

ORDINANCE NO. 78-1

INTRODUCED BY: COMMISSIONER BYRD

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ADOPTING AIRPORT HAZARD ZONING PERTAINING TO REGULATION AND RESTRICTION OF THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, REGULATING THE USE OF LAND IN THE VICINITY OF THE ST. AUGUSTINE AIRPORT AND ITS SURROUNDING LAND, IN ST. JOHNS COUNTY, FLORIDA, BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF, DEFINING CERTAIN TERMS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT AND IMPOSING PENALTIES.

This Ordinance is adopted pursuant to the authority conferred by Florida Statutes, Section 333.03. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity. Accordingly, it is declared:

- (1) that the creation or establishment of an airport hazard is a public nuisance and an injury to the County served by the public airports.
- (2) that it is necessary in the interest of the public health and public safety, and general welfare that creation of airport hazards be prevented and
- (3) that it is necessary in the interest of the public health and general welfare that the establishment of incompatible land uses be prevented in the areas defined as the CNR 100 contour noise area and/or the accident potential hazard area; and
- (4) that the prevention of these hazards and incompatible land uses should be accomplished to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that both prevention of the creation or establishment of airport hazards and incompatible land uses and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivision may raise and expend public funds and acquire land interests in land.

IT IS HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY, FLORIDA, as follows:

SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as "St. Johns County/ St. Augustine Airport Zoning Ordinance".

SECTION II - DEFINITIONS

As used in this ordinance, unless the context otherwise requires:

- (1) AIRPORT - St. Augustine Municipal Airport.
- (2) AIRPORT ELEVATION - The highest point of an airports usable landing area measured in feet above mean sea level.
- (3) AIRPORT HAZARD - Any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 CFR ss. 77.21, 77.23, 77.25 and 77.28 (revised March 4, 1972) or which obstruct the airspace required for flight of aircraft in landing and take-off at an airport or is otherwise hazardous to such landing or take-off of aircraft.
- (4) AIRSPACE HEIGHT - For the purpose of determining the height limits in all zones set forth in this ordinance, the datum shall be mean sea level elevation (AMSL) unless otherwise specified.
- (5) 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 5 statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
- (6) 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.
- (7) INSTRUMENT RUNWAY - A runway having an existing or planned instrument approach procedure utilizing air navigation facilities or area type navigation equipment.
- (8) 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.

- (9) **MINIMUM ENROUTE ALTITUDE** - The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- (10) **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 22 miles of a VOR.
- (11) **RUNWAY** - A defined area on an airport prepared for landing and take-off of aircraft along its length.
- (12) **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, or by any planning document submitted to the FAA by competent authority.
- (13) **ZONING ADMINISTRATOR** - The administrative office or agency responsible for administering zoning within each of the political subdivisions that adopt this St. Johns County/St. Augustine Airport Land Use Ordinance.

**SECTION III: AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS**

In order to carry out the provisions of this Section, there are hereby created and established certain zones which are depicted on the attached Airport Height Restriction Zoning Maps:

**St. Augustine Municipal Airport Zoning Maps**

An area located in more than one (1) zone of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Public Civil Airport Height Zones and Limitations

A. Primary Zone - The area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. No structure will be permitted within the primary zone, that is not part of the landing and take-off area, that is a greater height than the nearest point on the runway centerline. The width of the primary zone for each runway is as follows:

- (1) St. Augustine - Runway 13/31; 1000 feet
- (Future) Runway 06L/24R 250 feet
- Runway 06R/24L 250 feet
- Runway 02/20 250 feet

B. Horizontal Zone - The area encompassing the runways, primary zone, approach zones and transitional zone of the airport with the boundary formed by swinging arcs of 10,000 feet radius from the center of each end of the primary zone of runway 13/31 and connecting adjacent arcs by lines tangent to those arcs. No structure will be permitted in the horizontal zone that is higher than 150 feet above the established airport elevation.

C. Conical Zone - The area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above airport elevation at the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport elevation at the outer boundary.

