

ORDINANCE 99-51.

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ADOPTING BY REFERENCE A ST. JOHNS COUNTY LAND DEVELOPMENT CODE GENERALLY AND SPECIFICALLY REGULATING THE DEVELOPMENT OF LAND AND WATERS IN ST. JOHNS COUNTY, IN TWELVE ARTICLES: ARTICLE I - GENERAL PROVISIONS (INCLUDING GEOGRAPHIC JURISDICTION, PROHIBITIONS, EXCEPTIONS, AND OTHER GENERAL PROVISIONS); ARTICLE II - ZONING DISTRICTS AND SPECIAL USES (INCLUDING ZONING DISTRICT REGULATIONS, USES ALLOWED WITHIN ZONING DISTRICTS, PROVISIONS FOR SPECIAL COMMERCIAL, PROFESSIONAL, STRUCTURAL, EDUCATIONAL, RELIGIOUS, RESIDENTIAL, AND OTHER USES, PROVISIONS FOR PROHIBITED USES INCLUDING CERTAIN GAMBLING AND GAMING, COMMERCIAL, RESIDENTIAL, VEHICULAR AND OTHER USES); ARTICLE III - SPECIAL DISTRICTS (INCLUDING HISTORIC PRESERVATION, WELLHEAD PROTECTION, FLOOD DAMAGE CONTROL, AIRPORT OVERLAY DISTRICT, PONTE VEDRA ZONING DISTRICT, PONTE VEDRA/ PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT, SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT, AND OTHER PROVISIONS RELATING TO SPECIAL DISTRICTS); ARTICLE IV - NATURAL RESOURCES (INCLUDING PROVISIONS REGULATING SOIL AND WATER, TREES AND VEGETATION, ENVIRONMENTALLY SENSITIVE AREAS AND WATERS, CERTAIN ANIMAL SPECIES AND WILDLIFE, LIGHTING MANAGEMENT FOR THE PROTECTION OF MARINE TURTLES, COASTAL CONSERVATION, NATURAL PRESERVES, ONSITE AND OFFSITE CONSERVATION, PROCEDURES, AND OTHER PROVISIONS RELATING TO NATURAL RESOURCES); ARTICLE V - DEVELOPMENT OPTIONS (INCLUDING PROVISIONS FOR CONSERVATION, COMPLIANCE, SUBDIVISION, SITE PLANS, PLANNED UNIT DEVELOPMENT, PLANNED RURAL DEVELOPMENT, DEVELOPMENT AGREEMENTS, COMMUNITY DEVELOPMENT DISTRICTS, VARIOUS DEVELOPMENT BONUSES, AND OTHER PROVISIONS RELATING TO DEVELOPMENT OPTIONS); ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS (INCLUDING PROVISIONS FOR BUILDING LOT,

SUBDIVISION DESIGN STANDARDS AND GUIDELINES, SITE PLAN DESIGN, ROADWAY, DRAINAGE AND UTILITY STANDARDS, PARKING AND LOADING, LANDSCAPING AND BUFFERING, HEIGHT REGULATION, SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES INCLUDING CERTAIN COMMERCIAL, PROFESSIONAL, RESIDENTIAL, RECREATIONAL, EDUCATIONAL STRUCTURES, FACILITIES AND USES, AND OTHER PROVISIONS RELATING TO SPECIFIED USES); ARTICLE VII - SIGNS (INCLUDING PROVISIONS RELATING TO BILLBOARDS, ON-PREMISE SIGNS, AND OTHER SIGN REGULATIONS); ARTICLE VIII - AGENCIES AND BOARDS (INCLUDING PROVISIONS RELATING TO THE PLANNING AND ZONING AGENCY, FLOOD DAMAGE CONTROL ADMINISTRATOR, AND OTHER PROVISIONS); ARTICLE IX - ADMINISTRATION (INCLUDING PROVISIONS RELATING TO DEVELOPMENT APPLICATIONS, PERMITS, SUBDIVISION AND HORIZONTAL CONSTRUCTION PLANS; SPECIAL USES, VARIANCES AND TEMPORARY USE PERMITS; REZONING AND COMPREHENSIVE PLAN AMENDMENTS, LAND USE POLICY DECISIONS, HEARINGS, APPEALS, AND OTHER ADMINISTRATIVE PROVISIONS); ARTICLE X - INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT (INCLUDING PROVISIONS RELATING TO INTERPRETATIONS, VESTED RIGHTS, NONCONFORMING LOTS, USES, AND STRUCTURES, VARIANCES, ENFORCEMENT, PENALTIES, AND OTHER PROVISIONS); ARTICLE XI - CONCURRENCY MANAGEMENT (INCLUDING PROVISIONS RELATING TO APPLICATIONS, REVIEW, DETERMINATIONS, DATA REQUIREMENTS, MEASUREMENT OF LEVEL OF SERVICE STANDARDS, APPEALS, DEVELOPMENT AGREEMENTS, EXEMPTIONS, AND OTHER PROVISIONS RELATING TO CONCURRENCY MANAGEMENT); AND ARTICLE XII - DEFINITIONS; WHICH ARTICLES TOGETHER CONTAIN VARIOUS TITLED PARTS AND SECTIONS GENERALLY PROVIDING FOR PURPOSE, INTENT, APPLICATIONS, PERMITTING, REVIEW, CRITERIA, PROHIBITIONS, EXEMPTIONS, SPECIAL TREATMENT DESIGNATION, ADMINISTRATION, ENFORCEMENT, PENALTIES AND OTHER PARTICULARS RELATED TO EACH ARTICLE. THIS ORDINANCE ALSO PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, AND REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners of St. Johns County (hereinafter the "Board") hereby finds that the public health, safety and welfare are protected and enhanced by enactment of this Unified Land Development Code (hereinafter the "Code") which (a) comprehensively serves to better inform the public of County land development regulations, (b) protects natural resources and the environment, (c) implements the St. Johns County Comprehensive Plan, (d) protects Constitutionally protected property rights.

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

1. The above Recitals are hereby incorporated herein as Findings of Fact in support of this Ordinance.
2. The attached St. Johns County Unified Land Development Code (hereinafter "Code") is hereby incorporated herein and enacted by reference.
3. St. Johns County Ordinances 76-18, 78-1, 78-38, 79-19, 86-4, 90-11, 90-24, 91-6, 94-41, 96-40, 95-15, 97-15, 99-19, 99-33, 99-35, as they may have been amended from time to time, are hereby repealed, provided that development, land use, or construction may, if qualified, have vested rights to continue or be completed under the terms of one or more of these repealed ordinances in accordance with Article X of this Code. The findings of fact expressed in the whereas clauses and Section 1 of Ordinance 99-35 are hereby retained and incorporated herein by reference
4. Any violation occurring before the effective date of this Code, of any ordinance that is replaced by this Code, shall not be deemed voided by this Code
5. All provisions of County Ordinances, resolutions, regulations and policies in express conflict with provisions of the Code are hereby repealed to the extent of such conflict.
6. There remain certain land development regulations such as ordinances regulating impact fees, and ordinances incorporating building (Standard Building Code), and other technical codes, that are not incorporated into or replaced by this Code
7. **Severability.** If any section, phrase, sentence or portion of this Ordinance or the Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
8. **Effective Date.** This Ordinance shall take effect on September 15, 1999 or upon its being filed with the Department of State of Florida, which ever is later.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 29th day of July, 1999.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Clerk

Effective Date: September 15, 1999



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ARTICLE I GENERAL PROVISIONS

PART 1.01.00 TITLE AND CITATION

This Code shall be known as the "St. Johns County Land Development Code" and may be cited and referred to as the "Code" or the "LDC." Provisions contained in this Code shall be referenced as Article ____, Part ____, or Section ____.

PART 1.02.00 BASIS FOR ADOPTION

Sec. 1.02.01 Legislative Authority

The Board of County Commissioners of St. Johns County, Florida, has the authority to prepare, adopt and enforce this Code pursuant to Article 8, Sec. 1(f), the Florida Constitution; Section 125.01, et. seq., Florida Statutes (F.S.); Section 163.3161, et. seq., F.S.; Section 163.3161(8), F.S.; Section 163.3201, F.S.; Section 163.3202, F.S.; Rule 9J-5, Florida Administrative Code (F.A.C.); Rule 9J-24, F.A.C.; the St. Johns County Comprehensive Plan; and such other authorities and provisions established in statutory or common law.

Sec. 1.02.02 Purpose

It is the purpose of the Board of County Commissioners of St. Johns County to establish the standards, regulations and procedures for review and approval of all proposed Development of property in unincorporated St. Johns County, and to provide a Development Review Process that will be comprehensive, consistent, and efficient in the implementation of the goals, objectives, and policies of the St. Johns County Comprehensive Plan.

Sec. 1.02.03 Intent

- A. In order to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive Development of the unincorporated areas of St. Johns County, it is the intent of this Code that the Development process in St. Johns County be efficient, in terms of time and expense; effective, in terms of addressing the natural resource and public facility implications of proposed Development; and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of St. Johns County.
- B. The Board of County Commissioners deems it to be in the best public interest for all Development to be conceived, designed, and built in accordance with good planning and design practices and the minimum standards set forth in this Code.

Sec. 1.02.04 Findings

The Board of County Commissioners of St. Johns County, Florida, hereby makes the following findings:

- A. St. Johns County, pursuant to Section 163.3161, et. seq., F.S., the Florida Local Government Comprehensive Planning and Land Development Regulation Act (hereinafter the "Act"), is required to prepare and adopt a Comprehensive Plan; and
- B. After adoption of the Comprehensive Plan, the Act, and in particular Section 163.3202(1), F.S., mandates that St. Johns County adopt Land Development Regulations that are consistent with and implement the adopted Comprehensive Plan; and
- C. Section 163.3201, F.S., provides that it is the intent of the Act that the adoption and enforcement by St. Johns County of Land Development Regulations for the total unincorporated area shall be based on, be related to, and be a means of implementation for, the adopted Comprehensive Plan as required by the Act; and
- D. Section 163.3194(1)(b), F.S., requires that all Land Development Regulations enacted or amended by St. Johns County shall be consistent with the adopted Comprehensive Plan, or element or portion thereof, and any Land Development Regulations existing at the time of adoption which are not consistent with the adopted Comprehensive Plan, or element or portion thereof, shall be amended so as to be consistent; and
- E. Section 163.3202(3), F.S., states that the Act shall be construed to encourage the use of innovative Land Development Regulations; and
- F. On September 14, 1990, St. Johns County adopted the St. Johns County Comprehensive Plan (hereinafter the "Comprehensive Plan") as its Comprehensive Plan pursuant to the requirements of Section 163.3161 et. seq., F.S., and Rule 9J-5, F.A.C.;
- G. Section 163.3194(1)(a), F.S., mandates that after a Comprehensive Plan, or element or portion thereof, has been adopted in conformity with the Act, all Development undertaken by, and all actions taken in regard to Development Orders by, governmental agencies in regard to land covered by such Plan or element shall be consistent with such Plan or element as adopted; and
- H. Pursuant to Section 163.3194(3)(a), F.S., a Development Order or Land Development Regulations shall be consistent with the Comprehensive Plan if the land Uses, densities or intensities, and other aspects of Development permitted by such order or regulation are compatible with and further the objectives, policies, land Uses, and densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government; and
- I. Section 163.3194(3)(b), F.S., requires that a Development approved or undertaken by a local government shall be consistent with the Comprehensive Plan if the land Uses, densities or intensities, capacity or size, timing, and other aspects of Development are

compatible with and further the objectives, policies, land Uses, densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government; and

- J. St. Johns County finds that this Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in St. Johns County; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and Development of land within the total unincorporated area of St. Johns County; and it is intended that this Land Development Code preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, and general welfare of St. Johns County; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; conserve, develop, utilize, and protect natural resources within the jurisdiction of St. Johns County; and to protect human, environmental, social, and economic resources; and maintain, through orderly growth and Development, the character and stability of present and future land Uses and Development in St. Johns County; and
- K. It is the intent of the Board of County Commissioners of St. Johns County to effectuate and directly advance these requirements, findings, purposes and intentions for the enhancement of the community character of St. Johns County, for the betterment of the general welfare, and for the reasons set forth herein through the implementation of the Land Development Code pursuant to the Comprehensive Plan; and
- L. It is the intent of the Board of County Commissioners to implement the Land Development Code in accordance with the provisions of the Comprehensive Plan, Chapter 125, F.S.; and Chapter 163, F.S.; through the adoption of this Code, and the Board of County Commissioners find that the adoption of this Code is consistent with, compatible with, and furthers the goals, objectives, policies, land Uses and densities and intensities of Uses contained in the Comprehensive Plan.

PART 1.03.00 INTERPRETATION AND REGULATORY EFFECT

Sec. 1.03.01 Area Where Code Applies

- A. Except as specifically stated in this Code, the regulations of this Code shall apply throughout the unincorporated portions of St. Johns County. No Development shall be undertaken without prior authorization pursuant to this Code.
- B. It is the legislative intent of the Board of County Commissioners in adopting this Code that all provisions hereof shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the unincorporated portion of St. Johns County.
- C. This Code does not conflict with any rules, regulations or standards established in Florida Statutes.
- D. Except as otherwise provided in this Code, this Code does not affect the Standard Building Codes adopted by St. Johns County.

Sec. 1.03.02 Prohibitions

- A. No Building, Structure, land or water shall hereafter be developed, used or occupied, and no Building, Structure, or part thereof shall hereafter be erected, reconstructed, moved, located, or structurally altered except in conformity with the regulations set out generally herein and for the district in which it is located. In clarification of the foregoing, it is the specific intent of the Board of County Commissioners that all floating Structures, excluding docks and boats, and Buildings, as well as Development, Buildings and Structures built over or in water, shall meet all the requirements of this Code and other codes and regulations of St. Johns County.
- B. Except as permitted hereby, no Building or Structure or part thereof shall hereafter be used, erected, constructed, reconstructed, located, moved or structurally altered in any manner so as:
 - 1. To increase height, bulk or floor area;
 - 2. To accommodate or house a greater number of families or other occupants, or to provide a greater number of Dwelling Units;
 - 3. To occupy a greater percentage or portion of Lot area;
 - 4. To provide less Lot area per Dwelling Unit or to occupy a smaller Lot;
 - 5. To provide narrower or smaller Yards or other open spaces, or spaces or separations between Buildings or portions thereof;
 - 6. To provide less off-street parking or off-street loading space;

7. To allow the use of the Building or Structure;
- C. Except in State and Local land takings for public purpose no new Lot shall be created after the effective date of this Code except in conformity with the requirements of applicable regulations. No Yard or Lot existing at the time of passage of these regulations shall be reduced by private action in width, depth, or area below the minimum requirements set forth herein. Notwithstanding the foregoing, unmanned public service facilities, including, but not limited to, pump/lift stations, utility substations, and similar public service Structures, may be sited on Lots smaller than otherwise required if it can be demonstrated to the satisfaction of the Administrator that they meet applicable setbacks, buffers, or other standards.

