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

**Temporary Antenna Support Facility:** A facility that is designed and constructed to serve, on a temporary basis, as a means of supporting Antennas and is used typically to provide emergency wireless communications service or to provide wireless communications service to special events.

**Temporary Medical Hardship Mobile Home:** A mobile home, located on the same zoning Lot as an existing principal residence, which is used as a principal residence in cases of medical hardship in which the infirm resident requires continuous supervision.

**Temporary Mobile Home While Constructing:** A mobile home to be used as the principal residence of the property owner who is constructing, or having constructed, a conventional Single-Family Dwelling on the same property.

**Temporary Sign:** A Sign intended for a use not permanent in nature. Unless otherwise provided for in this Code, a Sign with an intended use for a period of time related to an event shall be deemed a Temporary Sign.

**Territory:** The geographical area described in a Franchise Certificate.

**Threatened or Endangered Species:** Species so listed by the Florida Fish and Wildlife Conservation Commission, Florida Department of Agriculture and Consumer Services, and U.S. Fish & Wildlife Service.

**Tinted Glass:** Any glass treated to achieve an industry approved inside to outside light transmittance value of forty-five percent (45%) or less. Such transmittance is limited to the visible spectrum (400 - 700 nanometers) and measured as the percentage of light that is transmitted through the glass.

**Title Certification:** Every plat of a subdivision submitted to the Board of County Commissioners must be accompanied by a title opinion of an attorney-at-law, licensed in Florida, or a title insurance company policy confirming that the lands as described and shown on the plat are titled in the name of the person, persons or organization executing the dedication as it is shown on the plat and that the developer has title to the lands. The title opinion or policy shall also show all liens, mortgages and other encumbrances on the land to be platted.

**Tourist Home:** A Building, or part thereof, other than a motel or hotel, where sleeping accommodations only are provided for transient guests with daily charge, without service of meals, and which also serves as the residence of the operator or owner.

**Tower:** Any structure designed primarily to support a wireless provider's antennae.

**Tower Site:** A Parcel of land, or portion of a Parcel, which may be smaller than the minimum Lot size required in the zoning district completely contained within a Lot meeting the requirements of the zoning district (or which is legally non-conforming) for the purposes of locating an Antenna Tower.

**Townhouse or Townhome:** A Multi-Family dwelling unit constructed in a group of three or more attached units with property lines separating each unit in which each unit extends from foundation

to roof and with open space on at least two sides.

**Tracker Light:** A system of lights that shine upwards and move independently of each other and normally portable.

**Traffic Analysis Zone:** A geographic sub-area of the County used to tabulate socio-economic and trip characteristic information used in transportation modeling and traffic impact studies.

**Traffic Assignment:** The procedure of estimating the extent to which trips to a specific segment on the Major Road Network as travel occurs from a proposed Development to other locations.

**Traffic Control Sign:** Means any Public Sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A Traffic Control Device Sign includes those Public Signs that are classified and defined by their function as regulatory Signs (that give notice of traffic laws or regulations), Warning Signs (that give notice of a situation that might not readily be apparent), and guide Signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

**Traffic Count Station:** A location established by the County where periodic traffic counts are recorded by the Florida Department of Transportation, St. Johns County, or local jurisdiction; and where additional traffic counts may be required as part of the submission requirements of a traffic impact study.

**Traffic Impact Study Methodology and Procedures:** Means a document prescribing the procedures for evaluating the potential impacts of a Project on the Major Road Network, and for determining whether roadway facilities will be available at the Adopted Levels of Service concurrent with the impacts of the Project consistent with Article XI of this Code.

**Traffic Pre-Application Conference:** A meeting between the Applicant and the County that occurs prior to conducting a traffic impact study for the purposes of identifying key issues, unique considerations, review of assumptions and procedures to be used in a traffic impact study.

**Trailer, Boat:** A conveyance drawn by other motor power and used for transporting a boat.

**Trailer, Horse:** A conveyance drawn by other motor power and used for transporting horses or other animals.

**Trailer, Luggage or Utility:** A conveyance drawn by other motor power and used for the primary purpose of transporting general goods or luggage or household furnishings.

**Trailer Sign:** See Portable Signs.

**Trailer, Travel or Camping:** See Recreational Vehicle.

**Transfer of Sale:** Shall include the change in ownership or either legal title, an equitable interest, or the beneficial interest, of a Lot or Parcel within a subdivision and shall include but not be limited to contracts for sale and agreements for deeds; provided, however, it shall not include any contract for sale that specifically provides in bold print that the sale is contingent upon the recordation of a subdivision plat pursuant to this Code.

**Transient Public Lodging Establishment:** Any unit, group of units, Dwelling, Building, or group of Buildings within a single complex of Buildings which is rented to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

**Transportation Disadvantaged:** Shall have the same meaning as the same term in Chapter 9J-5, F.A.C.

**Transportation Disadvantaged Services:** Means passenger vehicles operated by the St. Johns County Council on Aging designed to meet the needs of the transportation disadvantaged.

**Treated:** Means reducing the pollution content in Wastewater.

**Tree:** A woody plant with a well-defined stem and crown capable of attaining a height of at least fifteen (15) feet with a trunk diameter of not less than two (2) inches, or a cluster of main stems having an aggregate diameter of not less than two (2) inches, at a point four and one-half (4 ½) feet above ground.

**Tree Locations:** The location, types, and sizes of Protected Trees provided by a licensed Land Surveyor and Mapper under the provisions of Chapter 472 F.S. and incorporated on a Site Plan prepared by a State of Florida licensed Engineer or Landscape Architect.

**Tree Protection Barricade:** Any Structure or device which protects preserved Trees and is to be installed at the Drip Line unless shown otherwise on the approved Construction Plans.

**Trip Generation Rate:** The number of vehicular trips generated by a unit of land use as defined in the St. Johns County P.M. Peak Hour Trip Rate and Percent New Trips Data Table; the Institute of Transportation Engineers, *Trip Generation Informational Report*, as updated; site specific data collected according to the procedures in this Code; or other professionally accepted methodology.

**Truck Stop:** An establishment where the principal Use is primarily for the refueling and servicing of trucks and tractor-trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

**Turning Movement Count:** The collection of data at an intersection which determines the volume and direction of vehicles entering and exiting the intersection during the peak periods of 7:00 a.m. to 9:00 a.m., and 4:00 to 6:00 p.m., or as otherwise specified by the County.

**Two Family Dwelling Unit:** See Dwelling, Two Family.

**Ultralight Flightpark:** Land designed and used or intended to be used as a take off and landing area exclusively by ultralight vehicles involved in sport and recreational activities, including related support activities such as sales or rental of ultralight vehicles, fuels and other support materials.

**Under Canopy or Marquee Sign:** Any Sign suspended below the ceiling or roof of a canopy or marquee.

**Understory:** A layer of low native vegetation usually associated with and developing under Trees.

**Unified Sign Plan:** A signage plan within a Planned Unit Development describing the number, location, height, color, materials, type, architecture, lighting, and advertising display area of signs, and structures associated with signs. A Unified Sign Plan shall provide templates and renderings or sufficient descriptions of the treatment and control of signs within a Planned Unit Development.

**Unlicensed Wireless Service:** The offering of telecommunications services using duly authorized devices which do not require individual licenses, but not the provision of direct-to-home satellite services.

**Unsafe Sign:** Any Sign which poses a threat to health, safety, or welfare of public.

**Untreated:** Means Wastewater which does not receive any treatment prior to discharge.

**Upland Buffer:** An upland area adjoining a Wetland area managed for the protection of Wetland habitats. This buffer is measured from the state defined Wetland jurisdictional line landward.

