

Draft- December 23, 1997

ORDINANCE NO. 98-2

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING AND CLARIFYING AND RESTATING ORDINANCE 97-15, WHICH AMENDED AND ENACTED A COMPREHENSIVE ZONING CODE FOR ALL OF ST. JOHNS COUNTY, FLORIDA; BY CORRECTING SCRIVENER'S ERRORS IN ARTICLE 2, SECTION 2-2, ARTICLE 8, SECTION 8-2-5, AND ARTICLE 8, SECTION 8A-2-4B; BY AMENDING SECTION 7-14, ESSENTIAL PUBLIC SERVICE; PROVIDING DEFINITIONS; BY INCORPORATION OF APPLICABLE PORTIONS OF ORDINANCE 97-05, AN ORDINANCE CREATING REGULATIONS FOR ST. JOHNS COUNTY ZONING CODE ENTITLED "COMMUNICATION TOWERS" INTO THE AMENDED AND RESTATED ZONING CODE; SAID PORTIONS OF ORDINANCE 97-05, PROVIDING FOR FACTORS CONSIDERED IN GRANTING EXCEPTIONS FOR COMMUNICATION TOWERS; PROVIDING FOR LEGISLATIVE FINDINGS, STATEMENT OF INTENT AND PURPOSES; PROVIDING A STATEMENT OF APPLICABILITY EXCLUDING INCORPORATED PORTIONS OF ST. JOHNS COUNTY, EXEMPTION FOR GOVERNMENT OWNED PROPERTIES, USE OF EXISTING STRUCTURES, PROVIDING REGULATIONS FOR LOCATION AND HEIGHT OF COMMUNICATION TOWERS, PROVIDING REGULATIONS FOR MINIMUM YARD REQUIREMENTS, ILLUMINATION, COLOR, STRUCTURAL DESIGN, FENCING, LANDSCAPING OF COMMUNICATIONS TOWERS; PROHIBITING ADVERTISING ON COMMUNICATION TOWERS; PROVIDING REGULATIONS FOR NON-CONFORMING COMMUNICATION TOWERS AND ABANDONMENT OF COMMUNICATION TOWERS; REQUIRING CERTIFICATION OF COMPLIANCE WITH FEDERAL STANDARDS; REQUIRING DESIGNATED SUPPLEMENTAL INFORMATION FOR APPLICATIONS FOR ZONING EXCEPTIONS AND VARIANCES FOR COMMUNICATION TOWERS; REQUIRING FINDINGS FOR EXCEPTIONS FOR COMMUNICATION TOWERS; PROVIDING VARIANCE STANDARDS AND CRITERIA FOR COMMUNICATION TOWERS; PROVIDING FOR WAIVER AND VARIANCES TO ORDINANCE REQUIREMENTS; PROVIDING FOR A CO-LOCATION OF DIFFERENT USERS ON COMMUNICATION TOWERS; PROVIDING FOR FINANCIAL ASSURANCE AND ACCESS AND PERMISSION FOR REMOVAL OF COMMUNICATION TOWERS; AMENDING ARTICLE 6 , DEFINITIONS AND AMENDING ARTICLE 7 BY ADDING SECTION 7-19, COMMUNICATION ANTENNAE AND COMMUNICATION TOWERS; PROVIDING A SEVERANCE CLAUSE ; FURTHER THIS ORDINANCE CLARIFIES THE REQUIREMENT OF PAVING OFF- STREET PARKING LOTS AS DEFINED BY ARTICLE 9 SECTION 9-1 OF

ORDINANCE 97-15; AMENDING SECTION 11-15 TO PROVIDE FOR PENALTIES AND ENFORCEMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE .

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

SECTION 1. St. Johns County Ordinance 97-15, which is the ordinance described in the above title, is hereby amended to correct scrivener's error by the deletion of Article 2, Section 2-2; Article 8, Section 8-2-5; and Article 8, Section 8A-2-4B and replacing them with the following respective Sections of the same numbers:

(1) Article 2, Section 2-2, shall read as follows:

2-2 Policy.

The districts and regulations contained herein are made in accordance with the Comprehensive Plan for St. Johns County as may be amended from time to time, and are designed to lessen the traffic congestion on public streets and highways; to provide adequate light and air; to promote civic amenities of beauty and visual interest; to promote large scale planned unit developments as a means of achieving unified urban design; and to regulate density of population and thus prevent the overcrowding of land in order to facilitate the provision for adequate community facilities such as water, sewage, schools and parks.