Sec. 1.03.03 Exceptions

A. Previously Issued Building Permits

The provisions of this Code and any amendments hereto shall not affect the validity of any lawfully issued and effective Building Permit issued prior to the effective date of this Code if:

1. The Development authorized by the Permit has commenced prior to the effective date of this Code or any amendment hereto, or will commence after the effective date of this Code but prior to the Permit's expiration or termination; and
2. The Development continues without interruption in good faith until Development is complete. If the Building Permit expires, any further Development shall be in conformance with the requirements of this Code or any amendment.

B. Existing Uses

All Uses, Structures, and Lots legally existing on the effective date of this Code that are not in compliance with the provisions of this Code shall be considered nonconforming under the terms of this Code, except as otherwise provided in Article X of this Code.

C. Exemptions and Vesting

Certain Exemptions and Vesting may be applicable to Development as specifically provided in Part 10.02.00, Section 4.01.02, and other Parts and Sections of this Code.

Sec. 1.03.04 Rules Of Construction

A. Generally

1. In construction of the language of these regulations, the rules set out in this Section shall be observed unless such construction would be inconsistent with the manifest intent of the Board of County Commissioners as otherwise expressed in this Code, the Comprehensive Plan, or an element or portion thereof.

2. All provisions, terms, phrases and expressions contained in these regulations shall be so construed in order that the true intent and meaning of the Board of County Commissioners may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms or as provided in Webster's Dictionary, Tenth Collegiate Edition.

B. Minimum Requirements

In the interpretation and application of any provision of these regulations it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of these regulations imposes greater restrictions upon the subject matter than a general provision imposed by the Comprehensive Plan or another provision of these regulations, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

C. Conflict With Other Laws

If the provisions of this Code conflict with those of any other statute, Code, local ordinance, resolution, regulation, Comprehensive Plan, or other applicable law, the more stringent standard, limitation or requirement shall govern or prevail to the extent of the conflict.

D. Debt or Pledge

Nothing in the Code shall be construed to create a debt or general obligation of the County or a pledge of the full faith and credit or taxing power of the County.

E. Site Design Requirements Apply Onsite

No part of a Yard, area, open space, or off-street parking or off-street loading space required for one Structure or Use shall be included as meeting requirements for another, except where specific provisions therefor are made in this Code.

F. Limitations on Creation of New Lots or Reductions of Lots or Yards

No portion of a Lot, used in connection with an existing or proposed Building, Structure or Use, and necessary for compliance with the area, height, and placement regulations of this Code, shall, through sale or otherwise, be used again as a part of the Lot required in connection with any other Building, Structure, or Use.

G. Action When Development Parcel Contains Two or More Zoning Districts

1. Where a zoning Lot contains two or more district designations with different allowable floor area ratio's applying, the allowable floor area ratio for the zoning Lot shall not exceed the sum of the results obtained by multiplying the privately-owned land area of the zoning Lot in each district by the applicable allowable floor area ratio for that portion of the zoning Lot.

2. Where a zoning Lot contains two or more districts designations with different density regulations, (i.e., a differing amount of required Lot for each Dwelling Unit), the density (maximum number of Dwelling Units) shall not exceed the numeric sum of the maximum number of units that could be constructed on individual portions of the zoning Lot in each zoning district, provided, however, at least one (1) Dwelling Unit may be located on a Lot if the total Lot area is sufficient to meet the minimum requirements for a Dwelling Unit under either of the applicable density regulations.
3. Nothing in this Section shall authorize the location of a Use in a district where that Use is not either an allowable principal or Accessory Use or an allowable Special Use.

H. Reserved

I. Text Controls

In case of any difference of meaning or implication between the text of this Code and any figure, the text shall control.

J. Computation of Time

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

K. Day

The word "day" shall mean a calendar day.

L. Week

The word "week" shall be construed to mean seven (7) calendar days.

M. Month

The word "month" shall mean a calendar month.

N. Year

The word "year" shall mean a calendar year, unless a fiscal year is indicated or 365 calendar days is indicated.

O. Gender

Words importing the masculine gender shall be construed to include the feminine and neuter.

P. Number

A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include any single person or thing.

Q. Shall and May

The word "shall" is mandatory; "may" is permissive.

R. Tense

Words used in the past or present tense include the future as well as the past or present.

S. Written or In Writing

The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or other form or method of writing.

T. Abbreviations Used

AASHTO: American Association of State Highway and Transportation Officials

CR: County Road

DCA: Florida Department of Community Affairs

DEP: Florida Department of Environmental Protection

DOT: Florida Department of Transportation

EOR: Engineer of Record who is an individual registered by the State of Florida as a Professional Engineer. Further, the individual must be competent to perform engineering assignments in the specific technical field of Civil Engineering and such engineering practice must not be in conflict with subparagraphs (2)(d), (5)(c) and (5)(d) of Rule 21H-19.01 of the Rules of the Department of Professional Regulation, Board of Professional Engineers.

F.A.C.: Florida Administrative Code

FDEP: Florida Department of Environmental Protection

FDOT: Florida Department of Transportation

FLUCCS: Florida Land Use, Forms and Cover Classification System

F.S.: Florida Statutes

FWCC: Florida Fish & Wildlife Conservation Commission

HUD: United States Department of Housing and Urban Development.

SJRWMD: St. Johns River Water Management District

SR: State Road

I-9

July 29, 1999

ORDINANCE BOOK 23 PAGE 13

ARTICLE II
ZONING DISTRICTS AND SPECIAL USES

PART 2.00.00 GENERALLY

The purpose of this Article is to encourage and promote, in accordance with present and future needs, the public health, safety, morals, and general welfare of the citizens of the unincorporated area of St. Johns County, Florida. The districts and regulations contained herein are made in accordance with the Comprehensive Plan for St. Johns County and promote the orderly development of the County.

PART 2.01.00 STANDARD ZONING DISTRICTS

Sec. 2.01.01 Intent

The County is divided into districts of such number, shape, characteristics, area, common unity of purpose, adaptability, or Use as will accomplish the objectives of the Comprehensive Plan and this Code.

Sec. 2.01.02 Establishment Of Zoning Districts

A. Generally

The unincorporated portion of St. Johns County shall be divided by this Code into zoning districts, the boundaries and designations of which shall be shown on a series of maps, covering in time the entire unincorporated area of St. Johns County, and identified as the Official Zoning Atlas of St. Johns County, hereafter Official Zoning Atlas.

B. List of Zoning Districts

<u>DISTRICT</u>	<u>ABBREVIATION</u>
Residential, Single Family	RS-E
Residential, Single Family	RS-1
Residential, Single Family	RS-2
Residential, Single Family	RS-3
Residential, General	RG-1
Residential, General	RG-2
Residential, Manufactured/Mobile Home	RMH
Residential, Manufactured/Mobile Home or Single Family	RMH (S)
Office & Professional	OP
Commercial Neighborhood	CN

<u>DISTRICT</u>	<u>ABBREVIATION</u>
Commercial, Highway and Tourist	CHT
Commercial, General	CG
Commercial, Intensive	CI
Industrial, Warehousing	IW
Heavy Industrial	HI
Open Rural	OR
Public Service	PS
Airport Development	AD
Planned Unit Development	PUD
Planned Rural Development	PRD

Sec. 2.01.03 Official Zoning Atlas

- A. The Official Zoning Atlas, together with all lawfully adopted explanatory material shown thereon or therewith, is hereby adopted by reference and declared to be part of this Code.
- B. Where the scale generally applicable to the basic atlas sheets or supplemental maps is inadequate for presentation of details in particular areas, such areas may be cross-referenced on the basic atlas sheets or supplemental maps to separate inset maps at the appropriate scale.
- C. Other supplements, in the form of maps, indices, guides, illustrations, records, reports, interpretive material and standards, may be officially adopted, directly or by reference, to facilitate administration and public understanding of the Official Zoning Atlas or of regulations adopted for the zoning districts or other division established thereby.

Sec. 2.01.04 Zoning District Boundaries

- A. For the special purposes set out below, where boundaries and designations are not shown directly on the basic atlas sheets, they may be indicated by overlays to such sheets or as separate maps. Such overlays or separate maps shall have the same force and effect as the basic atlas sheets.
- B. A district symbol or name shown within district boundaries in the Official Zoning Atlas indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line, except as otherwise specifically provided.
- C. Where uncertainty exists as to boundaries of districts, or other areas delineated for regulatory purposes in the Official Zoning Atlas, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of streets, alleys, rights-of-way, or easements shall be construed as following such centerlines as they exist on the ground (except where variation of actual location from mapped location would change the zoning status of a Lot or Parcel, in which case the boundary shall

be so interpreted as to avoid such change). In the event of vacation, the boundary shall be construed as remaining in its location except where ownership of the vacated property is divided other than at the center, in which case the boundary shall be construed as moving with the ownership.

2. Boundaries indicated as approximately following boundaries of streets, alleys, other public or private property lines, rights-of-way, or easements shall be construed as following such boundaries, except where variation of actual location from mapped location would change the district status of a Lot or Parcel, in which case the boundary shall be so interpreted as to avoid such change.
3. Boundaries indicated as approximately following mean high waterlines or centerlines of rivers, canals, lakes, bays, or other bodies of water shall be construed as following such mean high waterlines, or centerlines. If said mean high waterline or centerline changes, the boundary shall be construed as moving with the change, except where moving would change the district status of a Lot or Parcel, in which case the boundary shall be interpreted in such manner as to avoid such change.
4. Boundaries indicated as approximately parallel to or extensions of features described in Paragraphs 1, 2 and 3 above, shall be construed as being parallel to or extensions of such features.
5. Where distances are not specifically indicated on any map in the Official Zoning Atlas, they shall be determined by reference to the scale of the map.
6. Boundaries indicated as entering any body of water, portions of waterways, bodies of salt or fresh water or Wetlands in St. Johns County, Florida that are (1) not within a County's zoning district as designated in the Official Zoning Atlas and (2) not within the boundary limits of a municipality or a federal or State park or preserve but not continuing to intersect with other zoning boundaries or with the limits of the jurisdiction of the County, shall be construed as extending, in the direction in which they enter the body of water, to intersect with other zoning boundaries or with the limits of County jurisdiction.

PART 2.02.00 USES ALLOWED WITHIN ZONING DISTRICTS

Sec. 2.02.01 Use Classifications And Definitions

The following Sections describe the categories of Uses which apply within St. Johns County. Each category contains a description of the fundamental characteristics of the category and a list of representative Uses. It is not possible to list each and every individual Use which may be allowable within a category. The intent is to describe the category and provide a sufficient number of illustrative or representative Uses to allow other Uses to be assigned to a category as they are proposed in a zoning district.

A. Residential Uses

Residential Uses are those which provide dwellings or Structures intended for occupancy for housekeeping, and includes units which are single-family detached, accessory apartments, multi-family in a variety of housing styles, including but not limited to duplex, triplex, quadplex, garden apartments, villas and townhouses, mid-rise and high-rise apartment Buildings, and garage apartments. Also included are Manufactured/Modular Homes, Manufactured/Mobile Homes, condominium ownership, cooperatives, and other ownership arrangements. Residential Uses also include Special Care Housing including group homes, congregate care homes, assisted living facilities, and foster homes; cemeteries and mausoleums; and schools with conventional academic curriculum. Residential Uses also include model homes, with or without sales office and construction trailers. Certain Uses are also allowable in the residential Use category by Special Use, and are specified in Part 2.03.00. Residential units, while allowable, shall not exceed the density limitations shown in the Comprehensive Plan. In addition, not all housing types are allowable in every zoning district. Refer to 2.02.03 which describes which housing types are allowable in each residential zoning district.

B. Agricultural Uses

1. Agricultural Uses are those related to the production, keeping, or maintenance, whether for sale or personal use, of plants and animals for food, forage, fiber, or ornamental purposes. Agricultural Uses are characterized as predominantly outdoor activities, with Structures that may cover portions of the land, such as specific production activities, like poultry houses, greenhouses, and kennels. The Uses within this category may include both domestic and exotic species, except as specifically prohibited by other regulations. Agricultural Uses may also include passive outdoor recreational activities, Bed and Breakfast establishments, Retreats and similar passive rural Uses.
2. Typical Uses in this category are silviculture; horticulture; aquaculture; crop production; pasture lands; livestock; horses, ponies and other animals; bee keeping; orchards; plant nurseries; general stores and feed stores; cemeteries and mausoleums; Special Care Housing including group homes, congregate care

homes, assisted living facilities, and foster homes; kennels; Rural Home Industry; agricultural manufacturing; and Structures and facilities necessary to agricultural production activities, including barns, sties, pens, corrals, stables, greenhouses, milking parlors and dairies, feedlots, silos, and other substantially similar facilities and Structures whether for the primary Use or accessory to agricultural activity. Also included is treated wastewater land application disposal. Agricultural Uses may also include, farm worker housing, and residences for the farm owner, operator, or caretaker, where those Uses are directly associated with the principle Agricultural Use of the land. Bed and Breakfast establishments limited to a maximum of ten (10) rental units, primitive camping grounds, Retreats limited to ten (10) rental units, dude ranch, riding academy, hunting camps, game preserves, wildlife preserves, outdoor events, outdoor arenas and outdoor firing ranges shall be permitted.

C. Cultural/Institutional Uses

1. Cultural/institutional Uses provide a personal service in the form of education, culture, fine arts displays and exhibits, and similar activities. Uses in this category are predominantly day-time activities. However, due to the nature of the cultural/institutional Use, traffic, parking, use of land coverage may be increased to special events. Users and employees may vary due to the nature of cultural/institutional Uses. Institutional Uses may be public or private.
2. Typical Cultural/Institutional Uses in this category are libraries, galleries, and museums; schools with conventional academic curriculum; child care, adult day care, or child nurseries; community centers; churches and synagogues; parks and recreation facilities with or without lighted fields and courts. Specifically not included in this category are theaters and auditoriums or other similar places of assembly; colleges and universities are listed under Regional Culture and Entertainment Facilities.

D. Neighborhood Business and Commercial Uses

1. Land Use activities in this category are those which serve the surrounding neighborhood or a small group of neighborhoods. Uses typically require direct access to collectors, and operate primarily in daytime or early evening hours. Development may generally include one-story and low-rise Buildings outside of activity centers. This category does not include large-scale discount supercenters or big box retailers.
2. Typical Uses in this category include commercial indoor recreation, archery facilities, entertainment, retail, hospitality, and general business, such as retail goods stores; financial institutions without drive-through facilities; funeral homes and mortuaries; neighborhood convenience stores without gas pumps; grocery stores; specialty food stores; billiards and pool parlors, spas, gyms, and health clubs; commercial, vocational, business or trade schools; churches; Bed and Breakfast

establishments and guest lodges limited to no more than ten (10) rooms; service businesses such as blueprint, printing, catering, travel agencies, mail and package services and laundries; personal services such as beauty shops, barbers, or photography studios; adult care centers, child care centers, Nursing Homes; psychics; sit down restaurants without drive-through facilities; medical and professional offices, and governmental branch offices, schools for the performing or fine arts and for martial arts.