**Urban Area (As it applies to Article VII of this Code):** An area of or for Development characterized by social, economic and institutional activities which are predominantly based on the manufacture, production, distribution, or provision of goods and services in a setting which typically includes residential and non-residential Development Uses other than those which are characteristic of rural Uses.

**Usable Space:** Shall mean that portion of the space within a Building which is available for assignment or rental to an occupant, including every type of space available for use of the occupant.

**Use:** The purpose for which land or water or a Structure thereon is designated, arranged, or intended to be occupied or utilized or for which it is occupied or maintained by the Owner, occupant, lessee, or trustee.

**Use of Land:** Includes use of land, water surface, and land under water to the extent covered by zoning districts, and over which the County has jurisdiction.

**User:** Means any person that discharges, causes, or allows the discharge of Wastewater into a central Wastewater System or any connected system.

**Utility:** Any Person or business entity of any kind, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing Construction of a system, who is providing, or proposes to provide, water, including non-potable water, Wastewater services, or a bulk water utility within the unincorporated area of St. Johns County, to the public for compensation, but it shall not include:

- A. The sale, distribution, or furnishing of bottled water;
- B. Systems owned, operated, managed, or controlled by Governmental Authorities;
- C. Manufacturers providing service solely in connection with their operations;
- D. Public lodging establishments providing service solely in connection with service to their guests;

- E. Landlords providing service to their tenants without specific compensation for the service; and
- F. Property Owners Associations providing reuse or surface water for irrigation.

**Utility Provider:** Any franchised water or Wastewater utility or System owned and operated by the St. Johns County Board of County Commissioners or other utility systems operated by municipalities or private utilities within St. Johns County.

**Utility, Stormwater:** Means any person, business entity, association or unit of local government owning or operating a Water System, Wastewater System or stormwater management system, or proposing Construction of a system, who is providing, or proposes to provide water, Wastewater, or storm water management service to the public within the unincorporated area of St. Johns County.

**Variance:** A deviation to the provisions of this Code.

**Variance, Floodplain:** For the purpose of Section 3.03.07 (flood hazard areas), a grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would otherwise be permitted by this ordinance or the Florida Building Code. Floodplain Variance criteria pertain to a piece of property and are not personal in nature. A hardship must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal references, or the disapproval of neighbors cannot, as a rule, qualify as exceptional hardships.

**Variance, Non-Zoning:** A case-by-case deviation to the rules of this Code, when it is demonstrated that compliance with the Code would be a practical impossibility, and/or upon showing of good cause, an alternative to the Code is provided that conforms to the general intent and spirit of the Code. The Board of County Commissioners may require such conditions that will, in its judgement, substantially secure the same objectives of the standards or requirements so varied or modified.

**Variance, Zoning:** Variance is a relaxation of the terms of this Code where; i) such Variance will not be contrary to the public interest, and where; ii) by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or by reason of the Use or Development of property immediately adjoining the piece of property in question, iii) the literal enforcement of the requirements of this Code would cause undue hardship to carry out the spirit and purpose of this Code, and iv) the Variance would not be contrary to the spirit and purpose of this Code. In this context personal, family or financial difficulties, loss of prospective profits, neighboring violations, or hardships created by any act of the owner, are not considered hardships justifying a Variance.

**Vehicle Auction:** The sale of vehicles where the method of sale is through competitive bidding and the price is determined by the highest bid offered.

**Vehicle Recycling:** Land Use for the recycling of inoperable vehicles for parts such as engines, transmissions, body parts, etc., including the storage, stripping, compacting rebuilding, sales and shipping of vehicles or parts thereof.

**Vehicle Sign:** Any Sign with an Advertising Display Area in excess of twenty (20) square feet of a vehicle, which identifies a business, products, or services, and which is attached, affixed, or adhered to, or mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day-to-day operation of the business.

**Vehicular Use Area:** An area used for the display or parking of any and all type of vehicles and equipment, whether self-propelled or not, and all land upon which vehicles traverse the property as a function of the principal Use.

**Vendor:** An individual selling products from a temporary location on private, commercially-zoned property.

**Vested Development:** Development Projects which are exempt from some or all of the provisions of this Code.

**Veterinary Office, Animal Hospital:** A building used for the medical and surgical care of animal patients.

**Violation:** Means the failure of a structure or other development to be fully compliant with the requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Visual Runway:** A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved Airport layout plan, a military services approved military Airport layout plan, a military services approved military Airport layout plan, or by any planning document submitted to the FAA by competent authority.

**Volume (Traffic):** Means the number of vehicles to pass a predetermined location during a specified period of time.

**Volume Sensitive:** Land locked, closed-basin with insufficient or no outlet.

**Wall Sign:** See Fascia Sign.

**Warning Sign:** A Sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.); see Public Sign.

**Wastewater:** Means the combination of the liquid and water-carried pollutants from a residence, commercial Building, industrial plant, or institution, together with any groundwater surface runoff, or leachate that may be present.

**Wastewater Line:** A gravity collection system or pressurized Wastewater force mains that collect and convey Wastewater to a central Wastewater Treatment Plant.

**Wastewater System:** Wastewater System shall mean and shall include any plant, system, facility



or property, and additions, extensions and Improvements thereto at any future time constructed to acquire as part thereof, useful or necessary or having a present capacity for future Use in connection with the collection, treatment, purification and disposal of Wastewater of any nature or originating from any source, and without limiting the generality of the foregoing definition, shall embrace treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains and all necessary appurtenances and equipment, all Wastewater mains and laterals for the reception and collection of Wastewater from premises connected therewith, and shall include all real and personal property and any interest therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.

**Wastewater Treatment Plant or Treatment Plant:** Means that portion of the POTW which is designed to provide treatment of municipal Wastewater and industrial waste.

**Water and/or Wastewater Treatment Capacity:** Means the maximum demand that can be accommodated by the central Utility System without exceeding the Adopted Level of Service.

**Watercourse:** a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

**Water Line:** Means a water transmission or distribution line.

**Water System:** Water System shall mean and include any plant, system, facility or property, and additions, extensions and Improvements thereto at future times, constructed or acquired as part thereof, useful or necessary or having the present capacity for future Use in connection with the Development of sources, treatment or purification and distribution of water, and, without limiting the generality of the foregoing, shall include dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals and pipes for the purpose of carrying water to the premises connected with such system, and shall include all real and personal property and any interest therein, rights, Easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.

**Water System, Community:** Means a central Water System which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

**Wearing Surface Course:** An asphalt or concrete wear surface of specified thickness and quality placed over the base course.

**Wellhead Resource Protection Areas:** he areas around public potable water supply wells which were established to give some degree of protection from identified sources of potential ground water contamination.

**Wet Detention System:** A permanently wet stormwater detention storage area normally used in areas where soil and hydrological conditions are not conducive to “Dry Detention” or “Retention” systems as defined herein. In addition to the herein defined function of “Detention”, these systems provide through a secondary controlled outlet or bleed-down device, detention of a defined stormwater treatment volume per state regulations for removal of dissolved and suspended pollutants by taking advantage of physical, chemical, and biological processes within the pond. The secondary outlet also provides for detention of a defined flood protection volume if applicable under Article X of this Code.

**Wetland Dependent Wildlife:** Wildlife species that are reliant on both Wetland and adjacent upland habitats for portions of their life cycle. This includes but is not limited to behaviors such as nesting, denning, foraging, reproduction, and roosting.

**Wetlands:** Those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in Wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in Wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida Wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida Wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The delineation of actual Wetland boundaries may be made by professionally accepted methodology consistent with the type of Wetlands being delineated but shall be consistent with any unified statewide methodology for the delineation of the extent of Wetlands ratified by the Legislature.