(2) Article 8, Section 8-2-5, shall read as follows:

8-2-5. Expiration of Time Limits Provided in Ordinance Creating a PUD.

If development actions required by the Ordinance creating a PUD are not taken within any time limits set by the St. Johns County Board of County Commissioners in such Ordinance as extended by any minor adjustment approved under Section 8-2-4(A) the property shall remain zoned PUD but no further construction or development shall be permitted on the property after the expiration of the time limit until and unless the property has been rezoned, or the time limits under the existing PUD have been modified or extended; or the existing PUD has been rezoned to a different PUD. The developer of the lands zoned PUD or the owners of the majority of the land within the PUD may apply for such rezoning or extension of time limits and such application shall proceed and be processed in the same manner as standard rezoning applications. In the event the Ordinance creating the PUD specifically provides that the property shall revert automatically to a defined zoning district category upon failure to commence defined development actions within specified time limits, the reverter provision shall apply and the property shall automatically be rezoned in a manner and to the zoning provided in said ordinance.

(3) Article 8, Section 8A-2-4B, shall read as follows:

8A-2-4B.

Minor adjustments to vary from the minimum yard requirements, minimum lot area or width, maximum building height, maximum building coverage, and minimum building separation shall be subject to the standards of Sections 11-9-2 and 6-1-86 of this Ordinance. Such applications shall proceed and be processed in the same manner as standard variance applications and notice requirements as provided in Section 11-11 for land not located in a PSD.

SECTION 2. St. Johns County Ordinance 97-15, which is the ordinance described in the above title, is hereby amended and/or clarified by deleting existing Section 7-14, and adding in its stead, the following:

7-14. **Essential Public Services.** Essential public services may be permitted in any zoning district, provided the location of such essential services are approved by the Planning and Zoning Agency as an Exception. Essential public services are hereby defined as, and are limited to certain installations of water, sewer, gas, telephone, communication or electrical systems, and similar installations; provided however (1) that this section shall not be deemed to permit the location in a district of such major installations as electrical or gas generating plants, sewage treatment plants, water pumping or aeration facilities and other similar major installation, unless such facilities were constructed or construction was started prior to the adoption of this Zoning Ordinance; (2) that this Section shall not be deemed to permit the erection of structures for commercial activities such as sales of related merchandise or collection of bills in districts from which such activities would otherwise be prohibited.

SECTION 3. St. Johns County Ordinance No. 97-15, which is the ordinance described in the above title, is hereby amended and/or clarified by adding the following sections thereto:

6-1-2.A **Alternative Tower Structure.** Alternative-design mounting structures including but not limited to man-made trees, clock towers, bell steeples, light poles, etc.

6-1-3.A **Antenna.** Any exterior apparatus, designed to transmit and/or receive communications authorized by the Federal Communications Commission (FCC).

6-1-14B **Communication Tower or Telecommunication Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennae, including self supporting lattice towers, guy towers, or monopole towers. The term "communication tower" shall not include towers utilized exclusively by amateur radio operators licensed by the Federal Communications Commission (FCC).

6-1-77A **Tower Site.** A parcel of land 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 for the purposes of locating a communication tower.

7-14-1

Factors Considered in Granting Exceptions for Communication Towers.

The Planning and Zoning Agency shall consider the following factors in determining whether to issue an exception for a communication tower, although the Planning and Zoning Agency may waive or reduce the burden on the applicant of one or more of these criteria, if, in the sole discretion of the Planning and Zoning Agency, the goals of this Ordinance are better served thereby:

- a. Height of Proposed tower;
- b. That the minimum distance requirements have been met;
- c. Nature of uses on adjacent properties;
- d. Surrounding topography;
- e. Surrounding tree cover and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and,
- g. Availability of suitable existing towers and other structures.
- h. Potential adverse impacts of proposed towers located within or adjacent to any property formally designated by the Comprehensive Plan as protected or environmentally sensitive, or judged to possess unique environmental or cultural qualities.

Section 7-19 Communication Antennae and Communication Towers

7-19-1 Legislative Findings, Intent and Purpose.