E. General Business and Commercial Uses

1. Land Use activities in this category are those which serve the surrounding neighborhood, a small group of neighborhoods, or are community-serving. Uses typically require direct access to collectors and arterials, may operate primarily in daytime or early evening hours. Development may generally include a predominance of one-story and low-rise Buildings outside of activity centers. Uses tend to be in individual Structures or in community-scale shopping centers. This category does not include large-scale discount supercenters or big box retailers.
2. Typical Uses in this category include commercial recreation, archery facilities, entertainment, retail, hospitality, and general business, such as retail goods stores; financial institutions with or without drive-through facilities; funeral homes and mortuaries; crematoriums; indoor farm and garden supply centers; neighborhood convenience stores with or without gas pumps; grocery stores, specialty food stores, and supermarkets; bowling alleys, billiards and pool parlors, spas, gyms, and health clubs; community hospitals; commercial, vocational, business or trade schools; Bed and Breakfast establishments and guest lodges; personal property mini-warehouses; service businesses such as blueprint, printing, catering, travel agencies, mail and package services, small appliance repair shops, upholstery, and laundries; personal services such as beauty shops, barbers, employment services, bail bond agencies, photography studios, psychics, adult care centers, child care centers, Nursing Homes; psychiatric care and treatment facilities with or without housing, alcohol rehabilitation centers with or without housing, restaurants with or without drive-through facilities; general offices, professional offices, and government offices; golf driving ranges; schools for the performing or fine arts and for martial arts; movie theaters with three (3) or less screens.

F. Highway Commercial Uses

1. Business Uses generally require accesses to an Arterial or Major Collector or have close proximity to major intersections. Highway commercial Uses are those which serve the traveling public and are oriented to vehicular travel; however, they are distinguished from High Intensity Uses by scale and intensity. These Uses are typically not of an overall size or Building mass, as an activity center. Development generally include one-story and low-rise Building and Uses tend to be in individual Structures.

2. Typical Uses in this category include, but are not limited to the following: gasoline sales and service, with or without retail food sales; restaurants, with or without drive-through facilities; agricultural stands, temporary or permanent; recreational vehicle campgrounds; marinas; hotels and motels; fish camps; convenience stores, with or without gasoline sales; truck stops; retail sales of items catering to tourists; and other substantially similar facilities and Uses.

G. High Intensity Commercial Uses

1. Business Uses generally require access to a Arterial or Major Collector or have close proximity to major intersections or interchanges with limited access facilities. These Uses are characterized by outdoor activity and outdoor storage, a large demand for parking. High intensity commercial Uses are those which are major employment centers, or which serve the traveling public and are oriented to vehicular travel; however, they are distinguished from regional Uses by scale. These Uses are intense as measured by the impacts to adjacent properties, but are typically not of an overall size or Building mass as a regional activity center. These Uses often have an actual or potential negative impact on surrounding properties due to late hours of operation, noise, and or light. Uses may be located in several Buildings, as in shopping centers or business parks, or may be located in a single Building, such as a discount supercenter, or big box retailer.
2. Typical Uses in this category include, but are not limited to the following: all types of vehicle sales, rental, service, repair, and storage, including truck stops, body shops, road services, car wash facilities, and the sales, rental, repair and service of new or used automobiles, boats, buses, farm and garden equipment, motorcycles, trucks, recreational vehicles, and Manufactured/Mobile Homes; gasoline sales and service, combination gasoline sale and food marts; large scale discount centers, supercenters, large scale Building supply centers and do-it-yourself centers, big-box retailers; newspaper printing operations and distribution centers; free-standing taverns, bars, lounges, night clubs, and dance halls; psychics; financial institutions with or without drive-through facilities; restaurants with or without drive-through facilities; agricultural stands, temporary or permanent; outdoor arenas, rodeo grounds, livestock auction facilities, race tracks (auto, dog, go-kart, horse, motorcycle), shooting and firing ranges; recreational vehicle campgrounds; marinas; veterinary offices and animal hospital with outside kennels; kennels and other animal boarding facilities; storage yards for equipment, machinery, and supplies for Building and trades contractors, garbage haulers; flea markets or similar outdoor or indoor/outdoor sales complexes, whether temporary or permanent; hotels and motels; and other substantially similar facilities and Uses.

H. Light Industrial Uses

1. The characteristics of Uses in this category include large Lots, often with a single user or single employer, where light manufacturing, storing, or distribution of goods

occurs. Buildings are typically one floor, but may cover large portions of land. Businesses may operate on a twenty-four (24) hour time frame and include two (2) or three (3) shifts per day. Truck and rail traffic are common. However, noise, dust and air quality impacts are minimal. These Uses may also have substantial and significant outdoor storage and/or outdoor activity. Uses are not typically open to the general public.

2. Typical Uses in this category are light manufacturing, vegetable food processing, production, packaging and assembly plants; warehousing, with or without distribution centers; lumberyards; large-scale printing plants, newspaper printing operations and distribution centers; vehicle recycling facilities, and other substantially similar facilities and Uses.

I. Heavy Industrial Uses

1. The characteristics of Uses in this category include large Lots, often with a single user or single employer, where heavy manufacturing, processing, storing, or distribution of goods occurs. Buildings are typically one floor, but may cover large portions of land. Businesses may operate on a twenty-four (24) hour time frame and include two (2), and three (3) shifts per day. Truck and rail traffic are common. Businesses may cause negative impacts from truck traffic, rail, noise, air, chemical, heat producing, and manufacturing processes are typical Uses in this category. These Uses may also have substantial and significant outdoor storage and/or outdoor activity. Uses are not typically open to the general public.
2. Typical Uses in this category are heavy manufacturing, slaughterhouse and animal processing plants; port facilities; power plants; dry cleaning plants; metal and rubber fabrication; chemical and fertilizer manufacturing; paper and pulp manufacturing; petroleum refining; plastics, glass, cement, concrete, and clay manufacturing; and other substantially similar facilities and Uses.

J. Mining and Extractive Activities

This category includes all Uses where resources are removed from the ground, such as mines, borrow pits, and other similar activities and may include the on-site processing of such resources.

K. Office and Professional Services

1. Office and professional service Uses have primarily day-time operations. Normally there is an absence of impacts due to noise, light, or pollution. There is no outdoor storage or outdoor activity associated with these Uses. Commercial Uses are accessory only.

2. Typical Uses in this category include service businesses such as blueprint, printing, catering, travel agencies, mail and package services, repair shops and laundries; personal services such as beauty shops, barbers, bail bond agencies, employment services, or photography studios; restaurants; general offices professional offices, and government offices; medical offices or clinics with scheduled or emergency services by physicians, dentists, chiropractors, psychiatrists, podiatrists, physical therapists, optometrists, and other medical practitioners; medical laboratories. This category also includes diagnostic centers which provide radiology, and medical screening and testing services. Facilities to provide medical equipment, supplies, devices, eyeglasses, hearing aids, or other similar items for personal use upon advice of a health provider may be included in this category so long as they are functionally associated with the office or clinic and are not an isolated or freestanding Use. This category does not include hospitals or other health care facilities which provide overnight lodging.

L. Outdoor/Passive Uses

1. Outdoor/passive Uses are characterized by Uses which have large amounts of land with few Structures, normally minimum outdoor lighting. Activities tend to be low impact and are predominately daytime activities.
2. Included are walking and hiking trails, bridle paths, greenways, game preserves, natural preserves, parks with picnic areas, primitive camps, and similar low impact Uses. Also allowable are country clubs, golf clubs, and golf driving ranges, cemeteries (either human or pet). Mausoleums may be permitted provided they function accessory to and on the same site as related cemetery.

M. Neighborhood Public Service and Emergency Service Uses

1. This category represents those Uses which may have a high degree of outdoor storage and outdoor activity, may cause potential nuisance, but are nevertheless necessary as support to surrounding Uses. Any potential nuisance is mitigated by limitations on scale of Development, consistent with neighborhood scale Development.
2. The type of Uses included in this category include, but are not limited to neighborhood-scale fire stations; components of water systems; components of wastewater systems; electricity substations; neighborhood support services; and other substantially similar facilities and Uses.

N. General Public Service and Emergency Service Uses

1. This category represents those Uses which often operate on a twenty-four (24) hour time frame and have a high degree of outdoor storage and outdoor activity. These Uses may cause a nuisance due to noise, and high levels of truck or large vehicle

traffic.

2. The types of Uses included in this category include, but are not limited to public use airports, terminals, heliports, and associated infrastructure; seaplane support facilities; rail yards and terminals; ambulance services; fire stations; water plants and systems; wastewater plants and systems; maintenance, garage, and storage yards for school buses, highway Construction equipment, telephone equipment, utility company trucks and equipment; microwave, radio, and television transmission towers; radiotelephone communication facilities; electricity substations; and other substantially similar facilities and Uses.

O. Regional Business and Commercial Uses

This category contains those business and commercial Uses which serve several communities or an entire region. These Uses typically locate near a limited access transportation facility or the intersection of major arterials. Uses tend to be located in large-scale complexes, such as a commercial shopping mall, commerce park, or similar facility. The distinguishing characteristics of this category are not the specific Uses which may be included, but the scale of the Development. All Uses in the general commercial, high intensity commercial, office and professional services, medical office would be allowable and are classified as regional business and commercial due to scale and intensity of Use.

P. Regional Cultural and Entertainment Facilities

1. This category contains those cultural and entertainment Uses which serve an entire region or the entire state. These Uses typically locate near a limited access transportation facility or the intersection of major arterials and require large amounts of parking. Uses are often enclosed with controlled access from the surrounding area. Uses are often under the control of a single entity.
2. Uses in this category include colleges and universities, amusement and theme parks, performing arts centers, hospitals and medical centers, convention centers, and other substantially similar facilities and Uses.

Q. Solid Waste & Correctional Facilities

This category is for Uses such as landfills (Class I, II, and III), solid waste transfer facilities, hazardous waste transfer facilities, recycling centers, composting and other yard waste facilities, and other substantially similar facilities and Uses. Also, criminal justice detention facilities and other correctional institutions and facilities are included in this category.

Sec. 2.02.02 Allowable Uses In Zoning Districts

The table below indicates the categories of Uses which are allowable in each zoning district within St. Johns County. The categories of Uses are arranged across the top, and are described in 2.02.01. An "A" indicates that the Use is allowable by right or as a Special Use, subject to the standards of this Code. Special Uses are provided in Part 2.03.00 of this Article. A blank space indicates that the Use is prohibited.

Table Of Allowable Uses In Zoning Districts

Table 2.02.02

Use Category	OR	RS-E	RS-1	RS-2	RS-3	RG-1	RG-2	RMH	RMH(S)	OP	CN	CG	CHT	CI	IW	HI	PS	AD	PUD	PRD
Residential	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Agricultural	A																	A	A	A
Cultural / Institutional	A									A	A	A	A					A	A	A
Neighborhood Business										A	A	A	A	A				A	A	A
General Business										A		A		A				A	A	
High Intensity Commercial														A	A			A	A	
Highway Commercial													A	A	A			A	A	
Light Industrial															A			A	A	
Heavy Industrial																A		A	A	
Mining & Extraction	A														A	A		A	A	A
Office & Professional										A	A	A		A				A	A	
Outdoor / Passive	A	A	A	A	A	A	A	A	A									A	A	A
Neighborhood Public Service	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A
General Public Service										A		A	A	A	A	A	A	A	A	
Reg. Business & Commercial													A	A	A			A	A	
Reg. Cultural & Entertainment														A				A	A	
Solid Waste & Correct. Fac.	A															A			A	

A - means the Use is allowable by right or by Special Use.

Sec. 2.02.03 Housing Types

The Table below indicates the housing types allowed in each zoning district within St. Johns County. The housing types are arranged across the top. An "A" indicates that the Use is allowable by right, subject to the standards of this Code. A blank space indicates that the Use is prohibited.

HOUSING TYPE					
ZONING DISTRICTS	SINGLE-FAMILY	DUPLEX	MULTI-FAMILY	MANUFACTURED/ MOBILE HOME	MANUFACTURED/ MODULAR HOME
OR	A			A	A
RS-E	A				A
RS-1	A				A
RS-2	A				A
RS-3	A				A
RG-1	A	A	A		A
RG-2	A	A	A		A
RMH				A	
RMH(S)	A			A	A
OP	A*	A*			A*
CN	A*	A*			A*
CHT	A*	A*			A*
CG	A*	A*			A*
CI	A*	A*			A*
IW	A*			A*	A*
HI	A*			A*	A*
PS	A*			A*	A*
AD	A			A	A
PUD**	A	A	A	A	A
PRD**	A	A	A	A	A

A - means the Use is allowable by right.
 *Accessory Use per Section 2.02.04
 **Subject to approval of a PUD or PRD ordinance.

Sec. 2.02.04 Accessory Uses

A. Generally

1. The review of Accessory Uses shall be the same as is required for the principal Use. All required Accessory Uses for any principal Use, including but not limited to off-street parking and loading areas, retention or drainage areas, and private sewer or water systems shall be located on the same Parcel as the principal Use and shall have the same or similar zoning district designation as the principal Uses, except in accordance with the Site Plan review requirements in Part 5.02.00 of this Code and/or except as expressly permitted elsewhere in this Code. In no case shall the principal or Accessory Use be located in a zoning district where that Use is not either a permitted Use, or a permissible Use, or a Special Use.
2. Where a Building or Structure containing such principal Use, such Building or portion shall be considered as part of a principle Building and not an accessory Building.
3. Accessory Uses and Structures shall not be located in required Front and Side Yards, in any residential district except as follows:
 - a. On double frontage Lots, through Lots and Corner Lots, Accessory Uses and Structures may be located in any required Side Yard.
 - b. Accessory Structures for the housing of persons such as Guest Houses or Employee Quarters, shall not be located in any required Yard.
 - c. Detached Accessory Structures (other than as in (b) above) which are separated from the main Structure by not less than ten (10) feet, may be located in a required Side or Rear Yard but not less than three (3) feet from any Lot line.
4. No accessory Building or Structure shall be used or occupied until the main Use Building on the Lot is being used, except for temporary storage of building supplies during the period of Construction of the main Use Building. No accessory Building or Structure shall be placed on a Lot or Parcel prior to the issuance of a Development Permit for the main Use Building or Structure. This restriction shall not apply to boat docks, boat houses, dune walk-over Structures or well houses.

B. Permitted Accessory Uses, Residential Districts

Each of the following Uses is considered to be a customary Accessory Use, and as such, may be situated on the same Lot with, but detached from, the principal Use with which it is associated. Except for Model Homes, as described in this Section, such Accessory Uses or Structures shall not involve the conduct of business of any kind and shall not attract

visitors in larger numbers than would normally be expected in a residential district.