**Wildlife:** Any member of the animal kingdom, with the exception of man and domestic animals, including but not limited to any animal to any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate.

**Wildlife Corridor:** Contiguous stands of wildlife habitat which facilitate the natural migratory patterns, as well as other habitat requirements of wildlife.

**William Bartram Scenic Highway:** State Road 13/County Road 13 between Duval County Line and State Road 207.

**Wind Sign:** Any Sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, including Pennants, ribbons, spinners, streamers, or Anchored Balloons, but excluding Flags.

**Window Display:** The exhibition or demonstration of merchandise in a store window.

**Window Sign:** Any Sign placed inside a window of a building, facing the outside and which is intended to be seen from the exterior or any sign visible from the exterior of a building or structure which is painted, attached, glued, adhered, or otherwise affixed to a window or door. A Window Sign does not apply to a Window Display.

**Window Tint or Film:** A material applied to the entire glass area of a window or door which attains a shading coefficient comparable to that prescribed for tinted glass.

**Window Treatment:** Any type of material that prevents or reduces the amount of interior light escaping outside, including, but not limited to, curtains, drapes, blinds, solar screens, non-reflective film and storm shutters.

**Workforce Housing:** The missing Workforce housing in St. Johns County capable of being purchased or rented by a household within the upper low to lower moderate income categories (as defined by the Federal Housing Authority).

**Working Days:** Normal working days for St. Johns County to include Monday through Friday except County holidays.

**Xeric Hammock:** See Significant Natural Communities Habitat.

**Xeriscape or Florida Friendly:** Water conserving landscaping utilizing native or drought tolerant vegetation and water efficient irrigation systems.

**Yard:** A required open space other than a court unoccupied and unobstructed by a Structure or portion of a Structure from thirty (30) inches above the general ground level of the graded Lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any Yard subject to height limitations and requirements limiting obstruction of visibility.

**Yard, Front:** A required Yard extending between Side Lot lines across the front of a Lot adjoining a public or private street.

**Yard, Rear:** A required Yard extending across the rear of the Lot between inner side Yard lines. In the case of through Lots and corner Lots, there will be no Rear Yards, but only Front and Side Yards.

**Yard, Side:** A required Yard extending from the rear line of the required Front Yard to the Rear Lot line, or in the absence of any clearly defined Rear Lot line to the point of the farthest from the intersection of the Lot line involved in the public street. In the case of through Lots, Side Yards are from the rear lines of Front Yards required. In the case of corner Lots, Yards remaining after Front Yards have been established on both frontages are considered Side Yards. In the case of Lots abutting an Easement thirty (30) feet in width that serves no more than two (2) Dwelling Units, the Yard adjacent to the Easement shall be considered a Side Yard.

**Yard, Special:** A Yard behind any required Yard adjacent to a public or private street required to perform the same functions as a Side or Rear Yard, but adjacent to a Lot line and so placed or oriented that neither the term "Side Yard" nor the term "Rear Yard" clearly applies.

**Yard Waste Air Curtain Incinerator:** A low technology facility for the burning of yard trash and wood waste.

**Yard Waste Composting Facility:** A central facility where the yard trash and wood fraction of solid waste for multiple residential properties is processed by natural or mechanical means to aid the microbial decomposition of the organic material.

**Yard Waste Transfer Facility:** A facility where yard trash and wood waste from several relatively small vehicles is placed into a large vehicle before being transferred to a yard waste composting or disposal facility.

**Year:** See Calendar Year.

**Zoning Atlas, Official:** The official record of St. Johns County depicting the zoning districts on

property in the unincorporated area of St. Johns County.

History: Ord. 1999-60; Ord. 2000-36; Ord. 2000-58; Ord. 2001-64; Ord. 2002-62; Ord. 2004-51; Ord. 2005-118; Ord. 2007-19; Ord. 2007-85; Ord. 2008-12; Ord. 2008-30; Ord. 2009-28; Ord. 2009-44; Ord. 2009-48; Ord. 2010-23; Ord. 2011-24; Ord. 2011-36; Ord. 2011-38; Ord. 2012-2; Ord. 2012-8; Ord. 2015-9; Ord. 2015-14; Ord. 2016-36; Ord. 2017-22; Ord. 2018-20; Ord. 2018-41; Ord. 2018-62; Ord. 2019-84; Ord. 2020-23; Ord. 2020-31; Ord. 2021-23; Ord. 2021-55; Ord. 2022-32; Ord. 2022-56; Ord. 2023-09; Ord. 2023-24

## **APPENDIX A**

### **ST. JOHNS COUNTY TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES**

#### **A. Purpose**

The purpose of a traffic impact study is to identify the potential impacts of new Development on the St. Johns County transportation system and to provide information which will allow a concurrency determination to be made on each impacted segment. The traffic impact study will identify Development traffic volumes on each impacted segment, identify those segments on which the adopted Level of Service cannot be maintained, include link and intersection analysis, and recommend potential solutions for those segments and intersections on which the adopted Level of Service is not being met.

#### **B. Intent**

1. The intent of this document is to define the requirements, procedures and methodology for the submission of a traffic impact study in St. Johns County and to provide an equitable, consistent and systematic means of determining the future impact of proposed Developments while maintaining the adopted service levels on all major roadways and intersections.
2. Nothing contained in this document shall waive any requirement contained elsewhere in the St. Johns County Land Development Code.

#### **C. Applicability**

1. The requirements, procedures and methodology for a traffic impact study contained in this Section shall apply to all Development Orders in unincorporated St. Johns County. In all cases, it will be the responsibility of the Applicant to demonstrate to the County that a proposed Development will not unduly impact the road system.
2. A traffic impact study for a multi-phase project shall be submitted in conjunction with the first application for Concurrency Determination for the project and shall include all future Development phases. The traffic study shall remain valid and in effect for a one (1) year period. Subsequent Development phases seeking a Final Concurrency Determination shall be required to update the traffic impact study with current data if the application for Concurrency Determination for said Development phases is submitted more than one (1) year from the project's original application for Concurrency Determination. All applications for Development phases seeking a Final Concurrency Determination shall be required to submit intersection and segment capacity analyses prescribed under Sections N and O notwithstanding the time limits specified above.

#### **D. Types of Traffic Impact Studies**

##### **1. Small Projects**

Developments generating 10 or fewer average weekday peak hour trips will be considered to have a negligible impact on the Major Road Network. No further

review of the transportation impacts of Small Projects will be required and a Final Concurrency Determination may be issued subject to other provisions of Article XI of this Code.

2. Minor Traffic Review

- a. Developments generating 11 to 50 average weekday peak hour trips will be subject to a Minor Traffic Review.
- b. The Minor Traffic Review will be completed by St. Johns County in conjunction with application for a Final Development Permit. If the project does not access a Directly Accessed Segment, then the impact of the project traffic on the first directly Accessed Segment on the Major Road Network at minimum, shall be evaluated relative to its adopted Level of Service. If the project traffic on any study segment as defined above for Minor Traffic Review is less than one percent (1.0%) of the maximum service volume of the adopted Level of Service standard, then the project impact on that segment shall be considered to have a negligible impact and no further review will be required on the subject segment. Based upon this information, a determination shall be made by the County whether or not the road facilities are adequate to maintain adopted service levels upon build-out of the proposed Development. A Certificate of Concurrency may then be issued according to the procedures identified in the Article XI of this Code.
- c. If the information submitted pursuant to Section (4)(b)2. above indicates the Level of Service will fall below the adopted standard, then the Applicant may undertake a more detailed evaluation of future roadway operating conditions to demonstrate acceptable operating conditions, or the Applicant may propose roadway improvements to restore acceptable conditions.
- d. The appeals process for a Minor Traffic Review shall be governed by the procedures set forth in Article XI of this Code.

