

ORDINANCE NUMBER : 84- 51
INTRODUCED BY : COMMISSIONER WALDRON

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCES 73-1, 73-4, 73-5, 74-3 and 77-6, WHICH ARE THE ORDINANCES ESTABLISHING AND ENACTING A COMPREHENSIVE ZONING CODE FOR ZONING DISTRICTS A,B,C,D, AND E, BEING ALL THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA EXCEPTING THEREFROM THE PONTE VEDRA ZONING DISTRICT, STATE AND NATIONAL PARKS AND ALL INCORPORATED CITIES AND TOWNS. THIS AMENDMENT CORRECTS AN ERROR IN THE ORDINANCES BY REQUIRING THAT ALL INCREASES IN PERMITTED HEIGHT BE BY VARIANCE INSTEAD OF EXCEPTION; IT REQUIRES THAT ALL ANIMAL FOOD PROCESSING PLANTS, INCLUDING PROCESSING PLANTS FOR FISH, EELS, CRABS, OYSTERS, SCALLOPS AND OTHER ANIMAL SPECIES OBTAINED FROM FRESHWATER OR SALTWATER BE PERMITTED AND ALLOWED TO OPERATE ONLY BY EXCEPTION WITHIN OPEN RURAL (OR) DISTRICTS AND THAT THE EXCEPTION REQUEST MAY BE GRANTED ONLY BY THE BOARD OF COUNTY COMMISSIONERS AFTER RECEIPT FROM THE PLANNING AND ZONING AGENCY OF A REPORT AND RECOMMENDATION PERTAINING THERETO: IT PROVIDES THAT AN EASEMENT FOR INGRESS AND EGRESS BE CONSIDERED A STREET FOR YARD DEFINITIONS PURPOSES AND PROVIDES FOR DENSITY ALLOWANCE OF EASEMENTS: IT DELETES ANIMAL FOOD PROCESSING PLANTS FROM PERMITTED USES UNDER IW ZONING AND PROVIDES THAT CURRENTLY EXISTING ANIMAL FOOD PROCESSING PLANTS IN IW ZONING ARE GRANDFATHERED: AND IT PROVIDES AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. St. Johns County Ordinance no. 73-1, 73-4, 73-5, 74-3, and 77-6, which are the ordinances described in the above title, are hereby amended as follows:

A. Subparagraph (a) including subparagraph (1) thereof, of Section 11-9-1 Zoning Exceptions is deleted and the following subparagraph is added and substituted in its stead:

11-9-1 (a) In General. In the granting of zoning exceptions the Zoning Board may provide such conditions and safeguards as may be appropriate and in harmony with the purpose and intent of the Zoning Code.

B. Subparagraph (a) of Section 11-9-2 Variances is deleted and the following subparagraph is added and substituted in its stead:

a.) In General The St. Johns County Planning and Zoning Agency may grant zoning variances which

are found to not be contrary to the public interest and owing to special conditons, a literal enforcement of the Zoning 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 the Zoning Code as part of the variance.

(1) All variances for increase in permitted height of structure may be granted only by the Board of County Commissioners. Such requests shall be considered by the Planning and Zoning Agency^{and} by the Board of County Commissioners pursuant to requirements of Sections 11-11, requiring Public Hearing and Notification. The Planning and Zoning Agency shall submit a report and recommendation pursuant to Section 11-10-4.

C. Subparagraph (c) of Section 5-4-6 RG-2 and RG-2B Maximum Height of Structures is deleted and the following subparagraph is added and substituted in its stead:

c.) Multiple Family Dwellings and other permitted or permissible structures may exceed 35 feet to an absolute maximum height of 70 feet subject to meeting all requirements specified herein and further providing that all such heights exceeding 35 feet shall be permissible only by variance.

D. Section 5-9-7 CI: Maximum Height of Structures is deleted and the following section 5-9-7 is added and substituted in its stead; Section 5-9-7 CI: Maximum Height of Structures:

All uses: 60 feet, provided that, for structures exceeding 60 feet, that portion of the building above 60 feet, must be set back one horizontal foot for each six vertical feet in excess of 60 feet on all sides, or the entire building mass

may be set back from all property lines to comply with this requirement. Further provided, that the maximum height of structures may not exceed 35 feet in CI districts designated CI (B) in the Zoning Atlas unless a variance therefor has been granted.

E. Section 7-2 Modification of Height Regulations is deleted and the following section 7-2 is added and substituted in its stead;

Section 7-2. Modification of Height Regulations

Provided there is no conflict with height limitations prescribed by the Federal Aviation Agency, the height regulations as prescribed in this Zoning Ordinance may be exceeded for the following structures by up to 25 additional feet; in addition thereto, a variance for even greater height may be granted by the Board of County Commissioners of St. Johns County after considering a report from the St. Johns County Planning and Zoning Agency; variances for radio antennae used exclusively for amateur radio purposes that comply with all the rules and regulations of the Federal Communications Commission may also be granted by the Board of County Commissioners of St. Johns County after considering a report from the St. Johns County Planning and Zoning Agency;

- a. Church spires
- b. Belfries
- c. Chimneys
- d. Conveyors
- e. Fire Towers
- f. Flag Poles
- g. Monuments
- h. Elevator Bulkheads
- i. Antennas (broadcasting and receiving)
- j. Other appurtenances usually required to be placed above roof level.

