

ORDINANCE NO. 95-9

3/15/95
Revised: 3/28/95

AN ORDINANCE OF ST. JOHNS COUNTY, STATE OF FLORIDA AMENDING ORDINANCES 73-1,, 73-4, 73-5, 74-3 and 77-6 (ST. JOHNS COUNTY ZONING ORDINANCES) BY AMENDING THE DEFINITION OF HOME OCCUPATION; PROVIDING A DEFINITION FOR HOME OFFICE; PROVIDING AMENDMENTS TO HOME OCCUPATION SUPPLEMENTARY REGULATIONS; PROVIDING ACCESSORY USE CRITERIA FOR A HOME OFFICE AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 6-1-39 of Article 6 Definitions, of Ordinances 73-1,, 73-4, 73-5, 74-3 and 77-6 is hereby amended by deleting it in its entirety and substituting the following in its stead:

6-1-39. 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 7-16-3).

Section 2. Article 6 Definitions of Ordinances 73-1, 73-4, 73-5, 74-3 and 77-6 is hereby amended by the addition of subsection 6-1-39a. Home Office.

6-1-39a. 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 7-17-1g).

Section 3. Section 7-16-3 of Article 7 Supplementary Regulations of Ordinances 73-1, 73-4, 73-5, 74-3 and 77-6 is hereby deleted and the following is added and substituted in its stead:

7-16-3. Home Occupations. Home occupations are a permissible use by exception in any district which does not include such occupation as a permitted use subject to all the following conditions:

- 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 square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two 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 persons at any one time.
- g. Fabrication of articles such as are commonly classified under the terms of arts and handicraft 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;
 - 7) private clubs;
 - 8) bed and breakfast facilities;
 - 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 Zoning Official.

- i. Other conditions and safeguards, such as limitations on hours of operation may be established in the granting of an exception to insure residential compatibility.
- j. An applicant for a home occupation exception 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 an exception.
 - 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) obtains 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 7-17-1g and not subject to the granting of an exception.

Section 4. Section 7-17 Accessory Uses and Structures, of Article 7, Supplementary Regulations, of Ordinances 73-1, 73-4, 73-5, 74-3 and 77-6 is hereby amended by the addition of subsection 7-17-1g. Home Office.

7-17-1g. Home Office: A 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 a permitted accessory use within all residential districts as well as

any other district not allowing the use as a permitted principal use, subject to continuing compliance with the following criteria:

1. that 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;
2. that 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;
3. that 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.
4. that 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;
5. that 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 detectable to the normal senses off the lot;
6. that the activities of the home office shall occur entirely within the dwelling unit, excluding accessory structures such as garages, carports and sheds;
7. that 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;

8. 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;
9. that any supplies stored on the premises shall be for the purpose of maintaining and operating the home office;
10. that the 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;
11. that 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 accord with the Home Occupation exception provisions contained in Section 7-16-3;
12. that the home office shall be open to inspection by St. Johns County inspectors upon reasonable notice to occupants and at reasonable times;
13. that no person shall receive an occupational license and begin a home office without first executing an affidavit with the Planning and Zoning Department which certifies that the applicant:
 - a) has received a copy of, understands, and will comply with the requirements for a home office set forth herein;
 - b) acknowledges that the County shall have the right to reasonably inspect the premises to assure compliance;
 - c) 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.

Section 5. This Ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Department of State to the Clerk of the Board of County Commissioners of St. Johns County, Florida, that same has been filed.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA this 11th day of April, 1995.

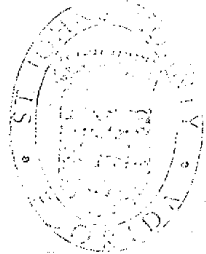
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Barbara Ward
Its Chair

ATTEST: Carl "Bud" Markel, Clerk

By: Carl "Bud" Markel
Clerk

EFFECTIVE DATE: April 21, 1995



The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____

Barbara Dresslar who on oath says that she is
Accounting Clerk 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 _____

Regulation affecting the use of Land

in the matter of Display Ad

in the _____ Court, was published in said newspaper in the

issues of Mar. 21, 1995

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 heretofore been continuously published in said St. Johns County, Florida, each day 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 copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 21st day of Mar., 1995,

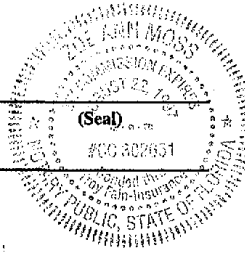
by Barbara Dresslar who is personally

known to me or who has produced personally known as

identification. (Type of Identification)

Zoe Ann Moes
(Signature of Notary Public)

Zoe Ann Moes
(Print, Type or Stamp Commissioned Name of Notary Public)