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 as follows:

- (1) St. Augustine -Runway 13 - 10,000 feet
- Runway 31 - 50,000 feet
- Runways 6L, 6R, 24L, 24R - 5,000 feet
- Runway 02/20 - 5,000 feet

The width of the approach zone is the same at the inner boundary as the primary zone it adjoins and expands uniformly to a width at the outer boundary as follows:

- (1) St. Augustine -Runway 13 - 3,500 feet
- Runway 31 - 16,000 feet
- Runways 6L, 6R, 24L, 24R - 1250 feet
- Runway 02/20 - 1250 feet

Permitted height limitations within the approach zones for runways 6L, 6R, 24L, and 24R are the same as the height of the runway end at the inner boundary and increase at the rate of one foot vertically for every 20 feet horizontal distance. Permitted height limitations within the approach zone for runway 13 is the same as the runway end at the inner boundary and increase one foot vertically for every 34 feet horizontally. Permitted height limitations within the approach zone for runway 31 is the same as the runway end at the inner boundary and increases one foot vertically for every 50 feet horizontally for the first 10,000 feet and then increases one foot vertically for every 40 feet horizontally for the remaining 40,000 feet.

- E. Transitional Zone - The area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured

at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or for a horizontal distance of 5000 feet from the side of the part of the approach zone that extends beyond the conical zone for runway 31.

- F. Other Zones - In addition to the height limitations imposed in paragraphs A through E of this section no structure will be permitted that exceeds 500 feet above airport elevation within:
- (1) 10 nautical miles of St. Augustine Municipal Airport, and no structure will be permitted within the St. Johns County that would cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised.

#### SECTION IV: AIRPORT LAND USE RESTRICTIONS

##### 1. Use Restrictions

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

- A. 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 airport or in vicinity thereof.
- B. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of a public airport.
- C. No operations from any use shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

D. Use of land within the accident potential hazard area shall prohibit residential use, schools, hospitals, storage of explosive material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.

2. Lighting

NOTWITHSTANDING the preceding provision of this section, the owner of any structure over 200 feet above ground level must install on that structure lighting in accordance with Federal Aviation Administration Advisory Circular 70-7460-ID and Amendments. Additionally, any structure exceeding 749 feet above mean seal level must install on that structure high intensity white obstruction lights. The high intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70-7460-ID and Amendments.

3. Variances

Any person desiring to erect or increase the height of any structures, or use his property not in accordance with the regulations prescribed in this Ordinance, may apply to the Zoning Board for a variance from such regulations. No application for variance to the requirements of this Ordinance may be considered by the Zoning Board unless a copy of the application has been furnished to the appropriate zoning administrator and the St. Augustine Airport Authority.

4. Hazard Marking and Lighting

Any permit or variance granted shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70/7460-ID and subsequent revision and may be conditioned to permit St. Johns County at its own expense to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence on air-space hazard.

~~5 Airport Noise Zones~~

*DELETE  
Marie Spaulding*

~~No person shall sell, lease or offer to sell or lease any land within the airport noise zone (100 CNR contour) unless the prospective buyer or lessee has been given the following notice in writing:~~

~~Noise Warning this land lies beneath the aircraft approach and departure routes for St. Augustine Municipal Airport and is subject to noise that may be objectionable.~~

SECTION V: ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the zoning administrator to administer and enforce the regulations prescribed herein within the territorial limits over which the political subdivision the administrator represents has zoning authority. In the event of any violation of the regulations contained herein, the person responsible for such violation shall be given notice in writing by the zoning administrator. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the appropriate Board of Adjustment. An administrative official shall order discontinuance of use of land or building; removal of trees to conform with height limitations set forth herein; removal of buildings, additions, alterations, or structures; discontinuance of any work being done; or shall take any or all other action necessary to correct violations and obtain compliance with all the provisions of this article.

SECTION VI: BOARD OF ADJUSTMENT

1. The St. Johns County Zoning Board shall act as a Board of adjustment and shall have and will exercise the following power on matters relating to the area within the territorial limits of their authority: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this Ordinance; (2) to hear and decide special exceptions to the terms of this Ordinance upon which such Zoning Board under



such regulations may be required to pass; and (3) to hear and decide specific variances.