The County has numerous occasions and with increasing frequency been confronted with requests to site communication towers. Prior to the adoption of this Ordinance, the Zoning Ordinance contained no provisions specifically related to siting communication towers. It is the intent of this Ordinance to promote the health, safety and general welfare of the citizens by regulating the siting of communications tower. Accordingly, the Board of County Commissioners finds that the promulgation of this ordinance is warranted and necessary to accomplish the following purposes:

- (a) To direct the location of communication towers within the County;
- (b) To protect residential areas and land uses from potential adverse impacts of communication towers;

- (c) To minimize adverse visual and aesthetic impacts of communication towers through careful design, siting, landscape screening, and innovative aesthetic mitigation;
- (d) To accommodate the growing need for communication towers;
- (e) To promote and encourage shared use/co-location of existing and new communication towers as the preferred option rather than construction of additional single-use towers;
- (f) To consider the public health and safety of communication towers;
- (g) To avoid or minimize potential damage to adjacent properties, from the perspective of public safety, from tower failure through engineering and careful siting of tower structures.

7-19-2 Applicability; Exemption for Government-Owned Property; Use of Existing Structures.

- (a) All new communication towers in the unincorporated areas of 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 Ordinance, the provisions of this Ordinance shall override and supersede such other regulations unless otherwise specifically set forth herein.
- (b) The provisions of this Ordinance, other than the minimum distance requirements from residential districts, shall not apply to communication towers and communication antennae located on property, rights-of-way or easements owned by any governmental entity.
- (c) All communication towers existing on February 5, 1997 shall be allowed to continue to be used as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height and modifications to accommodate the co-location of an additional user or users) shall be permitted on such existing towers. New construction, other than routine maintenance and modifications to accommodate co-location on an existing communication tower, shall comply with the requirements of this Section.
- (d) For purposes of this Section, a communication tower that has received final approval in the form of either an exception, variance or building permit, but has not yet been constructed, shall be considered an existing tower so long as such approval is valid and unexpired.
- (e) No rezoning, zoning exception or variance shall be required to locate a communication 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 communication towers, recreational light fixtures and other essential public service structures.

7-19-3 Location on Lot

A communication tower may be located on a lot utilized for other principal uses on a parcel smaller than the minimum lot size required in the zoning district. This parcel 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.

7-19-4 Minimum Distance of Communication Towers from Residential Zoning Districts

(a) Regardless of the zoning district in which the communication tower is located, the minimum distance of the tower shall be not less than 200 feet from the nearest residential lot line of any Residential General (RG) or Residential Mobile Home (RMH) District and not less than 250 feet from the nearest lot line of any Residential Single Family (RS) or Residential Estate (RS-E) District or from any parcel containing a residence in the Open Rural (OR) District except that in the OR District the communication tower may be closer to a parcel boundary provided it remains a minimum of 400 feet from any residence existing at the time of approval.

(b) Minimum distances shall be measured from the center base of the communication tower to the lot line of the applicable residential zoning district or parcel, as the case may be.

(c) Notwithstanding anything to the contrary in the Zoning Ordinance, no communication tower other than a monopole (freestanding) tower or alternative tower structure shall be located in any residential zoning district.

7-19-5 Maximum Height

The maximum height of communication towers shall be:

(a) In all residential districts:

- (i) if constructed for a single user, up to ninety (90) feet in height; and,
- (ii) if constructed for two or more users, up to one hundred fifty (150) feet in height.

(b) In all other zoning districts:

- (i) if constructed for a single user, up to one hundred fifty (150) feet in height;
- (ii) if constructed for two users, up to two hundred fifty (250) feet in height;
- (iii) if constructed for three or more users, up to three hundred (300) feet in height.

(c) A communication tower shall be considered to be constructed for more than one user if:

- (i) it is constructed so as to provide sufficient excess capacity over the initial single user loading for one or more additional comparable users; and,
- (ii) the applicant consents in writing with the County to permit one or

more additional comparable communication providers to use the proposed tower "where feasible" and subject to "reasonable terms".

(d) Measurement of communication tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the tower site.

7-19-6 Minimum Yard Requirements

There are no minimum yard requirements for communication towers.

7-19-7 Illumination

Communication towers shall not be artificially lighted except as may be required by the Federal Aviation Administration. If lighting is required, the applicant must present St. Johns County with available lighting alternatives and obtain approval of the County so that the County is assured that the design to be utilized will cause the least disturbance to the surroundings.

7-19-8 Finished Color

Communication towers not requiring FAA painting/markings shall have either a galvanized finish or painted a dull blue or gray finish.

