

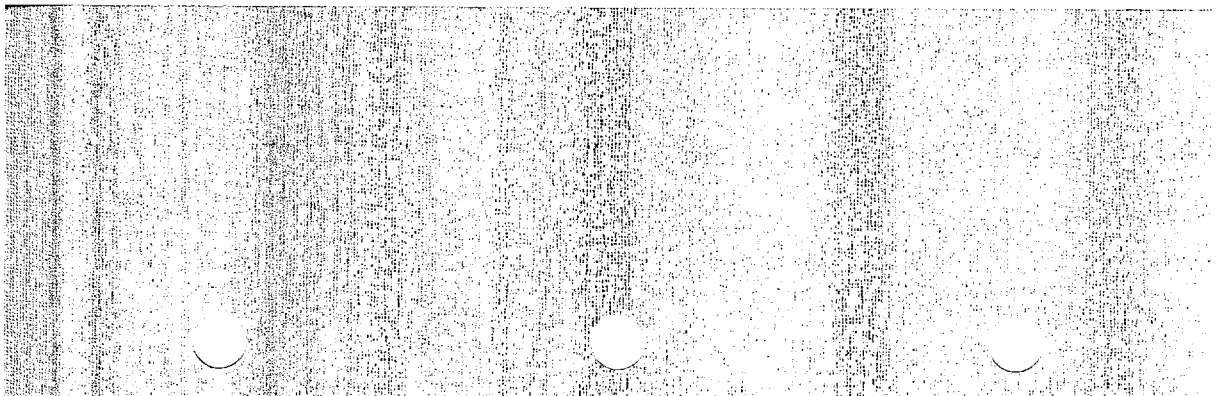
AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING PORTIONS OF ORDINANCE 97-15, WHICH IS THE ORDINANCE ESTABLISHING A COMPREHENSIVE ZONING CODE FOR ALL OF ST. JOHNS COUNTY, FLORIDA, EXCEPT THAT AREA COMPRISING THE PONTE VEDRA ZONING DISTRICT, AS DEFINED IN CHAPTER 65-2171, LAWS OF FLORIDA, AND FURTHER EXCEPTING STATE AND NATIONAL PARKS AND ALL INCORPORATED CITIES AND TOWNS IN ST. JOHNS COUNTY; AMENDING SECTIONS 7-19-2 AND 7-19-4, PROVIDING FOR REPLACEMENT OF COMMUNICATION TOWERS THAT EXISTED AS OF FEBRUARY 5, 1997 WITH TOWERS OF LIKE CONSTRUCTION, OR MONOPOLE/ALTERNATIVE TOWER STRUCTURE AND OF SAME HEIGHT OR LESS HEIGHT, IF THE TOWERS ACCOMMODATE CO-LOCATION OF AN ADDITIONAL USER OR USERS; AND AMENDING SECTION 11-9-6 ADDING THAT DECISIONS REGARDING MINOR MODIFICATIONS TO PUD, PSD, PRD ZONING DISTRICTS, FINAL DEVELOPMENT PLANS AND OTHER DECISIONS THAT THE PZA MAY RENDER FROM TIME TO TIME MAY BE SUBJECT TO REVIEW BY THE BOARD OF COUNTY COMMISSIONERS AND THAT BOARD OF COUNTY COMMISSIONERS DECISIONS ON MINOR MODIFICATIONS TO PUD, PSD, PRD ZONING DISTRICTS, FINAL DEVELOPMENT PLANS AND OTHER DECISIONS THAT THE PZA MAY RENDER FROM TIME TO TIME MAY BE FILED WITH WRIT FOR CERTIORARI THROUGH THE CIRCUIT COURT; PROVIDING A SEVERANCE CLAUSE AND SETTING AN EFFECTIVE DATE.

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

Section 1. Section 7-19-2 (c) of Ordinance No. 97-15 is amended to read as follows.

(c) All communication towers existing on February 5, 1997 shall be allowed to continue to be used as they presently exist. Routine maintenance shall be permitted on such existing towers. New construction, other than routine maintenance and modifications to accommodate co-location on an existing communication tower shall comply with the requirements of Section 7-19. Replacement of an operational tower which existed and was permitted by applicable regulations on February 5, 1997 shall be permitted with a new tower of similar construction or replacement with a monopole or Alternative Tower structure in substantially the same location as the tower being replaced. Construction of such replacement tower may proceed while allowing continuous service from the existing tower until such replacement tower is constructed, providing such existing tower shall be removed within 120 days, from issuance of building permit for the replacement tower. Such replacement towers shall be the same or less height as the existing tower and shall be designed and constructed with modifications to accommodate the co-location of an additional user or users. The provisions of Section 7-19, other than Section 7-19-19 shall not apply to replacement towers, as provided herein.