2. The Zoning Board shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Zoning Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Zoning Board shall be public. The Zoning Board shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the office of the appropriate County Clerk, and on due cause shown.
3. The Zoning Board shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision or determination which comes before it under the provisions of this Ordinance.
4. The concurring vote of a majority of the members of the Zoning Board shall be sufficient to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variation of this Ordinance.

SECTION VII: APPEALS

1. Any person aggrieved, or any taxpayer affected, by any decision of any zoning administrator made in his administration of this Ordinance, may appeal to the Zoning Board.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Zoning Board, by filing with

the zoning administrator a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the Zoning Board all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the Zoning Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board on Notice to the zoning administrator and on due cause shown.
4. The Zoning Board shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The Zoning Board may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination, as may be appropriate under the circumstances.
6. The Zoning Board shall act as the designated Board of Adjustment as defined in Chapter 333 Florida Statutes.

#### SECTION VIII: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by a decision of the Zoning Board, may appeal to the Circuit Court as provided in Section 333.11 Florida Statutes.

#### SECTION IX: PENALTIES

Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor of the second degree and be punishable by a fine of not more than 500 dollars or imprisonment for not more than 60 days or both; and each day a violation continues to exist shall constitute a separate offense.

SECTION X: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XI: SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION XII: EFFECTIVE DATE

This Ordinance shall take effect upon receipt of the official acknowledgement from the Department of State acknowledging receipt of certified copy of this Ordinance and that said Ordinance has been filed in said office.

PASSED BY, THE COUNTY COMMISSION OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, THIS 10th DAY OF January, ~~1977~~ 1978.

ATTEST

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

DEPUTY CLERK Marie Spaulding

BY A. Lielde  
CHAIRMAN





**The St. Augustine Record**

PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }  
COUNTY OF ST. JOHNS. }

Before the undersigned authority personally appeared \_\_\_\_\_  
Robert E. James who on oath says that he is  
Advertising Manager of the St. Augustine Record, a  
daily newspaper published at St. Augustine in St. Johns County, Florida;  
that the attached copy of advertisement, being a Legal Notice  
Notice of Public Hearing  
in the matter of \_\_\_\_\_  
Airport Hazard Zoning Ordinance  
in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of \_\_\_\_\_  
November 17, 1977

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me  
this 23 day of November

A. D. 19 77  
Myrtle M. Hays  
(SEAL) Notary Public.

Notary Public, State of Florida at \_\_\_\_\_  
My Commission Expires Oct. 2, 1978  
Bonded by American Fidelity & Casualty Company



NOTICE OF PUBLIC HEARING TO ALL WHOM IT MAY CONCERN: Please take notice that on Tuesday the 27th day of December, 1977, commencing at the hour of 1:30 P.M. in the County Commission Meeting Room, 2nd Floor, St. Johns County Courthouse, St. Augustine, Florida, a public hearing will be conducted by the County Commission relative to the adoption of an Airport Hazard Zoning Ordinance pertaining to regulation and restriction of the height of structures and natural growth, regulation, creating appropriate boundaries therefor administration and penalties. Full copies of proposed ordinance and maps pertaining to the area affected herewith.

Record  
PT SUNDAY  
UNTY, FLORIDA

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who on oath says that he is  
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St. Johns County, Florida;  
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Court,  
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on, firm or corporation any  
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paper.

*[Handwritten signature]*



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Zoning Ordinance pertaining to  
regulation and restriction of the

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natural growth, regulating use of  
land, creating appropriate zones  
and boundaries thereof, providing  
for administration and enforcement  
and penalties. Full copies of the  
proposed ordinance together with  
copies of maps pertaining thereto  
may be examined in Room 238,  
Office of the Zoning Inspector, St.  
Johns County Courthouse, St.  
Augustine, Florida. Maps depicting  
the areas affected are published  
herewith.