7-19-9 Structural Design

Communication towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard, according to EIA/TIA 222-F Standards or the most current equivalent standards, to adjoining properties. Communication towers shall be constructed to EIA/TIA 222-F Standards or most current equivalent standards, as published by the Electronic Industries Association, which may be amended from time to time, and all applicable County building codes. All plans for the construction of towers shall be sealed by a Florida registered professional engineer. Further, any improvements and/or additions (i.e. antenna, satellite dishes, etc.) to existing communication towers shall require submission of site plans sealed and verified by a professional engineer which demonstrates compliance with the EIA/TIA 222-F Standards or most current equivalent standards in effect at the time of said improvement or addition. Said plans shall be submitted to and reviewed and approved by the Building Department at the time building permits are requested. A fall zone shall be provided to the extent that it is required by EIA/TIA 222-F Standards or the most current equivalent standards.

7-19-10 Fencing

A minimum six foot finished masonry wall or fence, other than chain link, with not less than 85% opacity shall be required around all communication 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.

7-19-11 No Advertising

Neither the communication tower nor the tower site shall be used for advertising purposes and shall not contain any signs for the purpose of advertising.

7-19-12 Landscaping

The visual impacts of residentially or commercially located communication towers shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures.

(a) The following landscaping and buffering of communication towers shall be required around the perimeter of the tower and accessory structures:

(i) 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;

(ii) 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 18 months, shall be planted in front of the tree line referenced above;

(iii) All required landscaping shall be of the evergreen variety;

(iv) All required landscaping shall be native drought tolerant species and/or irrigated and properly maintained to ensure good health and vitality.

(b) Required landscaping shall be installed outside the fence or wall.

(c) Existing vegetation shall be preserved to the maximum extent practicable and may be credited as appropriate toward landscaping requirements.

(d) These standards may be waived by the Planning and Zoning Agency for those sides of the proposed tower that are located adjacent to undevelopable lands and lands not in public view.

7-19-13 Abandonment

In the event the use of any communication tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Determination of the abandonment shall be made by the Planning Director, based on documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon the Planning Director's determination of such abandonment, the owner/operator of the tower shall have an additional one hundred eighty-five (185) days within which to:

(i) reactivate use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or

(ii) dismantle and remove the tower.

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 exception and/or variance approval for the tower shall automatically expire.

7-19-14 Certification of Compliance with Federal Communication Commission (FCC) NIER Standards

Prior to receiving final inspection, adequate proof shall be submitted to the Building Department documenting that the communication tower complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER) and that the radio frequency levels meet the American National Standards Institute.

7-19-15 Supplemental Information Required for Applications for Zoning Exceptions and Variances.

The following information shall be included with all applications for zoning exceptions and variances. The applicant may use any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information:

(a) A scaled site plan clearly indicating the tower site, type and height of the proposed tower, the location of the accessory building, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, distances from property lines, elevation drawings of the proposed tower, and any other proposed structures;

(b) A current zoning or tax map or aerial, as maintained by the St. Johns County Property Appraisers Office, showing the location of the proposed tower;

(c) A legal description of the parent tract and tower site (if applicable);

(d) If the proposed tower site meets the required minimum distance from residentially-zoned or OR zoned lands which are used residentially, the approximate distance between the proposed tower and the nearest residential dwelling, platted residentially zoned properties, or unplatted residentially zoned properties. If the proposed tower site does not meet the minimum distance requirements, then exact distances, locations and identifications of said properties shall be shown on an updated zoning or tax map.

(e) A landscape plan showing specific landscape materials;

(f) The method of fencing, finished color if applicable, the method of aesthetic mitigation and illumination.

(g) If the applicant is not co-locating (sharing space) on the proposed communication tower of another communication provider, evidence that it has made diligent but unsuccessful efforts to co-locate its antenna and associated equipment on an existing structure. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- (i) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (iv) The applicant's proposed antenna would cause impermissible electromagnetic interference, as determined by the FCC, with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause impermissible interference, as determined by the FCC, with the applicants proposed antenna.
- (v) The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed unreasonable.
- (vi) Property owners or owners of existing towers or structures are unwilling to accommodate the applicant's needs.
- (vii) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and,
- (h) The written consent by the applicant that any such exception or variance shall be conditioned upon requiring the applicant to :
 - (i) construct the proposed communication tower as to provide sufficient excess capacity over the initial single user loading for one or more additional comparable users, and
 - (ii) permit at least one other comparable communication provider to use the proposed tower where feasible and subject to reasonable terms.