1. Household Animals, provided that in residential districts the number of such pets over ten (10) weeks in age shall not exceed four (4) unless a Special Use has been granted allowing a greater number. No animals for commercial sale shall be kept or raised in residential districts. This provision shall not apply to small, contained household Animals, including but not limited to freshwater or saltwater fish, hamsters, turtles and similar Animals housed within the residence.
2. Guest House, provided the Structure is accessory in size to the main residential Building, is intended for temporary occupancy by a non-paying guest or family member, and further provided that such quarters shall have no cooking facilities, which includes kitchen equipment containing both an oven for enclosed cooking (microwave and toaster oven) and a flat heated surfaces for open cooking (including hotplate).
3. Boat houses or boat shelters.
4. Private garages and storage Buildings, provided such Structure shall be accessory in size to the main residential Building and the maximum eave height shall be no greater than the maximum eave height of the main Use Structure, unless the Structure is placed in such a manner on the Lot that the Structure cannot be viewed from the front property line, either due to distance or by being fully screened with opaque fencing or landscape .
5. Air conditioning compressors or other equipment designed to serve the main Structure may be located in any required Side or Rear Yard but not less than five (5) feet from any Lot line.
6. Non-commercial green houses and plant nurseries, provided the Structures meet the requirements of four (4) above.
7. Personal radio, TV antennae or satellite dishes not exceeding thirty-six (36) inches in diameter, and radio antennae used exclusively for amateur radio purposes that comply with all the rules and regulations of the Federal Communications Commission, provided the following standards are met:
 - a. The proposed Structure is not located on property within an airport overlay zone except in accordance with Article III; Part 3.04.00 nor would it result in restriction or interference with air traffic or air travel to or from any existing or proposed airport.
 - b. The proposed Structure shall be setback from the zoning Lot line one (1) foot for every three (3) feet of height of the Structure.

- c. A radio or television receiving dish shall be located within the rear of the zoning Lot (the portion of the zoning Lot which is more distant from the street than the portion of the principal Use) except for corner Lots. On corner Lots, the dish may be located in the portion of the Lot which functions as a Rear Yard, but shall not be located closer to the street than the front edge of the principal Use. Any dish located within a required Side Yard shall be located behind the principal Structure on any Lot.
 - d. On zoning Lots of minimum size of five (5) acres or less, radio and television receiving dishes shall not be located within required Front and Side Yards.
8. Private swimming pools, spas, as regulated herein, shall be any pool, pond, lake or open tank located either above or below the existing finished grade of the site, not located within a completely enclosed Building, and exceeding one hundred fifty (150) square feet in surface area and two (2) feet in depth, designed, used or intended to be used for swimming or bath purposes. A private swimming pool shall be allowed in a residential district as an Accessory Use only if it fully complies with the following conditions:
- a. The pool is intended and is to be used solely for the enjoyment of the occupants or bona fide guests.
 - b. The pool meets the minimum Yard requirements of the zoning district in which it is located. Swimming pools are prohibited within the upland buffers associated with Wetlands, as described in Section 4.01.07 of this Code.
 - c. The pool shall be enclosed by a retaining wall, fence or other Structure having a minimum height of four (4) feet and so constructed or installed as to obstruct access thereto by persons other than the owners or occupants of the premises on which such swimming pool is located. All gates installed in such fences shall be self-latching with latches placed at least four (4) feet above the underlying ground. Gates shall be kept securely closed and latched at all times. If the property upon which the pool is located is otherwise adequately fenced, the requirement of this subsection may be waived.
9. Home Office, which shall be defined as 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 allowable Accessory Use within all residential districts as well as any other district not allowing the Use as a allowable principal Use, subject to continuing compliance with the following criteria.

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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 off the Lot.
- f. The activities of the Home Office shall occur entirely within the dwelling unit, excluding Accessory Structures such as garages, carports and sheds.
- g. 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.
- h. 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.
- i. Any supplies stored on the premises shall be for the purpose of maintaining and operating the Home Office.
- j. The physical 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.
- k. 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 accordance with the Home Occupation Special Use provisions contained in Part 2.03.00 of this Code.
- l. The Home Office shall be open to inspection by St. Johns County inspectors upon reasonable notice to occupants and at reasonable times.

- m. No person shall receive an occupational license and begin a Home Office without first executing an affidavit with the County Administrator which certifies that the Applicant.
 - (1) Has received a copy of, understands, and will comply with the requirements for a Home Office set forth herein.
 - (2) Acknowledges that the County shall have the right to reasonably inspect the premises to assure compliance.
 - (3) 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.

- 10. Model homes, with or without sales office, may be constructed within portions of Planned Unit Developments (PUD) and Planned Rural Developments (PRD) and within all residential districts with approved Construction Plans, but prior to Final Plat approval. Model homes must be constructed consistent with the PUD, PRD and approved Construction Plans. Model homes may consist of no more than ten percent (10%) of the total number of Lots within the individual, approved Construction Plans.

- 11. Guardhouses may be allowed within residential subdivisions.

- 12. Fences, walls or hedges may be allowed along the edge of any required Yard in residential districts, provided that no fence, wall or hedge is greater than six (6) feet in height nor obstructs the view of approaching traffic in each direction, and further provided that no fence, wall or hedge in excess of four (4) feet shall be allowed within twenty-five (25) feet of the front property line of residential districts, except:
 - a. as may conflict with the Roadway, Drainage & Utilities Standards of this Code, as may be amended from time to time, or
 - b. in the case of corner Lots, Lots with two (2) or more Front Yards, or through Lots, the maximum height of fence, wall or hedge may be six (6) feet within the second Front Yard, except within the visibility triangle at roadway intersections as described in Part 6.04.00 Roadway, Drainage & Utilities Standards, or
 - c. that walls and combination of walls and berms, up to eight (8) feet in height, may be erected in Yards which abut arterial or collector streets, as defined under the St. Johns County Functional Classification System, and are projected by the County Administrator to be exposed to street noise levels that exceed 65 dBA provided that no access is provided to said arterial or collector and the fence is two and one-half (2-1/2) feet or less in height

within the sight triangle described in Part 6.04.00 Roadway, Drainage & Utilities Standards.

13. Garage, yard, patio and apartment sales are specifically permitted, as an Accessory Use, in all residential districts. Such sales shall be limited to one (1) during each six (6) month period, for a duration not to exceed three (3) days.
14. Private Skateboard Ramps & Portable Basketball Units

A permanently installed skateboard ramp which is used by the residents of the primary Structure and nonpaying guests shall be allowable in the residential and agricultural zoning districts subject to the following restrictions:

- a. A permanently installed private skateboard ramp may occupy required interior Side and Rear Yards, but shall not occupy required Front Yards, except as described below.
 - (1) For corner Lots, permanently installed private skateboard ramps shall be allowed within one (1) Front Yard, which functions as a Side Yard, provided the skateboard ramp is located no more than ten (10) feet into the required Front Yard, as measured from the rear line of the Front Yard. However, in districts requiring Side Yards greater than ten (10) feet, this allowable intrusion shall be increased up to a distance equal to said required Side Yard.
 - (2) For through Lots, permanently installed private skateboard ramps shall be allowed within the Front Yard which functions as a Rear Yard, provided that the ramp is screened from the rear street by a fence, wall, or hedge.
- b. Permanently installed private skateboard ramps shall be enclosed with a fence not less than four (4) and not more than six (6) feet in height. Such fencing shall be equipped with self-closing and self-latching gates so that the skateboard ramp is inaccessible to children.
- c. Permanently installed private skateboard ramps shall only be used between the hours of 9 a.m. and 9 p.m.

Private portable basketball units shall not be allowed on public or private streets. The basketball units shall be allowed in Front Yard driveways, Side and Rear Yards. The unit shall not be located at the opening of the driveway onto a public or private street or any position that might pose a direct danger to automobile traffic on the street.

15. Residential Yard Waste Composting Structure Serving More Than One Single Family Residence

These Structures refer to centrally located facilities in which multiple residential properties may dispose of yard trash and wood fraction of solid waste and where such material is processed by natural or mechanical decomposition to aid microbial decomposition of the organic material. Centrally located Residential Yard Waste Composting Structures shall be subject to the following.

- a. Front, Rear and Side Yards shall be a minimum of fifty (50) feet. When adjacent to residentially zoned property, Yards shall be a minimum of one hundred (100) feet.
- b. The site shall be fenced by a six (6) foot high opaque fence. When a fence is required for the purpose of screening, height shall be measured from the finished grade at the minimum required setback or buffer line of the property requiring the fence.

C. Permitted Accessory Uses, Office, Commercial and Planned Districts

1. Off street parking, loading meeting requirements of Section 6.05.02 of this Code.
2. Single family dwelling or two (2) family dwelling only for occupancy by owners or employees thereof. The Use of a Manufactured/Mobile Home for this purpose shall be considered as Special Use, if allowed in the districts, as defined in Part 2.03.00, and shall be considered in accordance with the requirements of Section 6.05.02 of this Code.
3. Air conditioning compressors or other equipment designed to serve the main Use Structure, including waste dumpster pad and containers, provided it is not located less than seven (7) feet from the property line.
4. Fences, wall or hedges may be allowed along the edge of any required Yard, provided that no fence, wall or hedge in excess of four (4) feet shall be allowed within twenty-five (25) feet of the front property line, nor obstructs the view of approaching traffic in each direction, except within the visibility triangle at roadway intersections as described in Part 6.04.00 Roadway, Drainage & Utilities Standards.

When a fence is required for the purpose of screening, height shall be measured from the finished grade at the minimum required setback or buffer line of the property requiring the fence.

D. Permitted Accessory Uses, Industrial Districts

1. Off street parking, loading meeting the requirements of Section 6.05.02 of this Code.
2. Single family dwelling or two (2) family dwelling, which may include the Use of a Manufactured/Mobile Home, only for occupancy by owners or employees thereof.
3. Air conditioning compressors, all other equipment necessary to serve the main Use Structures on the property.
4. Allowable and permissible industrial Uses in industrial zoning districts may contain a limited amount of accessory retail or wholesale Use if the following conditions are met.
 - a. Those products which may be offered for sale shall be limited to those produced or assembled on site; manufactured by the same company, or its subsidiary, elsewhere; or manufactured by a another company but warehoused on site for distribution.
 - b. The Accessory Use is contained in the same Building as the principal Use.
 - c. The amount of floor area devoted to sales and display of the Accessory Use product does not exceed fifteen percent (15%) of the floor area devoted to the principal Use.
 - d. The accessory retail or wholesale Use is clearly accessory to the industrial Use on the same zoning Lot.

E. Permitted Accessory Uses in Open Rural Districts

1. All Uses described in (B) above, except where in conflict with permitted Uses of agricultural districts or defined to apply to residential districts only.
2. Fences, walls or hedges may be allowed along the edge of any required Yard in agricultural districts, provided that no fence, wall or hedge obstructs the view of approaching traffic in each direction and further provided that no fence wall or hedge shall conflict with Part 6.04.00, Roadway, Drainage & Utilities provisions of this Code. When a fence is required for the purpose of screening, height shall be measured from the finished grade at the minimum required setback or buffer line of the property requiring the fence.
3. Agricultural Structures

Accessory agricultural Structures shall not be limited to a maximum height, but shall be set back from the zoning Lot line as follows:

- a. An agricultural Accessory Structure fifteen (15) feet or less in height shall be located a minimum of three (3) feet away from the side and rear zoning Lot line and shall not be located in a required Front Yard.
- b. An agricultural Accessory Structure over fifteen (15) feet up to fifty-one (51) feet in height shall be set back a minimum of one (1) additional foot from the side and rear zoning Lot line (in addition to the requirements of paragraph one (1) immediately above) for every three (3) feet of increased height up to fifty-one (51) feet. Therefore an agricultural Accessory Structure forty-five (45) feet in height shall be located a minimum of thirteen (13) feet from the zoning Lot line. Said agricultural Accessory Structure shall not be located in a required Front Yard.
- c. An agricultural Accessory Structure over fifty-one (51) feet in height shall be set back from the Side and Rear Yard an additional (in addition to the requirements of paragraphs one (1) and two (2) immediately above) one (1) foot for every foot of increased height over fifty-one (51) feet. Therefore an agricultural Accessory Structure eighty (80) feet in height shall be located a minimum of forty-four (44) feet from the zoning Lot line. Said agricultural Accessory Structure shall not be located in a required Front Yard.

4. Rural Home Industry

- a. A Rural Home Industry shall include, but not be limited to, such activities as welding services, repair of farm equipment, furniture making, lawn maintenance services, tool sharpening, and lawn maintenance equipment repair.
- b. The primary dwelling unit on the site of a Rural Home Industry shall be owner-occupied. In the event that the primary dwelling unit ceases to be owner-occupied, the Rural Home Industry shall be terminated.
- c. External impacts, such as noise, odor or vibrations, shall not exceed those normally associated with the principal Uses allowed in the zoning district within which the property is located.
- d. The employees onsite at the home industry shall be restricted to members of the immediate family or other residents of the property.
- e. No commodity or good not produced on the premises shall be sold on the premises or displayed or warehoused on the premises for sale elsewhere. This does not preclude taking orders for sales or provisions of services offsite.

- f. No traffic shall be generated by the Rural Home Industry that is in excess of that normally expected by the principal Use.
- g. The activities and materials associated with the Rural Home Industry shall not occupy a Front Yard and shall, unless conducted within a completely enclosed Building, be setback a minimum of fifty (50) feet from any side or rear property line. If said setback is not provided, screening shall be required as per Section 6.06.04.B.5.
- h. Signage shall be allowed as per Article VII of this Code.

Sec. 2.02.05 Temporary Uses

A. Allowable Temporary Uses: Non-Residential Districts

- 1. The following temporary Uses may be allowable in any non-residential zoning district, which does not allow such Use by right, without the requirement of Part 9.01.00 for the issuance of Development Permits. These temporary Uses shall be specifically identified, by nature, location, and duration in an application submitted by the Applicant to the County Administrator who may grant approval of the application, upon determining adequate provisions have been made for compliance with said limitations and provisions, prior to the commencement of Use and shall further be subject to the conditions and limitations as defined in this Section.
 - a. Non-profit carnivals, neighborhood fairs or circuses for a period not to exceed ten (10) days.
 - b. Seasonal sales Lots, not to exceed two (2) per year per Parcel, and not to exceed forty-five (45) days for each event.
 - c. Outdoor display and sales vendors, not to exceed two (2) times in one (1) month and not to exceed three (3) days each event.
 - d. Temporary Antenna Support Facilities may be placed by a governmental entity to provide emergency wireless communication service.
 - e. Temporary Antenna Support Facilities for a Special Event, not exceeding ten (10) days.
- 2. Each temporary Use described in one (1) above shall be required to meet the following standards:
 - a. A proposed temporary Use shall be required to obtain approval of the County Administrator at least one (1) week prior to the commencement of the event.

- b. There shall be adequate parking provided for the temporary Use.
 - c. No more than twelve (12) Temporary Use Permits shall be issued for the same site within a one (1) year period, except the limitation in 1. (b) and (c) shall apply as stated herein.
 - d. Only one (1) Temporary Use Permit per Parcel may be issued for the same time period.
 - e. All sites for the location of the temporary Use shall provide restroom facilities within a reasonable distance.
 - f. The use of Special Event Signs shall meet all the requirements of Section 7.02.06 of this Code.
 - g. All merchandise, display, tents, etc., shall be placed in such a manner as not to impede pedestrian or vehicular traffic and shall not create a fire hazard or impede a fire lane.
3. Display and Meeting Tents shall meet the provisions of Section 6.08.14 of this Code.

B. Allowable Temporary Uses, All Zoning Districts

1. Any temporary Use that exceeds the time provisions of Section 2.02.05.A. above, or the Uses of Section 2.02.05.A. above may be permitted by the Planning and Zoning Agency and issued in accordance with the procedures contained in Part 9.01.00 for the issuance of a Development Permit.
2. Temporary Antenna Support Facilities, except those provided in Section 2.02.05.A.1. above may be issued in accordance with procedures in Part 9.01.00 for the issuance of a Development Permit. Such facilities shall not exceed ninety (90) days.