All interested parties are invited  
to attend and be heard.  
Attest:  
Oliver Lawton  
Clerk  
BOARD OF COUNTY  
COMMISSIONERS OF  
ST. JOHNS COUNTY,  
FLORIDA  
BY: H. L. Wiles  
Chairman  
N17-1108Adv.

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December 5, 1977

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me  
this 19 day of December, Robert E. James  
A. D. 1977  
Myrtle A. Lloyd  
(SEAL) Notary Public.

Notary Public, State of Florida at Large  
My Commission Expires Oct. 2, 1983  
Bonded By American Fidelity & Casualty Company



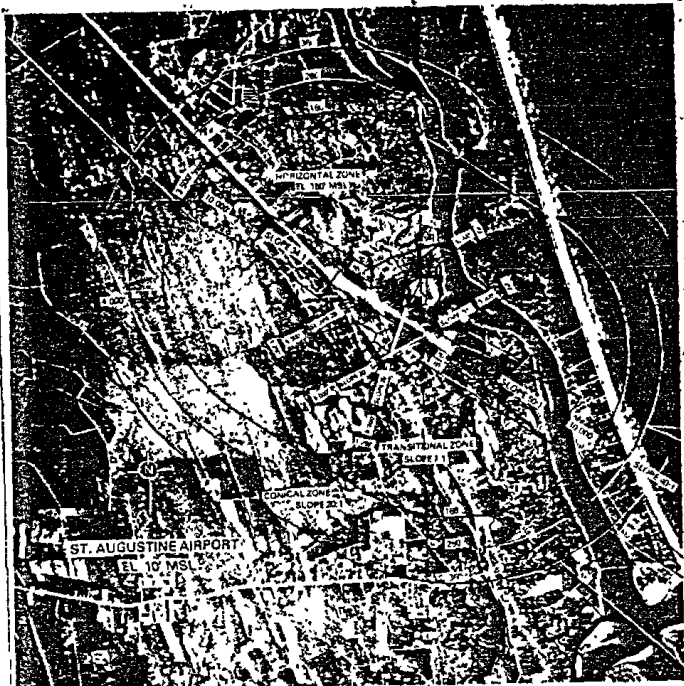
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All interested parties are invited  
to attend and be heard.

Attest:  
Oliver Lawton  
Clerk

BOARD OF COUNTY  
COMMISSIONERS OF  
ST. JOHNS COUNTY,

— FLORIDA  
BY: H. L. Wiles  
Chairman  
DS-L145 Adv.





Secretary of State

STATE OF FLORIDA  
THE CAPITOL  
TALLAHASSEE 32304

BRUCE A. SMATHERS  
SECRETARY OF STATE

MARY L. SINGLETON  
Director, Division of Elections  
904/488-7890

January 13, 1978

FILED

'78 JAN 16 AM 7 55

Honorable Oliver Lawton  
Clerk of Circuit Court  
St. Johns County  
Post Office Drawer 299  
St. Augustine, Florida 32084

*Oliver Lawton*  
CLERK CIRCUIT COURT

Attention: Marie Spaulding, Deputy Clerk

Dear Mr. Lawton:

Pursuant to the provisions of Section 125.66 Florida Statutes, this will acknowledge:

✓ 1 Receipt of your letter/s of January 12 and certified copy/ies of St. Johns County County Ordinance/s No./Nos. 78-1

1. Receipt of an original/ls and certified copy/ies of \_\_\_\_\_  
County Ordinance/s No. /Nos. \_\_\_\_\_

1. Receipt of \_\_\_\_\_ County Ordinance/s relative to:  
\_\_\_\_\_  
\_\_\_\_\_

✓ 2. We have filed this/these ordinance/s in this office, January 13, 1978, 1977

2. We have numbered this ordinance/s \_\_\_\_\_ and was/were  
filed in this office \_\_\_\_\_ 1977.

Cordially,

*Nancy Kavanaugh*

(Mrs.) Nancy Kavanaugh  
Chief, Bureau of Laws

NK/ mb