3. Traffic Impact Analysis (TIA)

- a. A Traffic Impact Analysis shall be required for all Residential Developments generating more than 50 average weekday peak hour trip ends.
- b. A detailed site access and operational analysis to include the nearest non-site access intersection(s) in all directions from the project site boundary shall be required for all Non-Residential Developments generating 300 or more p.m. peak hour trip ends to be submitted prior to Construction Plan approval.
- c. Submission of a Traffic Impact Analysis is required for a Determination of Application Completeness in the Concurrency Review Process for residential developments.
- d. The Applicant is required to attend a pre-application conference to discuss the traffic study requirements and final report outline as it pertains to the specific Development prior to conduct of the study.

- e. Each Traffic Impact Analysis for residential developments must meet the following submission requirements to receive a Determination of Application Completeness.
  - 1) One (1) paper copy and one electronic copy of the completed Land Development Traffic Assessment must be submitted to the County at the time of the submittal of the Concurrency Determination Application.
  - 2) The format of the Land Development Traffic Assessment must follow the outline identified in Section D.3.h, Format of Land Development Traffic Assessment.
  - 3) A Traffic Impact Analysis must be submitted by an individual with an engineering or planning degree with responsible transportation planning experience and must be a registered professional engineer (PE), a professional transportation planner (PTP) or certified through the American Institute of Certified Planners (CTP), acting as the designated representative of the owner.
  
- f. The County shall determine if all required data has been submitted and is acceptable. This determination, as well as the determination that additional data is necessary, will be made according to the procedures and time frames identified in Article XI of this Code.
  
- g. The Appeals process for a Land Development Traffic Assessment shall be governed by the procedures set forth in Article XI of this Code.
  
- h. Site access for a proposed Development shall be consistent with the requirements identified in the St. Johns County Code. The Applicant is required to provide a site access plan at the pre-application conference. The site access plan is subject to review and approval by the County. This review will be made according to currently accepted traffic engineering principals.
  
- i. Format of Traffic Impact Analysis
 

To simplify staff review, each Traffic Impact Analysis for residential developments will be required to follow the outline below. Further definition and clarification of the items listed in the outline may be found in subsequent sections. Figures and maps are to be used to the maximum extent possible.

  - 1) Letter of transmittal
  - 2) Title page
  - 3) Table of Contents
    - a) List of Figures
    - b) List of Tables

- 4) Introduction (includes description and location of project, current and proposed zoning, both address and map format, size of the project, summary of methodologies agreed to in pre-application conference and statement of approval sought).
- 5) Area of influence (determination of impacted road segments to be included on study network, based on criteria of Section G.1).
- 6) Inventory of existing conditions (including listing of all segments within the study area, existing traffic volumes and identification of roadway characteristics).
- 7) Trip generation estimate (from P.M. Peak Hour Trip Rate and Percent New Trips Data Table, the most recent edition of the Institute of Transportation Engineers *Trip Generation* Manual or other professionally accepted methodology).
- 8) Percent new trips and internal capture estimates (from P.M. Peak Hour Trip Rate and Percent New Trips Data Table and Section K and Section M)
- 9) Traffic distribution and assignment methodology.
- 10) Projected traffic volumes within the study area.
- 11) Intersection analysis (required when the peak hour traffic volume on one (1) or more links forming a leg of a major intersection is equal to or exceeds ninety percent (90%) of the maximum service volume of the adopted Level of Service standard).
- 12) Roadway needs (identification of proposed improvements and cost).
- 13) Internal site circulation and access needs.
- 14) Appendix (as applicable to the specific traffic impact study)
  - a) Traffic count data
  - b) Trip generation, internal and adjacent street capture worksheets
  - c) Trip distribution and assignment worksheets
  - d) Intersection capacity analysis worksheets using the most recent edition of the Highway Capacity Manual
  - e) Link capacity analyses
  - f) Computerized modeling documentation (if performed)



g) Other analysis worksheets

E. Pre-Application Conference

1. The purpose of the mandatory pre-application conference for a Traffic Impact Analysis and/or detailed site access and operational analysis is to provide guidance and direction to the Applicant concerning the conduct of the study.
2. The Applicant shall request a pre-application conference, and shall transmit a general description of the proposed Development and study methodologies to the County at least five (5) working days prior to the meeting.
3. At a minimum, the following topics will be discussed and approval obtained from the County at the pre-application conference.
  - a. The Applicant will provide a site access and internal circulation plan.
  - b. Review the format of a traffic impact study.
  - c. Vested Developments in the vicinity of the proposed Development will be identified and procedures to estimate their associated traffic volumes shall be identified.
  - d. The Major Road Network form will be provided to the Applicant.
  - e. Procedure to track the project's traffic will be defined.
  - f. Availability and use of County data.
  - g. Procedures for traffic counts, the location of current traffic count stations, and the identification of possible additional locations.
  - h. Source of trip generation for project traffic.
  - i. Selection of origin / destination survey sites for determination of percent new trips factor.
  - j. Traffic distribution and assignment technique.
  - k. Justification of an internal capture factor if different than those presented in Section M.2.
  - l. Methodology and approach for intersection analysis.
  - m. Methodology and approach for segment analysis.
4. Failure by the Applicant to discuss and obtain resolution to the above topics may result in disapproval of the traffic impact study or a request for additional information.
5. The methodologies and assumptions agreed upon at the pre-application conference will be valid for a period of ninety (90) days from the date of the pre-application

conference. If the Concurrency Determination Application is not submitted to the County within ninety (90) days of the pre-application conference, the Applicant must obtain approval from the County for the continued use of these methodologies and assumptions, or revise the methodologies and assumptions as necessary with updated information.

F. Level of Service Standards

1. The Level of Service standards used for concurrency determination shall be consistent with the Transportation Element of the St. Johns County Comprehensive Plan.
2. When two (2) roads of differing classification or performance standards intersect and an intersection analysis is required, the lower Level of Service performance standard shall govern the intersection.

G. Traffic Impact Area

1. The following procedure will be used to determine the extent of the Traffic Impact Area.
  - a. Peak hour traffic attributable to the Development will be assigned to all segments on the Major Road Network for residential and non-residential developments as follows:
    - 1) Residential (Traffic Impact Analysis) – peak hour traffic will be assigned to all segments impacted by Development traffic at a level equal to or greater than one percent (1.0%) of the maximum service volume of the adopted Level of Service standard up to a maximum radius of four (4) miles from the project site boundaries. The four (4) mile radius will be extended to include the next major intersection if an intersection analysis is required under the provisions of Section N.1.
    - 2) Non-residential (Detailed Site Access and Operational Analysis)– entering and exiting peak hour traffic will be assigned to all directly accessed segments, and the nearest non-site access intersection(s) in all directions for non-residential developments generating 300 or more p.m. peak hour trips. Analysis shall include a determination of required site access improvements at each project driveway, and analysis of applicable intersections to determine adequate operating level of service. Intersection improvements may be required where adequate operating level of service cannot be achieved.

The study area radius/distance boundaries referenced in this section may be extended to include the next major intersection if an intersection analysis is required under the provisions of Section N.1.

- b. Additional impacted segments, over and above those required by Section G.1.a, may be added to the study network when, as determined by the County, it would be in the best interest of St. Johns County to do so to

maintain the adopted Level of Service standards.