The term "where feasible", as it applies to co-location, means that utilization of a tower by another tower would, at the time of such utilization, comply with sound engineering principles, would not materially degrade or impair the communication tower's utilization by existing users, would not duly burden the tower structurally, and would not otherwise materially and adversely impact existing users. Reasonable terms for use of a communication tower that may be imposed by the owner include a requirement for reasonable rent or fees, taking into consideration the capitalized cost of the communication tower and land, the amount of lease payments by the owner, the incremental cost of designing and constructing the tower so as to accommodate additional users, increases in maintenance expenses relating to the tower and a fair return on investment, provided such amount is also consistent with rates paid by other co-locators at comparable tower sites.

7-19-16 Exception Findings Based Upon Criteria for Communication Towers.

In addition to meeting the requirements set forth in Article 5 and Article 7 of the Zoning Code, the following findings must be made for making exceptions for communication towers:

(a) The communication tower will 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 communication tower, the mitigating effect of any existing or proposed landscaping, fencing or other structures in the area, the proximity of the communications tower to existing or proposed buildings or structures, and similar factors;

(b) The communication tower will not have any significant detrimental impact on adjacent property values.

7-19-17 Waiver and Variance Standards and Criteria for Communication Towers.

Notwithstanding any other variance criteria in the Zoning Code, with respect to action upon applications for zoning variances from the minimum distance required pursuant to s. 7-19-4:

(a) The Planning and Zoning Agency shall grant a variance only if it finds from a preponderance of the evidence that the variance meets the following standards and criteria:

(i) Certification by a Radio Frequency engineer, whose credentials are acceptable to the Planning and Zoning Agency, that the proposed communication tower is reasonably necessary to serve an adjacent or nearby residential area or areas.

(ii) The variance sought is the minimum necessary to address the need for the variance, subsequent to exploring all reasonable siting alternatives.

(iii) The location of the proposed communication tower in relation to the existing structures, trees and other visual buffers shall minimize, to the greatest extent reasonably practicable under the circumstances, any impacts on affected residentially-zoned property.

(iv) The location of the communication tower will not have a significant detrimental impact on adjacent property values and any property formally designated by the Comprehensive Plan as protected or environmentally sensitive, or judged to possess unique environmental or cultural qualities.

(b) If a particular request for a variance or exception has been denied by the Planning and Zoning Agency, the Board of County Commissioners may grant such waiver or variance to any particular requirement of this Ordinance in a particular individual circumstance, which may be conditioned on the applicant complying with an alternative requirement to protect the public health, welfare and safety, if it finds that:

(i) Compliance with the particular requirement of the Ordinance is substantially impractical; or

(ii) Granting the particular variance or waiver will not adversely effect the public interest; and the particular variance or waiver will not allow or permit a use of

land that is incompatible with surrounding properties.

7-19-18 Co-Location.

In conjunction with the requirement of Section 7-19-15 of this Ordinance, an applicant for a communication tower exception or variance, or an entity obtaining a development permit to construct a communication tower shall cooperate with other communication providers in co-locating additional antennas on communication towers permitted or otherwise authorized by St. Johns County. Such applicant or permit holder shall exercise good faith in co-locating with other providers and sharing the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict or substantial financial burden). Such good faith shall include sharing non-proprietary technical information to evaluate the feasibility of co-location to the extent permitted by applicable law. In the event a dispute arises as to whether an applicant or permit holder has exercised good faith in accommodating other users, the County may require a third party technical study at the expense of either or both of the parties to the proposed co-location.

(a) All applicants shall demonstrate reasonable efforts in developing a co-location alternative for their proposal.

(b) Failure to comply with the co-location requirements of the Section may result in the denial of a permit request or revocation of an existing permit for the specific tower.

7-19-19 Applications, Bonding, Access Licenses and Easements, Permission to Remove.

Notwithstanding any other provision of this Ordinance, 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 a communication tower, shall be conditioned upon receipt by the County of the following:

(a) 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 communication tower as required by Section 7-19-13 of this Ordinance. 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 \$25,000 or 150% of the estimated cost of dismantling the communication tower (net of salvage value), as evidenced by a certificate of a Florida Licensed 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 communication 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 7-19-13 of this Ordinance to

dismantle the communication tower and all proceeds shall be used to pay the cost of such dismantling and removal.