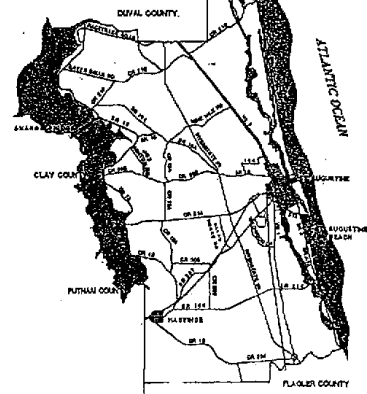
**NOTICE OF PUBLIC HEARINGS OF THE
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS
ON ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING
THE USE OF LAND**

The St. Johns County Board of County Commissioners proposes to adopt or change a regulation affecting the use of land for the unincorporated areas of St. Johns County, Florida, being the areas of land shown on the map in this advertisement. Public hearings on the proposed ordinances affecting the use of land will be held at regular meetings on Tuesday, the 28th day of March, 1995 at 5:30 p.m. Both hearings will be held in the St. Johns County Auditorium, County Administration Building, 4020 Lewis Speedway, (CR 16A and U.S. #1), St. Augustine, FL 32095. At such hearings the St. Johns County Board of County Commissioners will hear comments from the public and at the April 11, 1995 meeting will consider and may take action on the following ordinances:

ORDINANCE NO. 95-

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING DESIGNATED PORTIONS OF ORDINANCES 73-1, 73-4, 73-5, 74-3 AND 77-6; PROVIDING A DEFINITION OF TEMPORARY USE; REQUIRING TEMPORARY USE PERMITS; ESTABLISHING STANDARDS AND PROCEDURES FOR APPROVAL OF CLASS I, II AND III TEMPORARY USE PERMITS; AND PROVIDING AN EFFECTIVE DATE.

EXCLUDING THE INCORPORATED MUNICIPALITIES OF:
CITY OF ST. AUGUSTINE
CITY OF ST. AUGUSTINE BEACH
TOWN OF HASTINGS
THE PORTION OF THE TOWN OF MARINELAND WITHIN ST. JOHNS COUNTY



ORDINANCE NO. 95-

AN ORDINANCE OF ST. JOHNS COUNTY, STATE OF FLORIDA AMENDING ORDINANCES 73-1, 73-4, 73-5, 74-3 AND 77-6 (ST. JOHNS COUNTY ZONING ORDINANCES) BY AMENDING THE DEFINITION OF HOME OCCUPATION; PROVIDING A DEFINITION FOR HOME OFFICE; PROVIDING AMENDMENTS TO HOME OCCUPATION SUPPLEMENTARY REGULATIONS; PROVIDING ACCESSORY USE CRITERIA FOR A HOME OFFICE; PROVIDING FOR A SUNSET DATE AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinances are on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interest prior to the public hearing. Please take note that the draft ordinances are subject to revision prior to the hearings or adoption of the ordinances.

All parties having any interest in said ordinances will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearings, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities act, persons needing a special accommodation or an interpreter to participate in these proceedings should contact ADA coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the dates of these hearings.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CARL "BUD" MARKEL, ITS CLERK

By: *Irma Pacetti*
Irma Pacetti, Deputy Clerk

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
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STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____

Barbara Dresslar

who on oath says that she is

Accounting Clerk

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 _____

Display Ad

in the matter of Temporary Use Permits - Definition of Home

Office Occupation

in the _____ Court, was published in said newspaper in the

issues of Apr. 6, 1995

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 heretofore been continuously published in said St. Johns County, Florida, each day 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 copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 6th day of Apr., 1995,

by Barbara Dresslar who is personally

known to me or who has produced personally known as

(Type of Identification)

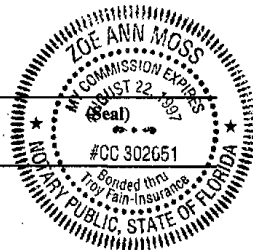
identification.

Zoe Ann Moss

(Signature of Notary Public)

Zoe Ann Moss

(Print, Type or Stamp Commissioned Name of Notary Public)



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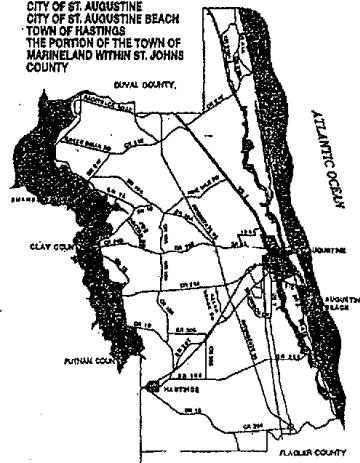
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