- c. Phased projects will be required to perform a traffic study which analyzes both the impact of the phase(s) seeking a Certificate of Concurrency and the ultimate build out of the entire project. The analysis of the total build out of the project will be performed as part of the concurrency application for the first phase of the project to assess the ultimate transportation needs of the entire project, but shall not be used as a basis for a determination of transportation concurrency or for issuance of a Certificate of Concurrency. The methodology for performing the analysis shall be based on the following:
  - 1) The Study Area of the total build out of the project will be determined by the extent of all impacted segments for the total project, including future phases and phases which have previously received a Certificate of Concurrency or Concurrency Exemption. The phase(s) of the project seeking a Certificate of Concurrency will be evaluated for transportation concurrency based on the Traffic Impact Area using the criteria contained in Section G.1.a above for the phase(s) seeking the Certificate of Concurrency and the cumulative Development within the project for which a Certificate of Concurrency has been issued subsequent to March 4, 1991.
  - 2) Projects that consist of an expansion or an addition to existing Development constructed or permitted prior to March 4, 1991, will be analyzed based upon the cumulative impact of all Development for which a Concurrency Determination has been issued subsequent to March 4, 1991.
- d. When a project's impacts are such that no roadways are impacted at the threshold defined in Section G.1.a., then the impact of the project traffic on the first Directly Accessed Roadway Segment(s) shall be evaluated for ensuring the maintenance of the adopted Level of Service standard on those roadways.
- e. For the purpose of the LDTA project traffic will be assigned only to those roadways and future roadways:
  - 1) Shown on the Major Road Network;
  - 2) Proposed for inclusion as part of the Major Road Network and scheduled for initiation of Construction within the first three (3) years of the FDOT, St. Johns County, or other responsible jurisdiction's financially feasible adopted five (5) year work program, or
  - 3) Scheduled for completion prior to the initial date of project impact on the roadway, if such roadway or improvement is to be completed pursuant to a local government Development Agreement or binding contract and proposed for inclusion as part of the Major Road Network.
- f. Where an improvement based on a local government Development

Agreement or order is relied upon to achieve the acceptable Levels of Service, default on any such agreement by any party other than St. Johns County, shall be identified as a basis for reconsideration and, if necessary, invalidation of the Development Order and Certificate of Concurrency.

## H. County Data

The County shall maintain and update several types of data. These types of data are described below.

### 1. Traffic Count Data

St. Johns County maintains traffic count data on all segments of the Major Road Network. New traffic counts as well as traffic count data from approved traffic impact analyses will be used to update the traffic counts in the concurrency management database on an annual basis. The Applicant may be required to supplement the traffic count data where needed, such as locations where data is not currently available, or counts conducted on weekends, holidays, or other time periods in which the project's peak trip generation does not coincide with the average weekday peak hour.

### 2. Roadway Characteristics Inventory

A Roadway Characteristics Inventory will be maintained on each link in the St. Johns County Comprehensive Plan. The inventory will include the Major Road Network segment identification number, Florida Department of Transportation count station number, roadway name (including street name and state or County road number), roadway segment termini (from / to), existing roadway area type, roadway functional classification, roadway number of lanes (existing and committed), and existing Right-of-Way. This inventory will be updated with new information on a periodic basis.

### 3. Transportation Analysis Spreadsheet

A Transportation Analysis Spreadsheet will be maintained for each roadway segment on the Major Road Network. The spreadsheet will include the Major Road Network road segment identification number, Florida Department of Transportation count station number, roadway name (including street name and state or County road number), roadway segment termini (from / to), existing roadway area type, approved road type (functional classification), planning area, adopted LOS standard, segment length in miles, traffic count date (year), Annual Average Daily Traffic count, annual growth factor, link K-factor, peak hour traffic, exempt Development traffic, approved concurrency traffic, total committed peak hour traffic, percent of service volume utilized, link status, traffic study service volume, and approved peak hour service volume. The Transportation Analysis Spreadsheet will be updated with new information periodically.

### 4. Major Road Network Map

A Major Road Network Map will be maintained by the County that illustrates all roads on the St. Johns County traffic impact study network. This Map will include road improvements scheduled for completion within the first three (3) years of the FDOT,

St. Johns County, and local jurisdictions five (5) year capital improvement programs, and those roads scheduled for completion within three (3) years that will be built pursuant to a local government Development Agreement. All future roads added to the map must be approved by the County. Additionally, the map will illustrate those segments that are backlogged and/or constrained as well as those critical transportation segments in which the peak hour traffic volume equals or exceeds ninety percent (90%) of the maximum service volume of the adopted Level of Service standard.

5. Traffic Impact Study File

The County shall maintain a file of approved Minor Traffic Reviews, LDTA's and DRI/FQD reports. The County shall provide information and data, when available, to prevent duplication of efforts and unnecessary costs. The County shall approve the use of a prior study.

I. Procedures for Traffic Counts

1. The Concurrency Management Database will contain an inventory of all current traffic count locations and the most recent daily and peak hour traffic counts.
2. The Applicant may use available traffic count information for all impacted segments from the concurrency management database. If traffic count information is unavailable for the current calendar year on an impacted segment, the Applicant may elect to conduct a current traffic count according to the procedures identified in Section I.3 and I.4. Traffic counts not collected in the current calendar year will be factored by the approved annual growth rate to determine the current year traffic volume.
3. The Applicant will provide segment traffic counts, by direction, for a minimum of seventy-two (72) consecutive hours between 12:00 p.m. Monday and 12:00 p.m. Friday. Legal holidays or other days as specified by the County shall be excluded. Friday, weekend, or holiday counts may be required for land Uses active on weekends, as determined by the County. The data will include a summary of traffic volumes by direction in fifteen (15) minute increments. The a.m., p.m. and other peak hours should be identified as well as the peak hour-to-daily traffic ratio and peak hour directional split. The average daily traffic counts will be adjusted to Annual Average Daily Traffic (AADT) using appropriate FDOT seasonal adjustment factors and truck axle adjustment factors. The peak hour segment volume will be determined by applying the approved K-factor for that segment to the AADT volume. All data will be subject to review and acceptance by the County.
4. The Applicant will provide intersection turning movement counts as required by the County. These turning movement counts shall be made on one (1) typical weekday (Tuesday, Wednesday or Thursday) from 7:00 a.m. to 9:00 a.m., and 4:00 p.m. to 6:00 p.m., or as otherwise specified by the County. Legal holidays or other days as specified by the County shall be excluded. Friday, weekend, or holiday turning movement counts may be required for Development proposals for land Uses active on weekends, as determined by the County. The data will include a summary of traffic volumes in fifteen (15) minute increments, with a.m., p.m. and other peak hours being identified. All data will be subject to review and acceptance by the

County.

J. Trip Generation

1. Each traffic impact study will list all project land Uses, applicable ITE Land Use Code, Building size and/or Dwelling Units.
2. Allowable sources for trip generation rates for each land Use listed in (a) above are identified below:
  - a. The trip generation rate from a previously approved St. Johns County traffic impact study of a similar land Use.
  - b. The trip generation rates or equations contained in the most recent version of the ITE *Trip Generation* Manual as approved for use by the County.
  - c. A site specific trip generation study of the same type or similar land Use approved by the County at the pre-application conference. Such a site specific study will be conducted at three (3) separate similar land Use sites. The survey data will be collected for at least a continuous seventy-two (72) hour period between Monday 6:00 p.m. and Friday at 6:00 a.m., or as otherwise determined by the County. Legal holidays or other days specified by the County will be excluded. Selection of other trip generation study times will be made when it is determined by the County that collection of the data between the above times will not result in a reasonable estimation of the trip generating characteristics of the proposed land Use. The data will include a summary of traffic count data by fifteen (15) minute increments, average daily volume, volume during the a.m. and p.m. peak hours of the adjacent street. The accuracy of the traffic counts will be verified by performing manual counts and comparing them to machine count volumes twice daily; once in the a.m. and once in the p.m. for each day of the traffic counts. All data will be subject to review and acceptance by the County. This review will be based on currently accepted traffic engineering principals.