Sec. 2.02.06 Uses Allowed By Right

Essential public services may be allowed in any zoning district, provided the location of such essential services are approved by the Planning and Zoning Agency. 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:

- A. 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 Code.

- B. 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.

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PART 2.03.00 SPECIAL USES

The Special Uses contained in this Part shall be considered and approved, approved with conditions, or denied in accordance with the requirements of this Code Part 9.01.00 for the issuance of Development Permits. The following Special Uses if allowed in a zoning district according to Section 2.02.02 and identified in Section 2.03.01 or allowed in this Part by reference to a zoning district may only be permitted upon demonstration of compliance with all of the requirements of this Part. The Special Uses, listed in Section 2.03.01, may be allowed within PUDs and PRDs, subject to the Uses being provided within the PUD or PRD Master Development Plan and approved with the PUD or PRD.

Sec. 2.03.01 Allowable Special Uses By Zoning Districts

The table below indicates the categories of Special Uses which are allowed in each zoning district within St. Johns County. The categories of Uses are arranged with the zoning district across the top. An "S" indicates the Special Use is allowable subject to the standards of the Part. An "A" indicates the Use is allowable by right.

TABLE OF SPECIAL USES IN ZONING DISTRICTS

Table 2.03.01

Special Use	O R	R S- E	R S- 1	R S- 2	R S- 3	R G- 1	R G- 2	R M H	R M H (S)	O P	C N	C G	C H T	C I	I W	H I	P S	A D
Alcoholic Beverages	S									S	S	S	S	S	S			S
Adult Uses														S	S			
Child & Adult Care	A	S	S	S	S	S	S	S	S	A	A	A	A	A	S	S		A
Horse & Ponies	A	S	S	S	S	S	S	S	S									A
Other Animals	A	S	S	S	S	S	S	S	S									A
Home Occupation	S	S	S	S	S	S	S	S	S									S
Manufactured/Mobile Home	A		S	S	S	S	S	A	A	S	S	S	S	S	A	A	A	S
Land Excavation/Borrow Area	S														S	A	S	A
Solid Waste Facilities	S															A		
Churches	A	S	S	S	S	S	S	S	S	A	A	A	A	A				A
Cemeteries/ Mausoleums	A	S	S	S	S	S	S	S	S	S	S	S						A
Crematoriums										S		S		S				S
Off-Site/Unpaved Parking Lots	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Personal Property Mini-Warehouse										S		S	A	A				A
Private Schools	S	S	S	S	S	S	S	S	S	S	S	S						S
Two Family Dwellings		S	S	S	S	A	A	S	S									A
Marinas													A	S	S			A

Special Use	O R	R S-E	R S-1	R S-2	R S-3	R G-1	R G-2	R M H	R M H (S)	O P	C N	C G	C H T	C I	I W	H I	P S	A D
Correctional Facilities	S															S		S
Farm Worker Housing	S																	S
Psychics, Astrologists & Palmists										S	S	A	A	A	A			A
Special Care Housing	A	S	S	S	S	A	A	S	S									S
Bed & Breakfast Est.	S									S	A	A	A	A				A
Water & Wastewater Treatment Plants	S									S	S	S	S	S	S	A	A	S
Antenna Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	A	A	A	S	S
Recreational Vehicle Campgrounds													A	S	S			S
More than One Main Use Structure on a Lot	S	S	S	S	S													
General Store	S										A	A	A	A				
Outdoor Firing Range	S																	
Vehicle Recycling Facilities															S			
Kennels & Other Animal Boarding Facilities	S													A	A			S
Retreat	S																	
Fish Camps	S												A					
Household Animals	A	S	S	S	S	S	S	S	S									A
Truck Stops													S	S				

A - means the Use is allowable by right

S - means the Use is allowable by Special Use

The Special Uses, listed in Section 2.03.01, may be allowed within PUDs and PRDs, subject to the Uses being provided within the PUD or PRD Master Development Plan and approved with the PUD or PRD ordinance.

Sec. 2.03.02 Alcoholic Beverages

Alcohol Beverage Establishments may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the following conditions and limitations:

A. Nearby Church - Nearby School

Except those beer and wine vendors who sell no alcoholic beverages other than malt beverages and wine and who are licensed in accordance with Section 563.02 (1) (a) and/or Section 564.02 (1) (a) of the Florida Statutes, as may be amended from time to time, no vendor of alcoholic beverages that is located within the unincorporated area of St. Johns County shall maintain a place of business within one thousand (1,000) feet of an established school or within one thousand (1,000) feet of an established church located in the unincorporated or incorporated area of St. Johns County. In the case of a church, this distance shall be measured by following the shortest route of ordinary pedestrian travel

along the public thoroughfare from the main entrance of such place of business to the main entrance of the church, and in the case of a school, to the nearest point of the school grounds in use as part of the school facilities as measured from the main entrance of the place of business.

No school or church shall be established within 1,000 feet of an established vendor of alcoholic beverages except those vendors licensed in accordance with Section 563.02 (1)(a) and/or Section 564.02 (1)(a) of the Florida Statutes, as may be amended from time to time, unless a Variance has been granted as provided in Part 9.03.00 of this Code or a substantial burden on exercise of religion is shown as described by Section 761.03, Florida Statutes.

1. Interpretation of "Shortest Route"

"The shortest route of ordinary pedestrian travel" as used in this Part, shall mean that route of pedestrian travel nearest to the main entrance of the place of business of the vendor. The purpose of this provision is to prevent the practical evasion of this Chapter by the establishment of a circuitous route of pedestrian travel upon the property of the vendor in order to avoid a measurement of the closest available route of pedestrian travel.

2. Interpretation of "School"

The word "school" as used in this part shall mean any public, private or parochial institution conducting and offering to minors a course of general or vocational education and mental training.

3. Subsequent Establishment of Church or School

Whenever a licensee has procured a license certificate permitting the sale of beverages containing more than one percent (1%) of alcohol by right and has commenced the business of selling such beverages at a properly zoned location and thereafter a church or school shall be established within a distance otherwise prohibited by this Code, the establishment of such church or school shall not be cause for the discontinuance of the business of such licensee at that location nor shall such business be considered nonconforming as defined in Part 10.03.00 of this Code.

4. Exception to Distance Requirements for Certain Restaurants and Motels

The provisions relating to distance requirements shall not apply to a vendor location wherein the vendor owns and operates a restaurant containing all necessary equipment and supplies for and serving full meals regularly and having accommodations for service for one hundred fifty (150) or more patrons at tables and occupying more than two thousand, five hundred (2,500) square feet of space

and the sale of such alcoholic beverages is solely for on premise consumption in said restaurant; or to a vendor who owns and operates a hotel or motel containing one hundred (100) or more guest rooms, and the sale of alcoholic beverages is to be conducted and carried on in such hotel or motel by the hotel or motel owner or operator solely for on premise consumption; and, provided further, that when such business is conducted by the hotel or motel owner or operator, such business shall be conducted in a location within such hotel or motel which has no direct entrance or exit on a public street.

5. Variance from Distance Requirement

A license Applicant and holder who is engaged in conducting a bona fide restaurant establishment which has tables capable of seating no less than thirty (30) persons simultaneously for the purpose of serving meals, but who is otherwise prohibited from the sale of beer and wine due to the location of such business within a certain distance from a school or a church, may apply for a Variance to permit the sale of beer and/or wine. The consideration of such application for a Variance will be administered and considered in accordance with Part 9.03.00 of this Code. Any Variance granted a vendor to permit the sale of beer and/or wine to be consumed on the premises is subject to the following circumstances and conditions.

- a. The license Applicant and holder is engaged at the subject location in conducting a bona fide restaurant establishment which has tables capable of seating not less than thirty (30) persons simultaneously, for the purpose of serving meals.
- b. All sales of beer and wine are to be made to persons patronizing the establishment for the main purpose of ordering and consuming food.
- c. To qualify as a bona fide restaurant hereunder, the establishment must have permanent kitchen facilities located within the premises in which meals regularly are prepared for service to patrons of the establishment.
- d. No person shall attempt to circumvent the intent of this Section by an artifice or scheme, such as the serving of stock meals. Stock meals as herein above used are defined to include and refer to the service of cold plates, snacks, previously prepared sandwiches and any other type of meal which is capable of being served to more than one customer.

6. Zoning Special Use Required in Certain Districts

Where the sale of alcoholic beverages for on site and or off site consumption is a Special Use within the various zoning districts contained in this Code, a request for such Special Use shall be submitted, reviewed and acted upon in accordance with the provisions of Part 9.03.00 of this Code.

B. Nearby Alcoholic Beverage Vendor

Except those beer and wine vendors who (i) sell no alcoholic beverages other than malt beverages and wine and (ii) who are licensed in accordance with Section 563.02 (l) (a) and/or Section 564.02(1)(a), F.S., as may be amended from time to time, no vendor of alcoholic beverages that is located within the unincorporated area of St. Johns County shall maintain a place of business that sells alcoholic beverages except in accordance with the following:

1. All of those certain areas of land outside of an incorporated town or city in St. Johns County, which lie within and three thousand (3,000) feet distance therefrom of a vendor's place of business as now or hereafter established, located and licensed under the provisions of the Florida Beverage Law to sell at retail all alcoholic beverages containing more than fourteen percent (14%) alcohol, by weight, are hereby zoned and each such area is hereby designated and shall be known as a "County Beverage Zone".
2. No additional place of business licensed under the beverage laws of the State of Florida to sell at retail all alcoholic beverages containing more than fourteen percent (14%) alcohol, by weight, shall be established, located or maintained in any "County Beverage Zone" and the use of the area within such County Beverage Zone by such additional vendor of alcoholic beverages is prohibited. It is hereby provided that the zoning of the areas mentioned in the immediately preceding subparagraph is to provide and to require that no additional vendor or establishment shall be licensed or permitted to operate in said "County Beverage Zone" at a location therein for the sale, at retail of all alcoholic beverages containing alcohol of more than fourteen percent (14%) by weight, within a distance of three thousand (3,000) feet of the location of any vendor now or hereafter established, existing and licensed under the provisions of the Florida Beverage Law. If there is an existing location of a place of business of a vendor licensed under said beverage law, and it is located in a municipality of said County, then in that event in determining the distance from the City limit boundary lines to the place of business and location of a vendor in the municipality shall be counted in reckoning the aforesaid three thousand (3,000) feet distance.
3. The location of all places of business in the unincorporated area of St. Johns County, licensed to sell all beverages containing alcohol of more than fourteen percent (14%) by weight and legally zoned to sell same at such location on the date of the adoption of this Code, shall not in any manner be affected by this Section and this Section shall not apply to such existing licensed and zoned locations, or the renewal thereof, or to transfers thereof, and the distance limitation provided for in this subsection shall not affect any existing licensed and zoned location issued to and held by any such vendor, nor such vendor's right of renewal or transfer of any such license, provided however, that the location of any such existing license shall not be transferred to a new location in violation of this subsection, except that the

location of any presently existing license or renewal thereof, may be transferred to a location which is a distance not in excess of five hundred (500) feet from the present location of said existing license.

4. The distances provided for by this Section shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the front door of any present location of any such place of business.
5. The provisions of this Section shall not apply to incorporated clubs, including social clubs, and caterers at horse or dog racing plants, as defined in the "Florida Beverage Law".
6. If the sale of alcoholic beverages as defined in this Section at a location within a County Beverage Zone is discontinued for three (3) months, then the County Beverage Zone created by this Section and by reason of the sale of such alcoholic beverages at such location shall cease to exist.
7. This Section shall not apply to cases arising under the provisions of Section 561.20(2) F.S., 1955, or subsection (2) (a) (4) of Section 561.20 F.S., 1993, as such statute subsection (2) (a) (4) may be amended from time to time.

Sec. 2.03.03 Adult Uses

Adult Uses may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the following conditions and limitations:

A. Restrictions on Location

1. Proximity to Residential Areas

No Adult Uses such as adult bookstore, adult theater, adult restaurant or café, special cabaret, physical culture establishment or adult photographic or modeling studio may be established within two thousand (2,000) feet of any unincorporated area in St. Johns County zoned for residential Use, including, but not limited to, residential portions of any Planned Development zoning districts, nor within two thousand (2,000) feet of any church, school, child care facility, or public recreation area.

2. Proximity to Other Adult Uses

No Adult Use may be established within five hundred (500) feet of any other Adult Use.

3. Calculation of Distances

Distances shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.

4. No Illegal Activity

Nothing in this Section shall be construed to permit the operation of any business or the performance of any activity prohibited by St. Johns County Ordinance or prohibited under any other Section of this Code. Additionally, nothing in this Code shall be construed to authorize, allow or permit the establishment of any business, the performance of any activity, or the possession of any item, which is prohibited by Florida or federal law or which is obscene under Florida law.

Sec. 2.03.04 Child And Adult Care Centers

Child Care Centers (except those defined as Family Day Care Home by this Code and Florida Statutes), Kindergartens and adult day care centers may be permitted as a Special Use within districts defined in Section 2.03.01 and shall be subject to the following conditions along with design criteria contained in Section 6.08.02 and 6.08.10 of this Code.

- A. The Minimum Lot area, for Child Care Centers and Adult Care Centers shall be not less than six thousand (6,000) square feet and Lot width in portion used for fenced recreation area shall not be less than sixty (60) feet.
- B. Child Care Centers shall be designed in compliance with Chapter 402.305, Florida Statutes, as may be amended from time to time.
- C. Outdoor play areas, for Child Care Centers, shall be required and shall be designed in compliance with Chapter 402.305, Florida Statutes, as may be amended from time to time.
- D. Outdoor play areas, for Child Care Centers, shall be fenced and located in the Rear Yard, within residential districts.
- E. All facilities, operation and maintenance, for Child Care Centers and Adult Care Centers shall meet all applicable County or State regulations for such Use.
- F. An application for Special Use, for Child Care Centers and Adult Care Centers, where required, shall state the maximum number of persons to be accommodated and in no case shall the number of persons approved in the grant of a Special Use be exceeded.
- G. Off-street parking, loading and unloading areas, for Child Care Centers and Adult Care Centers, shall be maintained as provided in the Site Plan approved with the Development Permit for such Use.

- H. Child Care Centers with a capacity of more than ten (10) children shall be located only in non-residential zoning districts and shall have direct access to an Arterial or Major or Minor Collector. Adult Care Centers with a capacity of more than ten (10) individuals shall be located only in non-residential zoning districts and Adult Care Centers with a capacity of more than twenty-five (25) individuals shall have direct access to an Arterial or Major or Minor Collector.

Sec. 2.03.05 Horses And Ponies

Horses and ponies may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be allowed only for private riding use subject to the following conditions and limitations:

- A. A place of shelter therefor shall be provided which is not closer than one hundred (100) feet to any residence.
- B. Such horses and ponies shall be kept in a fence enclosure not closer than twenty-five (25) feet to any private property line.
- C. The minimum size of property to be considered for such Special Use shall be one (1) acre per horse or pony, in addition to the minimum required Lot size, in accordance with the zoning district.