Section 2. Section 7-19-4 (c) of Ordinance No. 97-15 is amended to read as follows.



(c) Notwithstanding anything to the contrary in the Zoning Ordinance, except as provided in Section 7-19-2, no communication tower other than a monopole (freestanding) tower or Alternative Tower structure shall be located in any residential zoning district.

Section 3. Section 11-9-6 of Ordinance No. 97-15 is amended to read as follows.

Review of Decisions. All decisions of the Planning and Zoning Agency on appeals, exceptions, variances, minor modifications to PUD, PSD, PRD zoning districts, Final Development Plans and any other decisions that the Planning and Zoning Agency may render from time to time shall be subject to review by the St. Johns County Board of County Commissioners by a de novo hearing, provided that a request for such review is filed with the Planning and Zoning Department within 30 days of the date that the Planning and Zoning Agency decision is signed.

Review of zoning decisions of the Board of County Commissioners, including rezoning decisions, major modifications to PUD, PSD, PRD zoning districts and decisions concerning Planning and Zoning Agency appeals, exceptions, variances, and minor modifications to PUD, PSD, PRD zoning districts, Final Development Plans and any other decisions that the Planning and Zoning Agency may render from time to time shall be initiated by filing a petition of writ of certiorari with the Clerk of Courts within 30 days of the date that the Board of County Commission minutes reflecting such decision are signed.

Section 4. 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 5. This Ordinance shall take effect upon its being filed with the Secretary of State of Florida.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA this 25 day of August, 1998.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Mason A. Floyd
Its Chair

ATTEST: Cheryl Strickland

By: Cheryl Strickland
Clerk

Effective Date: 8-28-98

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K:\SHARED\ZCHANGES.1

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 _____

Notice of Hearing _____

in the matter of Amend Ord 97 15 _____

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

issues of July 18, 1998 _____

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 19 day of Aug, 1998,

by Sandra D. Oliver _____ who is personally

known to me or who has produced Personally Known _____ as

identification. (Type of Identification)



Zoe Ann Moss
MY COMMISSION # CC841814 EXPIRES
August 22, 2001
BONDED THRU TROY FAIR INSURANCE, INC.

Zoe Ann Moss

(Signature of Notary Public)

(Seal)

Zoe Ann Moss

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

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NOTICE OF PUBLIC HEARING AMENDING ORDINANCE 97-15. NOTICE IS HEREBY GIVEN that public hearings will be held in the County Auditorium, County Administration Building, 400 Lewis Speedway (County Road 16-A) and US1 North, St. Augustine, Florida, on the following dates: August 6, 1998 before the Planning and Zoning Agency, and August 11, 1998 and August 25, 1998 before the Board of County Commissioners. The passage of the following ordinance will be considered: AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING PORTIONS OF ORDINANCE 97-15, WHICH IS THE ORDINANCE ESTABLISHING A COMPREHENSIVE ZONING CODE FOR ALL OF ST. JOHNS COUNTY, FLORIDA, EXCEPT THAT AREA COMPRISING THE PONTVEDRA ZONING DISTRICT, AS DEFINED IN CHAPTER 45-2771, LAWS OF FLORIDA, AND FURTHER EXCEPTING STATE AND NATIONAL PARKS AND ALL INCORPORATED CITIES AND TOWNS, IN ST. JOHNS COUNTY, AMENDING SECTIONS 7-92 AND 7-94, PROVIDING FOR REPLACEMENT OF COMMUNICATION TOWERS THAT EXISTED AS OF FEBRUARY 5, 1997 WITH TOWERS OF LIKE CONSTRUCTION, OR MONOPOLE/ALTERNATIVE TOWER STRUCTURE AND OF SAME HEIGHT OR LESS HEIGHT, IF THE TOWERS ACCOMMODATE COLLOCATION OF AN ADDITIONAL USER OR USERS; AND AMENDING SECTION 7-94, ADDING THAT DECISIONS REGARDING MINOR MODIFICATIONS TO PUD, PSD, PRD ZONING DISTRICTS, FINAL DEVELOPMENT PLANS AND OTHER DECISIONS THAT THE PZAI MAY RENDER FROM TIME TO TIME MAY BE SUBJECT TO REVIEW BY THE BOARD OF COUNTY COMMISSIONERS AND THAT BOARD OF COUNTY COMMISSIONERS DECISIONS ON MINOR MODIFICATION TO PUD, PSD, PRD ZONING DISTRICTS, FINAL DEVELOPMENT PLANS AND OTHER DECISIONS THAT THE PZAI MAY RENDER FROM TIME TO TIME MAY BE FILED WITH WRIT FOR CERTIORARI THROUGH THE CIRCUIT COURT PROVIDING A SEVERANCE CLAUSE AND SETTING AN EFFECTIVE DATE. ST. JOHNS COUNTY, FLORIDA PLANNING & ZONING AGENCY By Diedrich Lampe, Chairman BOARD OF COUNTY COMMISSIONERS: By Cheryl Strickland, Chairman. It is anticipated that one or more members of the Board of County Commissioners of St. Johns County, Florida, may attend and participate in this meeting. If a person decides to appeal any decision made by the Planning and Zoning Agency 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 ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.