K. Percent New Trips

1. The percent new trips factor represents the percent by which the trip rate is multiplied to obtain only those new trips that are added to the roadway by the proposed Development. Thus, those trips going to the proposed Development that would have been on the roadway anyway and are included in the trip rate must be deducted from the total trips. The pass-by trip total shall not exceed 10 percent (10%) of background traffic volume on the adjacent roadway.
2. Each traffic impact study will list all land Uses, applicable ITE Land Use Code, Building size and/or number of Dwelling Units.
3. Allowable sources for the percent new trips factor for each land Use identified in 2 above are listed below:
  - a. Percent new trips factor from a previously approved study of a similar land

Use or a published study as approved by the County.

- b. A site specific origin/destination survey of an identical or similar land Use as approved by the County.
- 1) The origin/destination survey shall collect, at a minimum, the following information:
    - a) Date
    - b) Location
    - c) Time of Interview
    - d) Time of the interviewee trip
    - e) From where did the interviewee trip begin immediately prior to arriving? (1) home (2) work (3) retail (4) other
    - f) The city, area or zip code where the trip began (the last destination before arriving at the site being studied).
    - g) The nearest intersecting streets closest to the location of where the trip began (the last destination before arriving at the site being studied).
    - h) Transportation mode (1) car (2) walk (3) bike (4) bus (5) taxi drop off.
    - i) Where the interviewee trip will end immediately upon leaving (1) home (2) work (3) retail (4) other.
    - j) The city, area or zip code nearest the trip's next destination
    - k) The nearest intersecting streets closest to the trip's next destination.
  - 2) The location at each origin and destination will be plotted graphically on a map and the trip lengths calculated. To determine whether the trip is to be considered a new trip, a rectangle will be drawn on the map in such a manner so as to locate the origin of the trip in one (1) corner and the destination of the trip in the opposite corner. If the interview location is outside the rectangle, the trip is considered to be a new trip and if the interview site is inside the rectangle, then the trip is not classified as a new trip. The percent new trips is computed by dividing the number of new trips by the total number of trips generated by the site.
  - 3) Copies of the original surveys and maps indicating trip ends will be submitted as part of the study. All data will be subject to review and acceptance by the County. This review will be based on currently

accepted traffic engineering principles.

L. Traffic Distribution and Assignment

1. The distribution and assignment of project traffic shall be made in accordance with the following procedures and in conformity with accepted traffic engineering principles, such as those documented in NCHRP Report 187, "Quick-Response Urban Travel Estimation Techniques and Transferable Parameters - Users Guide".
  - a. Use of a gravity model as approved by the County.
  - b. Observations of similar Developments in the vicinity of the proposed Development.
  - c. Traffic distribution may be based upon a previously approved traffic impact study of a similar land Use in the vicinity of the proposed Development. Such use of a prior study must be justified, based upon sound traffic engineering principles and techniques and approved for use by the County.
2. The County will make available a summary listing of previously approved traffic impact studies within the Planning Area of the project.
3. The traffic distribution and assignment technique must be presented by the Applicant at the pre-application conference, and reviewed and approved by the County. This review will be based on currently accepted traffic engineering principles.

M. Internal Capture

1. The use of an internal capture factor will be allowed for certain types and sizes of mixed Use Developments.
2. Allowable sources for internal capture rates for each land Use listed in (a) above are identified below:
  - a. The internal capture rates or equations contained in the most recent version of the ITE *Trip Generation Handbook* as approved for use by the County.
  - b. A site specific internal capture study of the same type or similar Development approved by the County at the pre-application conference. Such a site specific study will be conducted at three (3) separate similar land Use sites. The survey data will be collected for at least a two consecutive hour period each day for three (3) days between Tuesday at 12:00 p.m. and Thursday at 8:00 p.m., or as otherwise determined by the County. Legal holidays or other days specified by the County will be excluded. Selection of other internal capture study times will be made when it is determined by the County that collection of the data between the above times will not result in a reasonable estimation of the internal capture characteristics of the proposed project. The data will include a summary of internal capture data by fifteen (15) minute increments during the p.m. peak hours of the adjacent street. All data will be subject to review and acceptance by the County. This review will be



based on currently accepted traffic engineering principals.

3. Requests for use of internal capture factors other than those identified above must be submitted along with justification at the pre-application conference. All data will be subject to review and acceptance by the County. This review will be based on currently accepted traffic engineering principles.
4. The total internal capture trip ends shall not exceed twenty percent (20%) of the gross project trip ends.

N. Intersection Analysis

1. An intersection analysis must be performed on each major intersection (including signalized intersections, unsignalized intersections and those proposed to be signalized), where the total peak hour traffic volume on one (1) or more links forming a leg of the intersection is projected to equal or exceed ninety percent (90%) of the maximum service volume of the adopted Level of Service standard and is impacted by Development traffic at a level equal to or greater than one percent (1.0%) of the maximum service volume of the adopted Level of Service standard for any phase of the project for which a Final Concurrency Determination is being sought.
2. The procedure for performing an intersection analysis will be based upon the methodology contained in the most recent edition of the Highway Capacity Manual, Transportation Research Board Special Report 209, or other professionally accepted methodology. Any questions, issues or methodology other than that referenced in the above publication must be submitted at the pre-application conference and will be subject to the review and approval from the County.
3. For each intersection at which the total traffic results in a Level of Service below the acceptable adopted Level of Service, the Applicant will recommend improvements to the intersection analysis by including:
  - a. Printouts and worksheets for all highway capacity analysis performed on the intersections or roadway links.
  - b. Copies of any traffic counts performed or used in the analysis, including the source of count data.
  - c. Documentation of any assumptions used in the analysis including trip generation data, if not already specified for the analysis.
  - d. Turning movement volumes and documentation of methodology used to project existing, prior vested and project traffic.
  - e. Any other applicable data or information.

O. Segment Analysis

1. If the peak hour traffic on an impacted segment is projected to exceed the maximum service volume of the adopted Level of Service standard for any phase of the project for which a Final Concurrency Determination is being sought, a transportation

analysis may be required to determine if the actual roadway segment operating characteristics are such that additional capacity is available.

The Applicant will submit, in writing, the methodology and approach to be used for each segment analysis prior to conducting the analysis, and will be subject to review and approval by the County. This review will be based on currently accepted traffic engineering principles.

2. A segment capacity analysis may be performed to review signal spacing and timing, as well as signal coordination. Such segment capacity analysis shall be performed in accordance with accepted traffic engineering principles and techniques using such computer software programs as the Highway Capacity Software, or, ART\_PLAN, at the discretion of the County.
3. A travel study may be performed to determine the operating speed and corresponding Level of Service at which the roadway is operating. All data and analysis from each travel time study must be submitted as part of the report. The methodology for conducting a travel time study, including the number of sample runs, time periods, and length of the relevant roadway link, must be submitted in writing and receive approval by the County prior to conducting the study.