Sec. 2.03.06 Other Animals

Other Animals as defined in this Code may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to conditions and limitations.

Sec. 2.03.07 Home Occupation

Home occupations may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to all of the following conditions and limitations:

- 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 (1) square foot in area, non-illuminated, mounted flat against the wall of the principal Building at a position not more than two (2) 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 (4) 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 establishments.
 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 County Administrator.

- I. Other conditions and safeguards, such as limitations on hours of operation may be established in the granting of the Special Use to insure residential compatibility.
- J. An Applicant for a Home Occupation Special Use 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 a Special Use.
 - 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. Agrees to obtain 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 2.02.04(B)(9) and not subject to the granting of a Special Use.

Sec. 2.03.08 Manufactured/Mobile Home

A Manufactured/Mobile Home on an individual Lot may be permitted as a Special Use within districts as defined in Section 2.03.01, in which such Use is not otherwise allowed, subject to the following conditions and limitations:

- A. The Lot or Parcel of land upon which the Manufactured/Mobile Home is to be located shall not be less than the single family dwelling Lot requirements in such district.
- B. In the commercial or industrial districts, the Use shall be accessory to the main Use and occupancy shall be limited to employees or owners thereof of the permitted Use.

Sec. 2.03.09 Land Excavation And Borrow Areas

In addition to the requirements of Section 6.04.09 of this Code, land excavation and borrow areas, excluding excavation for swimming pool construction, disturbing one thousand (1000) square feet or greater of land may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the following regulations. Lake creations and retention ponds within approved Construction projects permitted through other Parts of this Code shall not be considered a Special Use.

A. Locational Criteria

In order to protect the public health, safety and welfare from the possible adverse impacts of land excavation, (e.g., noise, dust, water table drawdown) the following locational criteria are established:

1. Where Allowed

- a. Lake creations and lake cleaning may be allowed within all zoning districts.
- b. "Dry" land excavations shall only be allowed within the OR, PRD, & IW districts.

2. Setbacks

There shall be no excavation, with the exception of perimeter ditches, and recharge ditches within the setbacks for "dry" land excavations and lake creations as follows:

- a. Twenty-five (25) feet of any right-of-way line of a publicly owned road or street, except for "dry" land excavations which shall be one hundred fifty (150) feet of a publicly-owned local road or street and two hundred (200) feet of any right-of-way line of a publicly-owned Arterial or Collector.
- b. Twenty-five (25) feet of the boundary line of a publicly owned drainage or utility easement.
- c. Twenty-five (25) feet of any non-residential property line, including Agricultural Use.
- d. One hundred (100) feet of any existing or developing residential property line. In cases where an excavation is adjacent to residential land Use with a density of two dwelling units per acre or more, setbacks shall be increased from the existing one hundred (100) feet to one hundred fifty (150) feet. As an alternative, the setback may be decreased to one hundred twenty-five (125) feet, provided that a series of undulating berms are provided that serve to screen the excavation, when used in conjunction with required planted trees.
- e. One thousand (1,000) feet of a school, hospital or house of worship measured on a straight line along the shortest distance between the perimeter of the land excavation and the boundary of the property upon which the facility is situated.
- f. Fifty (50) feet of a Wetland Conservation Area.

3. Access

- a. Land excavations shall be encouraged to locate in areas which have direct access to the receiving site of the excavated materials, with direct access to Arterials or Minor or Major Collectors, within approved subdivision and site Development projects under Construction, adjacent to public improvement projects such as new road corridors or in conjunction with stormwater utility projects. Site specific analysis must be performed to determine if proposed land excavations in the encouraged areas meet all other locational and environmental requirements.
- b. Where the Applicant intends to provide material for a new road corridor, priority shall be given to locating excavations, in the following order of precedence:
 - (1) Within the corridor.
 - (2) Within one-half (0.5) mile of the corridor. Proposed excavations in these areas would be investigated to determine if they could interface with the County's Stormwater Utility Program or recreational planning program.
 - (3) Within the remaining areas of the County, highest priority for land excavations in the remaining area of the County would be given to land excavations located within approved DRI's, subdivisions, and site Development projects which are under Construction in proximity to the corridor and in land excavations which interface with stormwater utility projects.

4. Mitigation of Impacts

- a. Techniques to mitigate the impacts of offsite hauling on existing neighborhoods fronting onto Arterial or Collector roadways may include restrictions on the hours and days of offsite hauling, contribution by the Applicant to the cost of road improvements on the haul route, and development of alternative haul routes.
- b. Reasonable restrictions may be imposed on the hours and days of operation of any land excavation when such reasonable restrictions are necessary to protect the public health, safety, and welfare.

5. Where Prohibited

Land Excavations shall be prohibited within the following locations:

- a. Within two hundred (200) feet of abandoned dumpsites or landfills as identified on the Florida Department of Environmental Protection list of closed landfills in St. Johns County.
- b. Within two hundred (200) feet or the one (1) year travel time as defined in Table 2 of "Wellhead Protection Area Delineation for Public Supply Utilities Located in St. Johns County, Florida" produced by the St. Johns River Water Management District, 1993, whichever is greater, of a public potable water supply well.
- c. Within Environmentally Sensitive Areas as defined in Article XII, except as permitted in Article IV.

6. Where Restricted

Land Excavations shall be restricted within the following locations:

- a. Areas susceptible to groundwater contamination with a drastic index of greater than one hundred seventy-nine (179) or within one-quarter (0.25) of a mile from a Class I or Class II landfill.
- b. A detailed site specific hydrogeologic study shall be submitted that would show any potential impact of the excavation on groundwater resources. A proposal for the study shall be submitted to the County for approval prior to conducting the actual study.

B. Special Use Permit

1. When Required

Land Excavation Special Use Permits shall be required for land excavation activities except for the following:

- a. Land excavation activities pursuant to Board of County Commissioners permission which may be requested by a governmental agency, an Applicant under the permission of another governmental agency, or under the permission of a court having jurisdiction in St. Johns County.
- b. Land excavation activities within Utility Rights-of-Way, public Rights-of-Way or easements necessary to supply electric, gas, water, sanitary or storm sewer, telephone, or cable television service, provided these activities do not adversely impact an Environmentally Sensitive Area. Land excavation activities exempted under this Section shall be regulated under the Natural Resources Regulations. This exemption does not include excavation for the Construction of detention basins and/or retention basins which otherwise meet the definition of land excavation.

2. Application Submittal and Public Notice

The information required for a Special Use Permit shall be submitted and the required public notice requirements shall be met. A public hearing shall be held to request Board of County Commissioners approval to proceed with such action. The Board may impose conditions upon the activity in order to effectuate the intent of this Section.

3. Procedure

An application for a Land Excavation Special Use Permit shall be reviewed pursuant to the Procedures for Issuance of a Development Order at Part 9.01.00.

4. Factors to be Considered

The following factors shall be considered in the review of a Land Excavation Special Use Permit application:

- a. The compatibility of the proposed land excavation with existing and planned land Uses as stipulated in the St. Johns County Comprehensive Plan. In making a determination of compatibility, the following shall be considered:
 - (1) The nature of existing and planned land Uses.
 - (2) The size of the proposed land excavation.
 - (3) The effect of increased truck traffic generation on existing and planned land Uses.
 - (4) The proximity to residences, schools, hospitals, or houses of worship.
 - (5) The proximity to recreational Uses such as parks and playgrounds.
- b. Impact on the roads and bridges located along the proposed haul route.
- c. Adequacy and compatibility of the reclamation plan relative to the environmental as well as existing and planned Uses.
- d. Cumulative impact of all permitted (active and inactive) land excavations within one (1) mile of the proposed land excavation.
- e. Whether the haul routes for the removal of land excavation material pass schools, hospitals or houses of worship and whether the increased truck

traffic incidental to the land excavation activity will adversely effect the conduct of the institution's activities. In evaluating the effect of the truck traffic, the following shall be considered: the capacity and existing service level of the road(s) designated as the haul route within five hundred (500) feet of the boundaries of the institution's property, the hours of operation of the land excavation and of the institution; the estimated volume of truck traffic; and the location of access to the school, hospital or house of worship.

5. Imposition of Reasonable Conditions

Reasonable conditions upon the land excavation operation designed to mitigate the impact of the excavation upon those items listed in 3. above may be imposed.

6. Duration of Permit

The land excavation Special Use Permit shall be issued for a period based upon the estimated length of excavation.

7. Fencing

a. Unless otherwise authorized by the Board of County Commissioners, all land excavations shall be secured with a fence and gate to prevent unauthorized access to the land excavation. All points of access shall be secured when no activity is occurring in the land excavation. In determining whether a fence is required for a land excavation and the type of fence to be required, the Board shall consider the following factors.

- (1) The location, size, depth and side slope of the land excavation.
- (2) The nature of the surrounding Uses and the land Uses designated on the Future Land Use Map of the St. Johns County Comprehensive Plan for the area.
- (3) The depth of water, if any, in the land excavation during the period of excavation activity.
- (4) Natural or man-made features existing on the site.

b. The fence and gate shall be maintained throughout the duration of land excavation activities and may be removed after reclamation is completed.

8. Expiration of Permit

If the site is not operating within one (1) year after approval of a Special Use Permit, the Special Use Permit shall expire.

C. Waiver

1. Generally

The requirements of this Part may be waived where literal or strict enforcement of the terms or provisions of this Part would:

- a. Impose upon the Applicant an unreasonable, unnecessary or exceptional burden due to irregular shaped Parcel of property, unusual topography, or other unusual condition.
- b. Where the Applicant can show that literal or strict enforcement would impose upon the Applicant an unusual or practical difficulty and granting the request will not serve as a mere convenience to the Applicant. No such waiver shall be granted which seriously or adversely affects any adjoining property or health, safety and welfare of the general public.

2. Decision by County Administrator

The County Administrator, in reviewing of the Special Use Permit shall make a decision on any waiver request which pertains to the locational criteria.

3. Factors to be Considered

The following factors shall be considered, as applicable to the particular waiver request:

- a. The location of the land excavation.
- b. The size of the land excavation.
- c. The depth of the land excavation.
- d. The cubic yards of material to be excavated and removed.
- e. The side slope requested, if applicable.
- f. The nature of the land excavation material to be removed.
- g. The nature of existing or developing Uses in the surrounding area.
- h. The projected depth of water, if any, in the land excavation at the time of completion of the land excavation activity.
- i. Proximity of the land excavation to Environmentally Sensitive Areas.

- j The existing location, configuration, setbacks and slopes of a previously permitted land excavation.

Sec. 2.03.10 Solid Waste Facilities

Solid Waste Facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 and subject to the following conditions and limitations:

A. Location Criteria

In order to protect the public health, safety and welfare from the possible adverse impacts of Solid Waste Facilities and their associated operations, the following locational criteria are established:

1. Where Allowed

Solid Waste Facilities shall only be allowed within the OR, HI and Planned Development zoning districts.

2. Setbacks

- a. Front, Rear, and Side Yards shall be a minimum of two hundred (200) feet.
- b. When adjacent to a property with a dwelling unit, there shall be no land filling (i.e. disposal of wastes) within one thousand (1,000) feet of the closest portion of the dwelling unit or a private potable water well, whichever provides the greater setback distance.
- c. The Use shall not be within one thousand (1,000) feet of a school, house of worship, or hospital, measured on a straight line along the shortest distance between the perimeter of the Solid Waste Facility and the boundary of the property upon which the school, house of worship, or hospital is located.
- d. Class I and II landfills only shall be located at least ten thousand (10,000) feet from any licensed and operating airport runway used by turbine powered aircraft, and five thousand (5,000) feet from any licensed and operating airport runway used only by piston engine aircraft, unless the Applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft.

3. Access

The facility shall have direct access to an Arterial or Major or Minor Collector, or a road designed for commercial vehicles which accesses direct to such street. No access shall be through residential local streets.

4. Where Prohibited

Solid Waste Facilities shall be prohibited within the following locations:

- a. Wellhead Resource Protection Areas as found in "Wellhead Protection Area Delineation for Public Supply Utilities Located in St. Johns County, Florida" produced by the St. Johns River Water Management District, 1993.
- b. Within one thousand (1,000) feet or the five (5) year travel time as defined in Table 2 of "Wellhead Protection Area Delineation for Public Supply Utilities in St. Johns County, Florida" produced by the St. Johns River Water Management District, 1993, whichever is greater, of the center of a wellhead of a public potable water supply well.
- c. Within Environmentally Sensitive Areas as defined in Article XII.
- d. Within areas susceptible to groundwater contamination as provided in the Coastal/Conservation Element of the St. Johns County Comprehensive Plan.
- e. Within the Coastal High Hazard Area.
- f. Within the one hundred (100) year floodplain.
- g. Within open water bodies, whether natural or man-made.
- h. Within a five (5) mile radius from the perimeter of the St. Johns County Landfill.

B. Special Use Permit

1. Procedure

An application for a Special Use Permit shall be reviewed pursuant to the procedures for issuance of a Development Order at Part 9.01.00.

2. Factors to be Considered

The following factors shall be considered in the review of a Special Use Permit application:

- a. The compatibility of the proposed landfill with existing and planned land Uses. In making a determination of compatibility, the following shall be considered:

- (1) The nature of existing and planned land Use.
- (2) The size of the proposed land fill.
- (3) The type and volume of waste to be received.
- (4) The effect of increased truck traffic generation on existing and planned land Uses.
- (5) The proximity to residences, schools, hospitals, or houses of worship.
- (6) The proximity to recreational Uses such as parks and playgrounds.
- (7) The proximity to potable water supply wells.
- (8) The proximity to surface water bodies and Environmentally Sensitive Areas.
- (9) Impact on roads and bridges to be used that are not designated as truck routes by St. Johns County.

3. Imposition of Reasonable Conditions

Reasonable conditions designed to mitigate the impact of the facility upon those items listed in Section 2.03.10.B.2 above, may be imposed upon the facility operation.

4. Duration of Permit

The Special Use Permit shall be issued for a period based upon the estimated duration of the facility operations. Closure of the facility shall be complete upon expiration of the Landfill Special Use Permit.

5. Expiration of Permit

If a Construction Permit for the proposed facility has not been issued by the Florida Department of Environmental Protection (FDEP) within one (1) year after approval of a Special Use Permit, the Special Use Permit shall expire. Proof of issuance of FDEP Construction Permit shall be provided to the County.

C. Special Use Standards

1. The site shall be fenced by a six (6) foot high fence with a locking gate at all access points. All gates shall be secured and locked when there is no activity on site. The

performance standards in Section 6.08.34 shall be observed with the point of measurement being the boundaries of the zoning Lot.

2. Buffering and screening shall be provided in accordance with the standards in Section 6.06.04.
3. If Construction of the facility requires land excavation of one thousand (1,000) square feet or greater approval of a Special Use Permit for land excavation shall be required pursuant to Part 9.03.00.

Sec. 2.03.11 Churches

Churches (but not temporary revival establishments) may be permitted as a Special Use within districts as defined in Section 2.03.01.

Sec. 2.03.12 Cemeteries And Mausoleums, Human And Pet

Cemeteries and mausoleums (but not funeral homes, mortuaries, or crematoriums) may be permitted as a Special Use within districts as defined in Section 2.03.01 and subject to the provisions of Sections 6.08.08 and 6.08.09 of this Code.