County documents specifically related to this matter are available for public inspection and reproduction (at cost) in the office of the St. Johns County Planning Department.

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 this proceeding should contact David Halsey, ADA Coordinator, at (904) 623-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32095, not later than 5 days prior to the date of this meeting.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the County Commissioners and Planning & Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Department, P.O. Drawer 349, St. Augustine, Florida, 32095.

Subject to a proper and timely objection of a party at the beginning of the hearing, the record of the Planning & Zoning Agency hearing of this matter, including the tape recording of the proceedings before the Planning & Zoning Agency, shall be part of the record and file of this matter submitted to the Board of County Commissioners for its consideration in this hearing.

The Planning & Zoning Agency record and file of this case is available for review by the public in the Planning Department and/or office of the Clerk to the County Commission located at the St. Johns County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and US1 North), St. Augustine, Florida.

L410 July 16, 1998

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 _____

Notice of Hearing

in the matter of Amend # 97 15

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

issues of Aug 14, 1998

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 14 day of Aug, 1998

by Sandra D. Oliver who is personally

known to me or who has produced Personally Known as

identification. (Type of Identification)



Zoe Ann Moss
MY COMMISSION # CG641814 EXPIRES
August 22, 2001
BONDED THRU TROY FAIR INSURANCE, INC.

Zoe Ann Moss (Signature of Notary Public)

(Seal)

Zoe Ann Moss

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

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AP21187

COPY OF NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at a regular meeting on Tuesday, August 25, 1998, at 5:30 P.M. in the County Administration Complex, 4020 Lewis Speedway (County Road 16A) and U.S. 1 North, St. Augustine, Florida, will hold the second of two public hearings to consider adoption of the following ordinance:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING PORTIONS OF ORDINANCE 97-15, WHICH IS THE ORDINANCE ESTABLISHING A COMPREHENSIVE ZONING CODE FOR ALL OF ST. JOHNS COUNTY, FLORIDA, EXCEPT THAT AREA COMPRISING THE PONTE VEDRA ZONING DISTRICT, AS DEFINED IN CHAPTER 652171, LAWS OF FLORIDA, AND FURTHER EXCEPTING STATE AND NATIONAL PARKS AND ALL INCORPORATED CITIES AND TOWNS IN ST. JOHNS COUNTY, AMENDING SECTIONS 17-2 AND 17-4, PROVIDING FOR REPLACEMENT OF COMMUNICATION TOWERS THAT EXISTED AS OF FEBRUARY 2, 1997 WITH TOWERS OF LIKE CONSTRUCTION OR MONUMENTAL TOWER STRUCTURE AND OF SAME HEIGHT OR LESS HEIGHT, IF THE TOWERS ACCOMMODATE CO-LOCATION OF AN ADDITIONAL USER OR USERS; AND AMENDING SECTION 17-4, ADDING THAT DECISIONS REGARDING MINOR MODIFICATION TO PUD, PSD, PRD ZONING DISTRICTS, FINAL DEVELOPMENT PLANS AND OTHER DECISIONS THAT THE PZA MAY RENDER FROM TIME TO TIME MAY BE FILED WITH WRIT FOR CERTIORARI THROUGH THE CIRCUIT COURT, PROVIDING SEVERANCE CLAUSE AND SETTING 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 public hearings. Interested parties may appear at the public hearings and be heard with respect to the proposed ordinance.

If a person desires to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings and for such purpose 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
people to be assessed
NOTICE TO PERSONS
NEEDING SPECIAL AC-
COMMODATIONS AND TO
ALL HEARING IM-
PAIRED PERSONS: In ac-
cordance with the Amer-
icans with Disabilities Act,
persons needing a special
accommodation or an in-
terpreter to participate in
the proceedings should con-
tact ADA Coordinator of
1994) 823-2501 or at the
County Administration
Building, 4020 Lewis Speed
Way, St. Augustine, FL
32075. For hearing impaired
individuals: Telecommuni-
cation Device for the Deaf
(TDD) is 823-2501 or Florida
Relay Services
1-800-955-8770 no later than
3 days prior to the date of
the hearing.
BOARD OF COUNTY
COMMISSIONERS OF ST.
JOHN'S COUNTY
FLORIDA
CHERYL STRICKLAND
CLERK
By Patricia DeGrande
Deputy Clerk
149 AUG 14 1998

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