(b) An easement granted by the fee owner of the remaining land underlying the tower, in favor of St. Johns County, to access the communication tower site for removal of the subject tower not complying with Section 7-19-13 time period of this Ordinance.

(c) 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 communication tower located there if it is found to be in violation of Section 7-19-13 of this Ordinance.

SECTION 4. St. Johns County Ordinance 97-15, which is the ordinance described in the above title, is hereby amended by deleting existing Section 9-1-1, and adding in its stead the following:

9-1-1 Drainage. Off-Street parking lots, loading areas, and vehicle use areas; entrances and exits (including area necessary for access and maneuvering) shall be drained, according to the requirements of the St. Johns County Roadway and Drainage Standards Ordinance, as amended, to prevent damage to abutting property and/or public street and alleys and shall have an impervious surface.

SECTION 5. St. Johns County Ordinance 97-15, which is the ordinance described in the above title is hereby amended by deleting existing Section 11-15, and adding in its stead the following:

Section 11-15 Enforcement and Penalties

- A. The administration and enforcement of the provisions of this ordinance shall be the responsibility of the St. Johns County Administrator, his designated representative, or other person authorized by law.
- B. The County Administrator or his designated representative shall provide written notice to anyone in violation of the provisions of this Ordinance, specifying the nature of the violation and necessary corrective action.
- C. If violations are not corrected in the time specified by the County Administrator or his designated representative, the person or entity found to be in violation of this Ordinance may be prosecuted for said violation in the same manner as misdemeanors are prosecuted, as provided in Section 125.69, Florida Statutes. Alternatively, violations of this Ordinance may also be prosecuted as provided for in Chapter 162, Florida Statutes, including but not limited to the citation procedure provided in Part II of Chapter 162 and St. Johns County Ordinance 94-36, or any other method provided by law.
- D. Each day that a violation of this Ordinance 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 Ordinance, the County Administrator or his

designated representative may issue "Stop work Orders" as provided by the Standard Building Code, as adopted and amended, to halt construction in violation of this Ordinance, and the Board of County Commissioners shall have the right to seek a civil injunction from the Circuit Court in and for St. Johns County, against the violator of any provision of this Ordinance, 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.

SECTION 6. It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 7. This Ordinance shall take effect upon its being filed with the Secretary of State of Florida.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 6th DAY OF January 1998.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Moses A. Floyd
Its Chair - Moses A. Floyd



ATTEST: CHERYL STRICKLAND, ITS CLERK

BY: Cheryl Strickland
Clerk

EFFECTIVE DATE: January 8, 1998

COPY OF ADVERTISEMENT

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 _____
Sandra D. Oliver _____ 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 Notice of Public Hearing _____
in the _____ Court, was published in said newspaper in the
issues of Dec 16, 1997 _____

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 17 day of Dec, 19 97,
by Sandra D. Oliver _____ who is personally
Personally Known
known to me or who has produced _____ as
(Type of Identification)
identification.



Zoe Ann Moss
MY COMMISSION # CCB41814 EXPIRES
August 22, 2001
BONDED THRU TROY FAIR INSURANCE, INC.

Zoe Ann Moss
(Signature of Notary Public)
Zoe Ann Moss

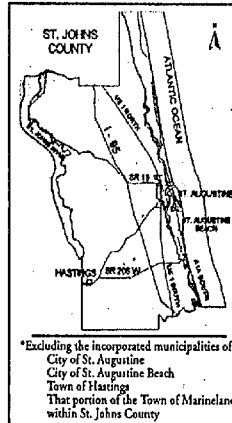
(Seal)

(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 AMENDING ZONING ORDINANCE NO. 97-15 AMENDING AND CLARIFYING PRESENT ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at special meetings on Tuesday, December 23, 1997 at 9:00 A.M. and on Tuesday, January 6, 1998 at 5:30 P.M., in the County Auditorium at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. #1 North), St. Augustine, Florida, will hold public hearings to consider passage of the following ordinance.