Sec. 2.03.13 Crematoriums

A crematorium may be permitted as a Special Use within districts as defined in Section 2.03.01.

Sec. 2.03.14 Off-Site Parking And Unpaved Parking Lots

- A. Off-site parking lots may be permitted as a Special Use within districts as defined in Section 2.03.01, when such Lot adjoins a premise requiring off-street parking, provided there is no intervening street, and further provided:
 1. A six (6) foot masonry wall or opaque fence with a minimum eighty percent (80%) opacity shall be erected along all property lines adjacent to residentially zoned property except as such fence may conflict with the Roadway, Drainage and Utility Standards of this Code.
 2. Adequate lighting shall be provided if off-site parking is to be used at night. The lighting shall be designed and installed to be contained on the property and designed to minimize glare on adjacent property.
 3. There shall be no sales or service activity of any kind on such Lots.
- B. Off-site parking lots to accommodate required parking or loading for permitted Uses may be permitted as a Special Use within all commercial and industrial districts subject to the following regulations:

1. There shall be practical difficulties which prevent the placing of the facilities on the same Lot as the premises they are designed to serve.
 2. The off-site parking facility shall be located within three hundred (300) feet walking distance of a public entrance to the Structure or land area containing the Use for which such spaces are required. A safe, direct, attractive, lighted and convenient route shall exist or be provided between the off-site parking and the Use being served.
- C. Unpaved parking lots and vehicle use areas may be permitted as a Special Use in all districts provided.
1. The parking lot and vehicle use area is stabilized with materials such as coquina, crushed stone, or gravel in a manner acceptable to the County Administrator, or designee.
 2. The Use being served has no daily public traffic.
 3. The access apron leading from the unpaved parking lot and vehicle use area into a County or State maintained roadway shall be paved as to not damage the roadway.
 4. Regardless of the unpaved parking lot and vehicle use areas, parking stall dimensions, access aisles, and curb ramps for handicap accessible spaces shall be designed to meet the standards of the Florida Accessibility Code for Building Construction. Unpaved parking lots and vehicle use areas shall be considered impervious for drainage approval.

Sec. 2.03.15 Personal Property Mini-Warehouse Facilities

Personal Property Mini-Warehouse Facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following conditions and limitations:

- A. Storage Buildings shall be sub-divided by permanent partitions into spaces containing not more than three hundred sixty (360) square feet each and each such space shall have an independent entrance under the exclusive control of the tenant thereof.
- B. Not more than three thousand, six hundred (3,600) square feet in total area shall be occupied or used by any single tenant.
- C. Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation which requires the regular delivery or pick-up of goods in trucks in excess of eight thousand (8,000) pounds net vehicle weight shall be allowed.

Sec. 2.03.16 Private School With Conventional Academic Curriculum

Private schools with conventional academic curriculum similar to those of public schools may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following conditions and limitations:

Private Schools with a capacity of more than ten (10) students shall be located only in non-residential zoning districts and shall have direct access to an Arterial or Major or Minor Collector.

Sec. 2.03.17 Two Family Dwelling, Duplex

Two Family Dwellings, or duplexes, may be permitted as a Special Use within all districts as defined in Section 2.03.01.

Sec. 2.03.18 Marina

A Marina as defined in Article XII of this Code may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the requirements and limitations of Marinas, defined in Article VI of this Code. A Parcel of land that serves without charge only those watercraft and vessels (i) that are owned by one (1) or more owner(s) or lessee(s) of the land (whether the land is owned or beneficially owned in fee simple, as a common element or as a community facility) and/or by their friends and (ii) that are used for pleasure purposes shall not be deemed to be a marina and shall not be considered a Special Use. As examples, a residential Lot with a dock that serves the Lot owner's pleasure ski boat is not a marina; a condominium Lot with a boat ramp that serves the personal pleasure boats of the condominium owners and their friends is not a marina. Government owned public parks, boat ramps and docks shall not be deemed to be marinas and shall not be considered a Special Use.

Sec. 2.03.19 Correctional Facility

Correction facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following conditions and limitations:

A. General Standards

1. All correctional facilities shall have direct frontage onto a State Highway or County Major Collector roadway as defined in this Code.
2. At the time of the request for approval, the operator of the correctional facility shall provide information on, and if approved, shall utilize adequate measures to prevent the unauthorized exit of the inmates. The more dangerous the inmates are to the public, the more elaborate and secure the security measures shall be.
3. Buffers and screening shall be as required by Section 6.06.04.

4. The facility shall comply with all applicable Federal, State and local requirements.

B. Major Correctional Facilities

1. The minimum Lot size shall be five (5) acres with minimum frontage of two hundred (200) feet.
2. The Structures occupied by the facility residents shall be located a minimum of two thousand, six hundred forty (2,640) feet from any residential Development or zoning district developed to or allowing a density of two (2) units per acre or greater; five hundred (500) feet from any existing dwelling unit developed at a density of less than two (2) units per acre and a minimum of two hundred (200) feet from any zoning Lot boundary.

C. Community Correctional Facilities

1. The minimum Lot size shall be one (1) acre with a minimum frontage on a public street of one hundred fifty (150) feet.
2. All Structures occupied by the facility residents shall be located a minimum of two hundred (200) feet from any existing adjacent dwelling unit or residential or agricultural zoning districts. All such Structures shall be located a minimum of thirty (30) feet from any zoning Lot boundary if adjacent to zoning district other than residential or agricultural zoning districts.

Sec. 2.03.20 Farm Worker Housing

Farm Worker Housing may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following conditions and limitations:

- A. Farm Worker Housing may be provided on or off-site from the Agricultural Use if located within the R/S and A-I Land Use Plan categories. Farm Worker Housing located in other Future Land Use designations shall be located within one (1) mile of the site of a commercially productive farm. The County Commission must find that Farm Worker Housing in such areas is compatible with surrounding land Uses, and overall project density shall not exceed that of the underlying plan category. Agricultural activities may be allowed on the parcel of land containing the Farm Worker Housing.
- B. Farm Worker Housing shall be permitted a density of two (2) units per acre.
- C. The subdivision of land into individual Parcels shall be prohibited.
- D. Single-family conventional, manufactured home, duplex, or multi-family dwelling units or dormitories may be used. Dormitories, for purposes of density calculations, shall be calculated at two and one-half (2.5) residents equaling one (1) unit.

- E. Farm worker housing sites shall provide required Front, Side, and Rear Yards of fifty (50) feet.
- F. Screening equal to that specified under Part 6.06.00 shall be provided between the farm worker housing and adjacent properties with residences, if the Farm Worker Housing is located within two hundred (200) feet of the zoning Lot line or if residences located on adjacent properties are under different ownership.
- G. All Structures containing dwelling units shall be located a minimum of ten (10) feet apart.
- H. All access drives serving the Farm Worker Housing site shall be packed shell, gravel, or similar material which will provide a relatively dust free surface.
- I. All Farm Worker Housing shall provide adequate sewage disposal and water supply systems which meet all Federal, State, and local requirements.
- J. All Farm Worker Housing shall be constructed and maintained in accordance with all Building code requirements.
- K. Property owners or housing providers shall provide an affidavit that the housing will be limited to housing for farm workers or their dependents.
- L. The Farm Worker Housing approval shall be valid for two (2) years. Farm Worker Housing extensions shall be renewed upon verification of a claim that the housing continues to be Farm Worker Housing only. It shall be the responsibility of the housing provider or property owner to provide verification in a timely manner.
- M. If for any reason, the approval is not renewed, the dwelling units which exceed the density of the Comprehensive Plan must be removed within ninety (90) days of written notification from the County, or certain units may remain if converted for sale or rent as Affordable Housing in accordance with Part 5.07.00.

Sec. 2.03.21 Psychics, Palmists, Astrologists, Clairvoyants, Phrenologists

Psychics, palmists, astrologists, clairvoyants, phrenologists, and similar Uses may be permitted as a Special Use within districts as defined in Section 2.03.01.

Sec. 2.03.22 Special Care Housing Facilities

Special Care Housing facilities, such as foster homes, assisted living facilities and similar Uses, which exceed the definition of Community Residential Home, i.e., homes of six (6) or fewer residents as defined by Chapter 419, F.S., Section 419.001 (2), may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. In a Special Care Housing facility, for the purposes of calculating density, every two and one-half (2.5) residents shall be considered to equate to one (1) dwelling unit. Number of residents shall be based on the maximum capacity of the facility as established by the St. Johns County Fire Marshall. However, where each room or group of rooms contains a separate and individual kitchen it shall equal one (1) unit. An accessory Nursing Home is allowed provided it is located within the same Building. The facility must be located on a Lot large enough to meet the density requirements of the Comprehensive Plan for the number of dwelling units proposed.
- B. Front, rear and side setbacks for the Structure containing the living units shall be fifty (50) feet, and the Structure shall be not be located within two hundred (200) feet of any existing single family residence which is in existence at the time of approval of the Special Use.
- C. Each Special Care Housing facility shall not exceed a floor area ratio of one-quarter (.25) unless located within a Comprehensive Plan land Use designation which allows for a greater floor area ratio. In such instance, the higher floor area ratio allowed by the Comprehensive Plan shall be applicable.

Sec. 2.03.23 Bed And Breakfast Establishments

- A. Bed and Breakfast establishments may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to a maximum of ten (10) rental units.
- B. Accessory Uses for (A) and (B) above shall be limited to those that are customary and incidental to the Bed and Breakfast establishment, and shall be limited to serving the patrons of the Bed and Breakfast establishment only and not the general public. For example, a food service that serves the general public shall be considered a restaurant and not an Accessory Use to the Bed and Breakfast establishments as described in this Section.
- C. For the purposes of calculating density, a Bed and Breakfast establishment shall constitute one (1) dwelling unit.
- E. Parking in excess of that required for a single-family dwelling shall be located along the Side or Rear Yard, behind the primary Structure.
- F. Signage shall be limited to a maximum of six (6) square feet, and shall not be illuminated.

Sec. 2.03.24 Water And Wastewater Treatment Plants And Facilities

Water and Wastewater Treatment Plants and Facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the following regulations and limitations:

- A. The Wastewater Treatment Plant and Facilities shall be secured from public access with

a security fence, a minimum of six (6) feet in height. Berms and/or landscaping meeting the requirements of Section 6.06.04, Group 7 shall be required around the Wastewater Treatment Plant. A security fence, a minimum of six (6) feet in height, shall be required around ponds, located outside the plant site. Pump/Lift Stations, located outside the plant site, shall be secured either by a security fence six (6) feet in height, by enclosing equipment in lockable Buildings or enclosures, or by the use of other vandal proof Construction measures which will provide protection against entry or damages. These requirements may be waived by the County Administrator upon demonstration that protection to an equal or greater extent is provided.

- B. For all Wastewater Treatment Plants and Facilities, the Engineer of Record shall certify that the design plans for the Plant and Pump/Lift Stations include nuisance control (odor and noise control) mitigation measures approved by St. Johns County and shall ensure that such measures are installed. The mitigation measures shall be designed relative to the facility's size, design, and intensity and may include, in part, landscaping measures. The mitigation measures shall also meet the performance standards set forth in Part 6.04.00.
- C. The operation of a public or privately operated interim wastewater facility shall be discontinued and public wastewater service shall be utilized within six (6) months of the availability of public wastewater service with adequate capacity at any project boundary unless otherwise provided for in an Interim Wastewater Treatment Agreement.
- D. Prior to placement of any Wastewater Plant and Facility on-site, the developer shall provide evidence of approval from the applicable permitting agencies.
- E. Distance requirements for Wastewater Treatment Plants shall be as follows:
 - 1. Wastewater Treatment Plant Type 1
 - a. Interim Wastewater Treatment Plants under five hundred thousand (500,000) gallons per day (g.p.d.)
 - b. For Type 1 Plants there shall be a distance requirement of one hundred fifty (150) feet from the plant to any off-site agriculturally or residentially zoned or used land or to any onsite platted Lot or dwelling unit.
 - 2. Wastewater Treatment Plant Type 2
 - a. Permanent Wastewater Treatment Plants under five hundred thousand (500,000) g.p.d.
 - b. For Type 2 Plants there shall be a distance of two hundred fifty (250) feet from the plant to any off-site agriculturally or residentially zoned or used land or to any on-site platted Lot or dwelling unit.

3. Wastewater Treatment Plant Type 3

- a. Wastewater Treatment Plants of five hundred thousand (500,000) g.p.d. or greater.
 - b. For Type 3 Plants there shall be a distance requirement of five hundred (500) feet from the Plant to the project boundary. There shall be no platted Lots or dwelling units within this distance requirement. If the plant is located in the Industrial Category of the Comprehensive Plan, the distance requirement shall be two hundred and fifty (250) feet.
4. Neighborhood Pump/Lift Stations serving less than three thousand (3,000) equivalent dwelling units (e.d.u.). There shall be no minimum distance requirement for Neighborhood Pump/Lift Stations.
 5. Master Pump/Lift Stations serving three thousand (3,000) e.d.u.s or greater. There shall be a distance requirement of twenty (20) feet from the Master Pump/Lift Station to the edge of the Lot. Only nonresidential or agricultural Structures and parking may be located within the specified distance. There shall be a distance requirement of fifty (50) feet from the Pump/Lift Station to any surrounding residential Structures or Building envelopes.
 6. Lesser requirements for Wastewater Treatment Plants and Facilities may be approved by the Board of County Commissioners in cases involving practical difficulties, unnecessary hardship, or superior alternatives. These difficulties, hardships, and alternatives, may include but not be limited to adjacency to environmentally sensitive land, major rights-of-way or retention areas. Said request shall be heard using the procedure for a Variance.
 7. In instances where the distance requirements are modified, additional conditions of approval may be required.

Sec. 2.03.25 Antenna Towers

Antenna Towers may be permitted as a Special Use within districts as defined in Section 2.03.01. Such Antenna Towers shall be subject to the requirements of Part 3.04.00 and Section 6.08.12 of this Code and further subject to the following:

- A. Notwithstanding anything to the contrary in this Code, no Antenna Tower other than an unguied monopole tower or Alternative Tower Structure shall be located in any residential zoning district.
- B. Regardless of the zoning district in which the Antenna Tower is located, the minimum distance of the tower shall not be less than two hundred fifty (250) feet from the nearest Lot line of any residential or Open Rural (OR) zoning district. Minimum distances shall be

measured from the center of the base of the Antenna Tower to the Lot line of the applicable residential zoning district or Parcel, as the case may be.

- C. The Antenna Tower is necessary to provide Telecommunications service to a particular area and there are no other suitable existing Antenna Towers or Structures.
- D. There are no significant adverse impacts to Environmentally Sensitive Areas or areas judged to possess unique environmental or cultural qualities.
- E. This Section 2.03.25 does not apply to antenna towers and air traffic control towers associated with aviation Use constructed on property zoned Airport District (AD).

Sec. 2.03.26 Recreational Vehicle Campgrounds

Recreational vehicle campgrounds may be permitted as a Special Use within districts as defined in Section 2.03.01 and whether permitted by right or by Special Use shall be subject to the following conditions and limitations:

A. Location and Access

A recreational vehicle park or campground shall be so located that no entrance nor exit from a park shall discharge traffic onto any residential district. A recreational vehicle park or campground fronting on a public street shall have a minimum of one hundred fifty (150) feet of frontage.