## CHARACTERISTICS OF, FINDINGS OF FACT, AND DECLARATION OF POLICY FOR SCENIC HIGHWAYS

### A. William Bartram Scenic Highway

The Board of County Commissioners of St. Johns County, Florida hereby finds and determines that:

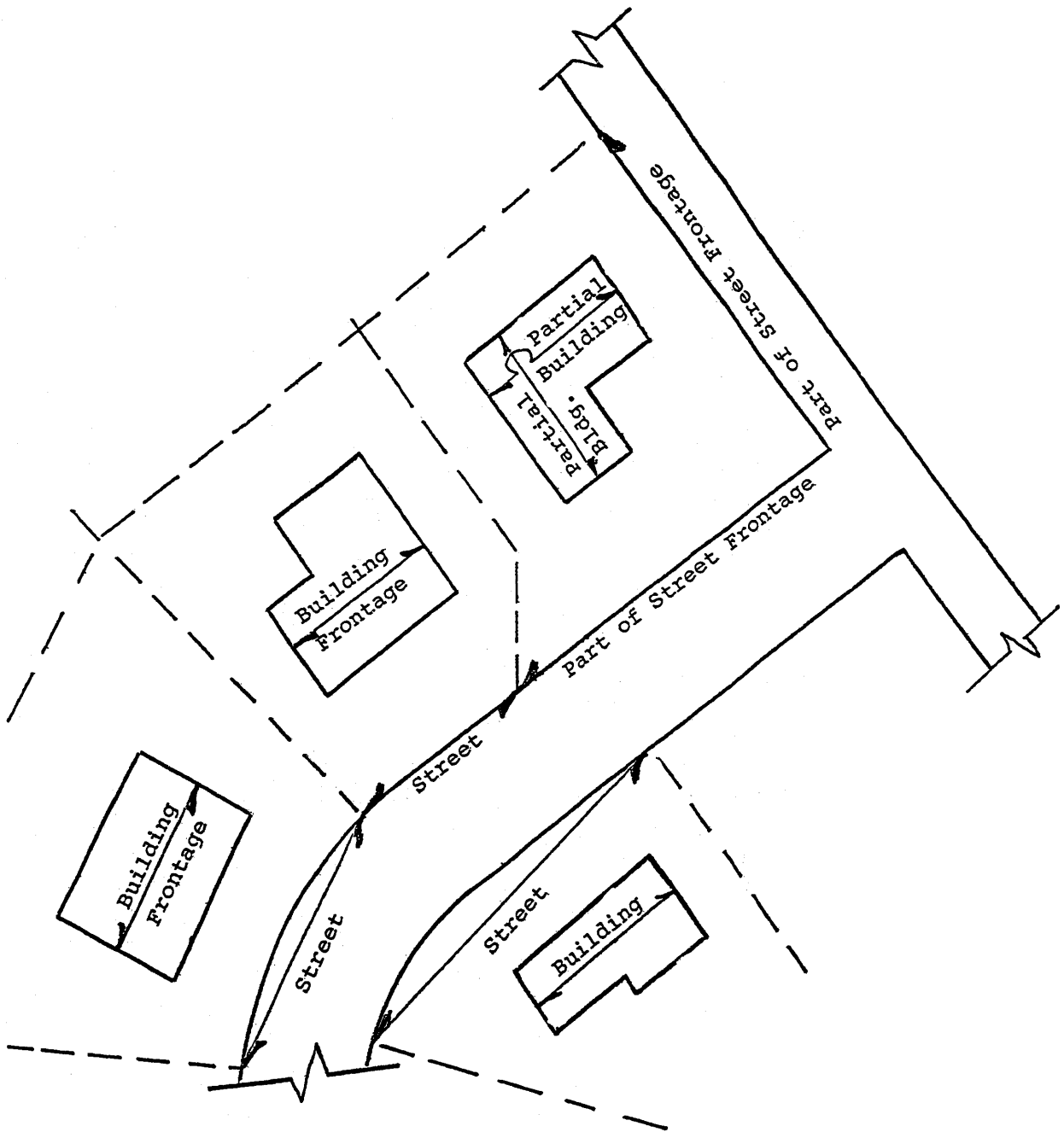
1. A portion of State Road 13 from Julington Creek to SR 207, near the St. Johns River in St. Johns County was designated a part of the William Bartram Scenic Highway by the 1980 Florida Legislature (Laws of Florida Chapter 80-427); the portion of road between Julington Creek and State Road 207 being hereinafter referred to as the William Bartram Scenic Highway or Highway. The preservation of the scenic and historic characteristics of this area affects the public economic welfare. Because much of this highway is a two-lane road, the uncontrolled proliferation of signs and similar structures presents an additional visual distraction to motorists and thus affects the public safety, as well as being a detraction from the scenic and historic character of the Highway and its intersecting roads. The preservation of the scenic and aesthetic characteristics of the William Bartram Scenic Highway and certain of its intersecting roads is justified on the basis of conserving the value of property and encouraging the most appropriate use of land. There are known historic and pre-historic resources along the Highway. Along with maintaining the scenic quality of the William Bartram Scenic Highway, it is important to maintain its cultural integrity and preserve its cultural resources. Any development which disturbs archaeological sites destroys their significance as cultural resources, shall be restricted and regulated. Regulation of outdoor advertising, signs and satellite dishes along the William Bartram Scenic Highway and certain of its intersecting roads is therefore the proper subject for adoption under a County Ordinance under the authority of Section I, Article VIII of the Florida Constitution, Florida Statute, Chapter 125, especially Section 125.01 and Florida Statute Section 479.155.
2. For the purposes of Sign placement, there is a need for those roads between Julington Creek and State Road 207 that intersect the William Bartram Scenic Highway for 2500 feet from its centerline in either direction follow the same guidelines in order to remain compatible with the scenic Highway, for aesthetic quality and to maintain the established integrity and stability of the Corridor as hereafter defined, for visual continuity at the intersections, and to promote the safety of persons and vehicles at these intersections.

### B. International Golf Parkway (formally known as Nine-Mile Road)

The Board of County Commissioners of St. Johns County, Florida hereby finds and determines the following:

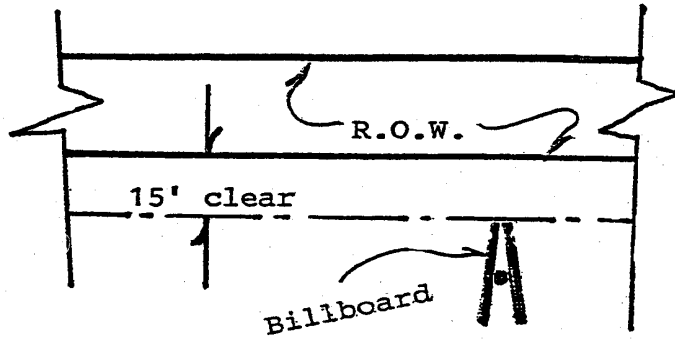
1. International Golf Parkway (formally known as Nine-Mile Road) was named Nine-Mile Road because its early eastern terminus at Kings Road was nine miles from St. Augustine. Kings Road was built in 1775 and is located near the present US 1. Between US 1 and SR 16, the road passes through portions of Twelve Mile Swamp and crosses land granted to the Indian trading firm of Panton Leslie and Co. by the British Crown, sometime after 1763. In 1813, the same tract of 10,000 acres was passed to Antonio Huertas through a grant from the Spanish governor, Sebastian Kindelan. From the early 1800s the pine flatwoods bordering the road were used for turpentine production and cattle grazing. Recently, archaeologists found two spear points, along the road, indicating human presence in area, approximately 2000-5000 years ago. (Information and data supplied by the St. Johns County Commission in cooperation with the St. Augustine Historical Society, 1996).
  
2. In 1994, the Board of County Commissioners declared that portion of International Golf Parkway (formally known as Nine-Mile Road) that passes through Twelve Mile Swamp as a St. Johns County Scenic Roadway, finding that the road encompasses a wide variety of scenic land and water vistas, that provide natural views to the motoring public. In 1998, the Board of County Commissioners further recognized International Golf Parkway (formally known as Nine-Mile Road) by the placement of two (2) plaques which state its historical significance.