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING AND CLARIFYING AND RESTATING ORDINANCE 95-15, WHICH AMENDED AND ENACTED A COMPREHENSIVE ZONING CODE FOR ALL OF ST. JOHNS COUNTY, FLORIDA; BY CORRECTING SCRIVENER'S ERRORS IN ARTICLE 2, SECTION 2-2; ARTICLE 8, SECTION 8-2-5, AND ARTICLE 8, SECTION 8A-2-4B; BY AMENDING SECTION 7-14; ESSENTIAL PUBLIC SERVICE; PROVIDING DEFINITIONS; BY INCORPORATION OF APPLICABLE PORTIONS OF ORDINANCE 97-05, AN ORDINANCE CREATING REGULATIONS FOR ST. JOHNS COUNTY ZONING CODE ENTITLED "COMMUNICATION TOWERS" INTO THE AMENDED AND RESTATED ZONING CODE; SAID PORTIONS OF ORDINANCE 97-05, PROVIDING FOR FACTORS CONSIDERED IN GRANTING EXCEPTIONS FOR COMMUNICATION TOWERS; PROVIDING FOR LEGISLATIVE FINDINGS, STATEMENT OF INTENT AND PURPOSES; PROVIDING A STATEMENT OF APPLICABILITY EXCLUDING INCORPORATED PORTIONS OF ST. JOHNS COUNTY, EXEMPTION FOR GOVERNMENT OWNED PROPERTIES; USE OF EXISTING STRUCTURES; PROVIDING REGULATIONS FOR LOCATION AND HEIGHT OF COMMUNICATION TOWERS; PROVIDING REGULATIONS FOR MINIMUM YARD REQUIREMENTS, ILLUMINATION, COLOR, STRUCTURAL DESIGN, FENCING, LANDSCAPING OF COMMUNICATION TOWERS; PROHIBITING ADVERTISING ON COMMUNICATION TOWERS; PROVIDING REGULATIONS FOR NON-CONFORMING COMMUNICATION TOWERS AND ABANDONMENT OF COMMUNICATION TOWERS; REQUIRING CERTIFICATION OF COMPLIANCE WITH FEDERAL STANDARDS; REQUIRING DESIGNATED SUPPLEMENTAL INFORMATION FOR APPLICATIONS FOR ZONING EXCEPTIONS AND VARIANCES FOR COMMUNICATION TOWERS; REQUIRING FINDINGS FOR EXCEPTIONS FOR COMMUNICATION TOWERS; PROVIDING VARIANCE STANDARDS AND CRITERIA FOR COMMUNICATION TOWERS; PROVIDING FOR WAIVER AND VARIANCES TO ORDINANCE REQUIREMENTS; PROVIDING FOR A CO-LOCATION OF DIFFERENT USERS ON COMMUNICATION TOWERS; PROVIDING FOR FINANCIAL ASSURANCE AND ACCESS AND PERMISSION FOR REMOVAL OF COMMUNICATION TOWERS; AMENDING ARTICLE 6, DEFINITIONS AND AMENDING ARTICLE 7 BY ADDING SECTION 7-19; COMMUNICATION ANTENNAE AND COMMUNICATION TOWERS; PROVIDING A SEVERANCE CLAUSE; FURTHER THIS ORDINANCE CLARIFIES THE REQUIREMENT OF PAVING OFF-STREET PARKING LOTS AS DEFINED BY ARTICLE 9 SECTION 9-1 OF ORDINANCE 97-15; AMENDING SECTION 11-15 TO PROVIDE FOR PENALTIES AND ENFORCEMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.



The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida, and may be examined by parties interested prior to the said public hearings. Please take note that the ordinance is subject to revision prior to the hearings or adoption of the ordinance. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at these hearings, he/she will need a record of the proceeding, and for such purposes he/she may need to ensure that a verbatim record of the proceeding 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 to participate in this proceeding should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 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 date of the hearings.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Irma Pacetti, Deputy Clerk

COPY OF ADVERTISEMENT

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 _____

Sandra D. Oliver

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 _____

Notice of Hearing

Amending and Clarifying Present Ord.

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

issues of _____

Dec 29, 1997

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 29 day of Dec, 1997,

by Sandra D. Oliver who is personally

Personally Known

known to me or who has produced _____ as

(Type of Identification)

identification.



Zoe Ann Moss
MY COMMISSION # CC641814 EXPIRES
August 22, 2001
BONDED THRU TROY FAIR INSURANCE, INC.

Zoe Ann Moss
(Signature of Notary Public)
Zoe Ann Moss

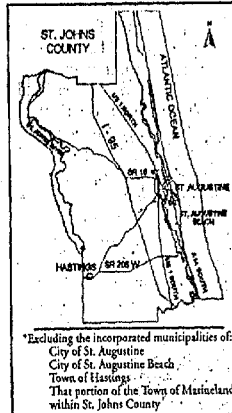
(Seal)

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