F. The following subparagraph is added to Section 5-11-4

OR:

Permissible Uses by Exception:

p. All animal processing plants, including processing plants for fish, eels, crabs, oysters, scallops, crustaceans and other animal species obtained from freshwater or saltwater, may be permitted and allowed to operate only by exception within open rural (OR) zoning districts. All exceptions for these type processing plants may be granted only by the Board of County Commissioners. Such requests shall be considered by the Planning and Zoning Agency and Board of County Commissioners pursuant to requirements of Section 11-11, requiring Public Hearing and Notification. The Zoning Board shall submit a report and recommendation pursuant to section 11 -10-4. **The word "processing plant" shall not be deemed to include storage of shells.**

G. The following sentence is added at the end of Section 6-1-87 Yard:

For purposes of sections 6-1-87 through 6-1-91, an easement for ingress and egress shall be considered to be a street and only 40% of said easement may be used for density calculations of dwelling units.

H. Subparagraph (b) of Section 5-10-1, I.W. is deleted and the following subparagraph is added and substituted in its stead:

5-10-1 (b) Light manufacturing, processing, including vegetable food processing, packaging, or fabrication. Animal food processing shall not be included or allowed hereby. Existing animal food processing plants ^{LEGALLY} operating within IW zoning on ~~July~~ ^{SEPTEMBER 1ST}, 1984 shall be considered a grandfathered use.

Section 2. This Ordinance shall take effect immediately upon receipt of official acknowledgement by the Office of the

Secretary of the State to the Clerk of the Board of County Commissioners of St. Johns County, Florida, that same has been filed.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 14th DAY OF August, 1984.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Chester Penet
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Marie Hudson
Deputy Clerk

Adopted regular meeting 08/14/84
Effective: 08/20/84

84-51

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 _____
Virginia L. Goodrich 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 _____
Notice of County Commission Meeting
_____ in the matter of _____
Proposed Amendment of Ordinances 73-1, 73-4,
73-5, 74-3, 77-6 in the _____ Court,
was published in said newspaper in the issues of _____
July 13, 1984

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 16th day of July Virginia L. Goodrich

A.D. 19 84
Rush M. Walker

(SEAL) Notary Public
Notary Public, State of Florida
My Commission Expires May 13, 1985
Bonded Thru Troy Fain - insurance, inc.

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON AUGUST 14, 1984, AT 10:30 O'CLOCK A.M. IN THE COUNTY COMMISSIONERS ROOM, ST. JOHNS COUNTY COURTHOUSE, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE: AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCES 73-1, 73-4, 73-5, 74-3 and 77-6, WHICH ARE THE ORDINANCES ESTABLISHING AND ENACTING A COMPREHENSIVE ZONING CODE FOR ZONING DISTRICTS A, B, C, D, AND E, BEING ALL THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA EXCEPTING THEREFROM THE PONTE VEDRA ZONING DISTRICT, STATE AND NATIONAL PARKS AND ALL INCORPORATED CITIES AND TOWNS. THIS AMENDMENT CORRECTS AN ERROR IN THE ORDINANCES BY REQUIRING THAT ALL INCREASES IN PERMITTED HEIGHT BE BY VARIANCE INSTEAD OF EXCEPTION. IT REQUIRES THAT ALL ANIMAL FOOD PROCESSING PLANTS, INCLUDING PROCESSING PLANTS FOR FISH, EELS, CRABS, OYSTERS, SCALLOPS AND OTHER ANIMAL SPECIES OBTAINED FROM FRESHWATER OR SALTWATER BE PERMITTED AND ALLOWED TO OPERATE ONLY BY EXCEPTION WITHIN OPEN RURAL (OR) DISTRICTS AND THAT THE EXCEPTION REQUEST MAY BE GRANTED ONLY BY THE BOARD OF COUNTY COMMISSIONERS AFTER RECEIPT FROM THE PLANNING AND ZONING AGENCY OF A REPORT AND RECOMMENDATION PERTAINING THERETO. IT PROVIDES THAT AN EASEMENT FOR INGRESS AND EGRESS BE CONSIDERED A STREET FOR YARD DEFINITIONS PURPOSES AND PROVIDES FOR DENSITY, ALLOWANCE OF EASEMENTS; IT DELETES ANIMAL FOOD PROCESSING PLANTS FROM PERMITTED USES UNDER RW ZONING AND PROVIDES THAT CURRENTLY EXISTING ANIMAL FOOD PROCESSING PLANTS IN RW ZONING ARE GRANDFATHERED; AND, IT PROVIDES AN EFFECTIVE DATE.

The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida; St. Johns County Courthouse, and may be examined by parties interested prior to said public hearing. All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.
If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to secure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
Carl "Bud" Markel, Its Clerk
By: Marie Hudson
Deputy Clerk
1527-July 13, 1984