**FRONTAGE ILLUSTRATION**

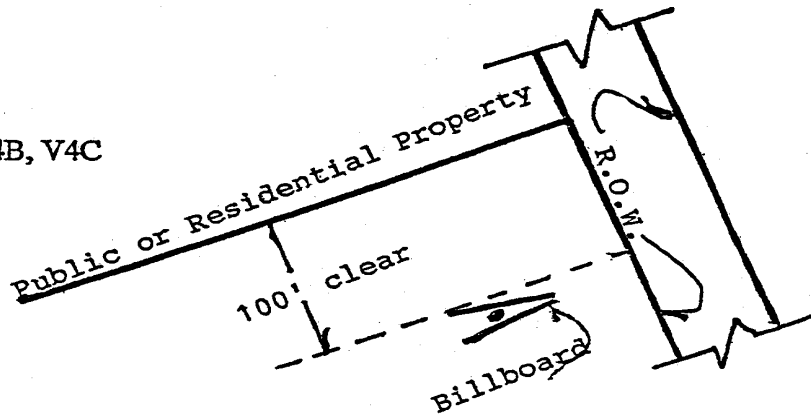


**SETBACKS & SPACING ILLUSTRATIONS**

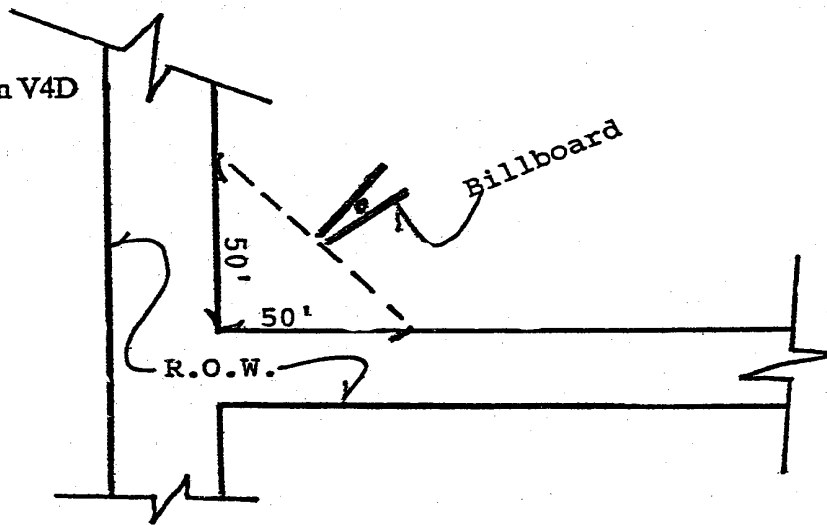
Section V4A



Section V4B, V4C



Section V4D





**ROADWAY ACCESS CLASSES**

<b>Roadway</b>	<b>Access Class</b>
A1A Beach Boulevard	7
CR 13	6
CR 13A – CR 13 to CR 208	4
CR 13A – CR 208 to SR 16	5/6*
CR 16A	4
CR 16A (Lewis Speedway)	6
CR 16A Extension	5/6*
CR 203 (Ponte Vedra Boulevard)	7
CR 204	4
CR 208 – SR 13 to CR 13A	4
CR 208 – CR 13A to SR 16	6
CR 210 East (Palm Valley Road)	5/6*
CR 210 West	5/6*
CR 214 – CR 13 to I-95	4
CR 214 – I-95 to Holmes Blvd.	6
CR 214 (W. King St.) – Holmes Blvd. to U.S. 1	7
CR 2209 (North-South Corridor)	3/4*
CR 223	5/6*
CR 244	5/6*
CR 305	4
CR 5A (Old Moultrie Road)	6
Greenbriar Road	6
Holmes Boulevard	6
International Golf Parkway	5/6*
Kenton Morrison Road	6
Leo Maguire Parkway	5/6*
Leo Maguire Parkway Extension	5
Masters Drive/Palmer Street	7
Mickler Road	5/6*
Race Track Road	5/6*
Roberts Road	6
SR 16 Connector	5
Wildwood Drive	6
Woodlawn Road	6

\* Four-Lane Section/Two-Lane Section



## EXAMPLES OF CLASSIFICATION POINTS AND SWAPDOWN

### **EXAMPLE 1.**

Pursuant to Section 7.01.05.E of this Code, Raw Classification Points on a proposed, new compliant 30 foot tall monopole, with a single face of 378 square feet in Commercial Intensive (CI) zoning, in a well built-out Urban Area with lighting from the top, and located away from a building would be as follows:

Monopole	6 Raw Points
Height - 30 feet	3 Raw Points
Size - 200-400 square feet	2 Raw Points
Top Lights	2 Raw Points
Located within an Urban Area	<u>3 Raw Points</u>
Total	16 Raw Points
	<u>x 1</u> based on single face
Total Raw Classification Points	16

The total Raw Classification Points would be 16 on this new Billboard, pursuant to 7.01.05.F. 1, since it is fully compliant.

### **EXAMPLE 2.**

Pursuant to Section 7.01.05.E of this Code, Raw Classification Points on an existing 45 foot high monopole , with two (2) faces of 560 square feet, hanging above a building in Commercial General (CG) zoning, on a busy developed road, with from below, would be as follows: (This example incorporates the adjustment factor non-compliance with zoning, as provided in Section 7.01.05.F.2.(c).)

Monopole	6 Raw Points
Height over 35 feet	5 Raw Points
Size over 400 square feet	3 Raw Points
Bottom Lights	3 Raw Points
Hanging above a building	4 Raw Points
Located within an Urban Area	<u>3 Raw Points</u>
Total	24 Raw Points
	<u>x 2</u> based on Double Face
	48
Zoning Adjustment factor	<u>x0.62</u>
Total Raw Classification Points	29.76

The total Raw Classification Points available for Swapdown use would be 29.76 on this existing Billboard.

**EXAMPLE 3.**

Pursuant to Section 7.01.05.E of this Code, Raw Classification Points on a small, old, wooden pole Billboard, with one (1) face measuring 12 feet x 24 feet, on an isolated part of US 1 North in Open Rural (OR) zoning, 23 feet in height with no lights, would be as follows: (This example incorporates the adjustment factor non-compliance with zoning, as provided in Section 7.01.05.F.2.(c).)

Wooden Poles	1	Raw Point
Height - 20 feet to 25 feet	2	Raw Points
Size - 200-400 square feet	2	Raw Points
No Lights	0	Raw Points
Located within a Rural Area	<u>1</u>	<u>Raw Points</u>
Total	6	Raw Points
	<u>x 1</u>	based on Single Face
	6	
Zoning Adjustment factor	<u>x0.62</u>	
Total Raw Classification Points	3.72	

The total Raw Classification Points available for Swapdown use would be 3.72 on this existing Billboard.

**Findings.**

1. To permit a new Single Face Billboard in Example 1 above needing 16 Classification Points, a Billboard Owner could elect to:
  - (a) Use 16 Classification Points from removal of a large, old, monopole, as used in Example 2 above and add 13.76 Points to a credit bank, or
  - (b) Use five (5) old wooden Billboards, as used in Example 3 above and add 2.6 Points to a credit bank, or
  
2. If Example 1 had been a Double Face new monopole similar to the Single Face Billboard, it would require 32 Classification Points. (2x16=32)
  - (a) If three (3) wooden Billboards were used on Swapdown, nine would be removed with 1.48 points added to a credit bank.