B. Uses Permitted and Length of Stay

Spaces in the recreational vehicle park and campgrounds are intended for portable housing units, including park models as defined by Florida Statutes, and those units defined as Recreational Vehicles. Placement of a unit without permanently attached Structure additions, so that the unit may be removed within four (4) hours in reasonable judgement of the Building Official or designee, shall be considered a Portable Housing Unit.

- C. Portable Housing Unit shall not have additions that are permanently attached to the unit. For this purpose, additions that are easily removable so the unit may travel within four (4) hours time or additions that are not permanently attached to the unit are allowed. Park models as defined by the Florida Administrative Code which remain in the same location over forty-five (45) days shall be permitted and inspected by the Building Department for compliance with tie-down and installation as required for park models by Florida Statutes 320.8325(6), as may be amended from time to time.

- D. Any unit not in compliance with paragraphs (B) and (C) above in existence on or before January 26, 1999 shall be considered "legally non-conforming" and shall be subject to the provisions of Article X of this Code.

- E. Management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, and other Uses and Structures customarily incidental to the operation of a recreational vehicle campground are permitted as Accessory Uses.
- F. Front, side and rear setbacks for all Structures along the perimeter of the recreational vehicle campground Parcel shall be a minimum of twenty-five (25) feet.
- G. In campgrounds, for purposes of calculating density, every ten (10) campsites shall constitute one (1) dwelling unit, based on maximum camp capacity. Therefore, the facility shall be located on a Lot large enough to meet the density requirements of the Future Land Use Map of the Comprehensive Plan for the number of dwelling units or the minimum requirements of the zoning district in which it is located, whichever is the most restrictive.

Sec. 2.03.27 More Than One Main Use Structure On A Recorded Lot

More than one (1) main Use Structure may be placed or erected on a recorded or legally unrecorded Lot as a Special Use within districts as defined in Section 2.03.01 subject to the following conditions and limitations:

- A. More than one (1) main Use Structure may be placed or erected on a single Lot provided Yard, area and other requirements of this Code are met for each Structure as though it were on an individual and separate Lot, except:
 - 1. Lots located within a recorded or legally documented unrecorded residential subdivision shall not be allowed more than one (1) main Use Structure for a permitted or principal Use (except as provided in paragraph (B) and (C), unless such additional main Use Structure was legally placed on the Lot on or before July 10, 1990. If such is the case, the primary principal Use Structure shall be identified and after identification any additional main Use Structures shall be considered "grandfathered" and allowed to continue subject to all applicable provisions of this Code relating to Non-Conforming Uses and Structures.
 - 2. For the purpose of Subsection (1) above, "legally documented unrecorded residential subdivision" shall mean an unrecorded subdivision depicted by a drawing, plat, or sketch that is in actual existence as of June 19, 1978 (the "legally documented date"), provided that there has been an actual sale or conveyance of a Lot or Parcel within such subdivision by the original subdivider to another person or entity prior to the legally documented date. Further provided, that for the purpose of Subsection (1), the term "legally placed" shall be defined as (i) "physically in place in accord with all necessary Permits", or; (ii) "having obtained a Building or move-on Permit between January 10, 1990 and July 10, 1990, but has not received Certificate of Occupancy (CO)", or; (iii) having obtained a zoning clearance sheet approving the location no more than six (6) months prior to July 10, 1990, but has not obtained move-on or Building Permit" or; (iv) "having obtained a septic tank Permit (s) for the subject property in compliance with an approved zoning clearance

sheet dated between January 10, 1990 and July 10, 1990, but has not obtained Building or move-on Permits(s)". Notwithstanding (ii), (iii), and (iv) above, no Structure shall be deemed "legally placed" under such subsections unless completion of such work permitted under an approved Building or move-on Permit for such Structure has been issued prior to July 10, 1991. Public use airports are exempt from this requirement.

- B. Notwithstanding the provisions of Section (1) above, more than one (1) main Use Structure for permitted or principal Use may be placed or erected on land located within a recorded or legally documented unrecorded residential subdivision by an approved Special Use, as provided in Part 9.01.00 for the issuance of Development Permits, provided the total number of main Use Structures to be placed on the original Parcel does not exceed a greater density than one (1) dwelling unit per acre and further provided that the property is sufficient to allow each Structure to meet Yard, area and other requirements of this Code pertaining to the zoning district in which it is located as though it were on an individual and separate Lot. Such Special Use shall further be subject to the appropriate safeguard provisions of Part 9.01.00 of this Code.
- C. More than one (1) Structure used for multiple-family residential purposes may be erected on a single Lot, either in a recorded subdivision or on a Lot as defined in this Code, provided that open space for not less than ten (10) feet is provided between each Structure, required Yards are provided between any Structure and all Lot lines and minimum and maximum Lot coverage for all of such Buildings taken together complies with district regulations.

Sec. 2.03.28 General Store

General Stores may be permitted as a Special Use within districts as defined in Section 2.03.01.

Sec. 2.03.29 Firing Range, Small Arms, Outdoor

Outdoor Firing Ranges may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following conditions and limitations:

- A. The minimum size of the site shall be ten (10) acres.
- B. The maximum caliber for rifled barrels used on the range shall be 0.45 and for non-rifled barrel shall be ten (10) gauge.
- C. A projectile-proof backstop, consisting of concrete, steel, earth or a combination thereof, at least fifteen (15) feet high shall be erected and maintained behind all target areas.

Sec. 2.03.30 Vehicle Recycling Facilities

Vehicle Recycling Facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following condition:

Open storage of stacked vehicles shall not exceed twenty (20) feet in height in the Industrial Land Use designation and eight (8) feet in height in the Mixed Use Land Use designation.

Sec. 2.03.31 Kennels And Other Animal Boarding Facilities

Kennels and Other Animal Boarding Facilities may be allowed within districts as defined in Section 2.03.01, subject to the following conditions and limitations.

- A. No Structure for housing of animals shall be located within two hundred (200) feet of any residentially zoned property line.
- B. All Structures for the housing of animals shall be designed as a sound-proof Building.

Sec. 2.03.32 Retreats

Retreats may be allowed within districts, as defined in Section 2.03.01, subject to following conditions and limitations.

Retreats which contain overnight lodging shall have no more than 10 rental units.

Sec. 2.03.33 Fish Camps

Fish camps may be allowed within districts, as defined in Section 2.03.01, subject to conditions and limitations.

Sec. 2.03.34 Household Animals

Household Animals, as defined in this Code, exceeding four (4) may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to conditions and limitations.

Sec. 2.03.35 Truck Stops

Truck stops may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to conditions and limitations.

PART 2.04.00 PROHIBITED USES

The following Uses are either totally prohibited or they are prohibited in the designated areas mentioned in each separate Section:

Sec. 2.04.01 Gambling And Gaming

A. It shall be unlawful for any person or entity that owns, leases, operates or controls (i) any establishment, facility and/or Parcel of land with a waterfront location that is located within the unincorporated area of St. Johns County or (ii) any submerged lands or improvements thereon that are located within the unincorporated area of St. Johns County, any of which are within twelve hundred fifty (1,250) feet of a Parcel of land that is zoned for residential Use or that is the site of an established school, church or substantially equivalent institution, to allow any person to use, or to fail to prevent any person from using, such establishment, facility, land or the improvements thereon as an entrance way, dock or boarding facility to board, exit, or reboard any boat, ship, watercraft or vessel that (i) contains any gambling or gaming paraphernalia, machine or device that the Florida Legislature has declared in Section 849.20, F.S., to be a common nuisance or that (ii) provides gaming or gambling activities for its passengers or crew that are illegal within the State of Florida whether such activities occur within or without the boundaries of St. Johns County. The distance shall be measured by following the shortest route of ordinary pedestrian travel along the closest public thoroughfare from the main entrance of the docking, mooring or berthing facility at which the vessel boards, exits, or reboards any person to the closest edge of the residentially zoned land; to the main entrance of the church, and in the case of a school, to the nearest point of the school grounds in use as part of the school facilities. The words and phrases used herein shall have the definitions ascribed to them in Chapter 849, F.S.

B. Exemption

The prohibitions of the above Section shall not apply when the person(s) board, exit and/or reboard the boat, watercraft, ship or vessel for the sole purpose of mitigating or responding to a bona fide life, health or property threatening emergency.

Sec. 2.04.02 Parking Of Heavy Vehicles In Residential Districts

Heavy vehicles which are in excess of eight thousand (8,000) pounds net vehicle weight, and are registered on the basis of gross vehicle weight in accordance with Section 320.01 (10) (11) (12), Florida Statutes, shall not be parked or stored in any residential district except as may be required for normal loading or unloading of such vehicles and during the time normally required for service at dwellings, or at Structures or activities allowable or permissible in such residential districts by the terms of this Code. Prohibited vehicles shall include dump trucks, semitrailers, truck tractors and similar vehicles as defined by Section 320.01 (10) (11) and (12), Florida Statutes. In addition, the parking of a school bus, except for the normal loading or unloading during the time normally required for service, shall be prohibited in Residential Districts.

Sec. 2.04.03 Parking, Repairing And Storage Of Certain Vehicles Without Current License Plates

Motor vehicles, Manufactured/Mobile Homes, or trailers of any type, without current license plates (except vehicles customarily used in agricultural pursuits) shall not be parked or stored other than in completely enclosed Buildings on any residential, agricultural, neighborhood business and commercial, or general business and commercial categories, within those zoning districts as defined in said categories in Section 2.02.02. No major repairs shall be made to any such motor vehicles, Manufactured/Mobile Home or trailer of any type within these zoning districts other than in a completely enclosed Building and if such repairs are made all parts shall be kept inside such enclosed Buildings.

Sec. 2.04.04 Parking, Storage Or Use Of Major Recreational Equipment

No recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored in a residentially zoned Lot or in any other location not approved for such Use. Major recreational equipment may be parked or stored in a required Rear or Side Yard but not in required Front Yards; provided however, that such equipment may be parked anywhere on residential premises, but not to exceed twenty-four (24) hours during loading or unloading.

Sec. 2.04.05 Use Of Residentially Zoned Property For Access

No private land in a residential or Open Rural zoning district shall be used for vehicular or pedestrian access to land or Structures in other districts used for any purpose not allowed in residential or Open Rural districts, except as provided below or otherwise authorized by this Code or other lawful regulations:

- A. Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except through privately owned residential or agricultural land, access reserved for and limited to such vehicles may be authorized by the County Administrator, subject to conditions and safeguards designed to protect the tranquility and character of the residential land so traversed.
- B. Where convenience and safety would be promoted, walkways and bicycle paths to non-residentially zoned land may be authorized by the County Administrator across privately owned residentially zoned land, subject to conditions and safeguards to protect the tranquility and character of the residential land so traversed.

Sec. 2.04.06 Sales, Display And Preparation Of Products In Commercial Districts

Sale, display and preparation and storage of products for sale within CG, CHT, CN, and OP Zoning Districts shall be conducted within a completely enclosed Building, except for those Uses permitted by right within such districts, and there shall be no more than thirty percent (30%) of floor space devoted to storage within said districts.

Sec. 2.04.07 Mobile Sales Units On Un-improved Property

Mobile sales units shall not be located on un-improved property nor shall such unit be located within any zoning district not allowing outside sales activities, except as provided in a temporary Use as defined in Section 2.02.05 of this Code.

**ARTICLE III
SPECIAL DISTRICTS**

PART 3.00.00 GENERALLY

The following Special District standards are to be applied to the mapped zoning districts as overlay regulations in the manner prescribed in each Special District below. The purpose of each special district is to regulate Development within each district in a manner that is in keeping with the special circumstances of the district.

PART 3.01.00 HISTORIC PRESERVATION

Sec. 3.01.01 Generally

A. Purpose

1. The purpose of these historic preservation regulations is to establish procedures, consistent with Chapter 267, F.S., related to the identification and protection of Historic Resources within unincorporated St. Johns County. These regulations are to be read in harmony and consistently with Chapter 267, F.S. as it is the express intent that these regulations locally implement the Florida Statutes. These procedures shall provide for the establishment of a Historic Resource Review Board; the identification and documentation of Historic Resources within the County; the subsequent designation of certain significant Historic Resources as St. Johns County Landmarks, and the treatment of Historic Resources and St. Johns County Landmarks.
2. The Historic Resources of St. Johns County are important community assets which enrich the lives of citizens and visitors alike. Certain Structures, Buildings, objects and sites within St. Johns County possess a special public interest and are important resources to understanding the heritage and historical development of the area. As such, these resources, and in some cases their environs, should be designated as St. Johns County Landmarks, hereafter referred to collectively as "Landmarks". Such Landmarks should, to the extent possible, be maintained and protected in order to benefit the educational, cultural, economic and general welfare of the public. It is recognized that harm or reasonably preventable deterioration of Historic Resources or Landmarks on any property located within unincorporated St. Johns County constitutes a harm to the public welfare.

B. Intent

It is the intent of these regulations to:

1. Protect against the unwarranted and unnecessary degradation and destruction of, encroachment upon, or addition of features which are likely to have adverse effects on the historic, architectural, archaeological, or cultural character of Historic Resources and Landmarks.
2. Maintain the integrity and distinct character of Historic Resources and Landmarks.
3. Encourage Uses of Historic Resources and Landmarks which will lead to their continuance, conservation and improvement in a manner appropriate to the preservation of the cultural, architectural, archaeological, and historical heritage of St. Johns County.
4. Protect views to and from Landmarks by encouraging new Development to occur in a manner which will not degrade or detract from an adjacent Landmark, or a Landmark within the view-shed of new Development.
5. Encourage new Construction or modification to Landmarks which maintains the special character of the Landmark.
6. Discourage destruction of Buildings, Structures, objects, and sites of special cultural, architectural, archaeological, and historical importance which have been designated as Landmarks.
7. Encourage the continued use and adaptive re-use of Buildings and Structures which have been identified as Historic Resources or Landmarks.

C. Regulatory Framework

These regulations support the Intent of this Part through a four-step process.

1. The regulations establish a Historic Resource Review Board (HRRB) made up of interested citizens and individuals with professional expertise in the fields of architecture, archaeology, history and other fields related to historic preservation.
2. The regulations provide a process whereby the Board of County Commissioners shall direct a survey of the Historic Resources within the County to be performed. Such survey shall provide for the identification, evaluation, documentation, interpretation and mapping of Historic Resources.
3. The regulations provide a process whereby the Board of County Commissioners may designate certain Historic Resources as St. Johns County Landmarks pursuant to recommendations submitted by the HRRB.

4. The regulations establish guidelines for the treatment of Historic Resources and Landmarks.

Sec. 3.01.02 Historic Resource Review Board (HRRB)

A. Membership and Procedures

1. The HRRB shall consist of five (5) members appointed by the Board of County Commissioners with representation from each County District. Two (2) at-large alternates may be appointed. Members shall be appointed for a four-year term, except for an appointment to fill an unexpired term, in which event, the appointment shall be for the remainder of the unexpired term only.
2. Appointees to the HRRB shall be qualified through the demonstration of special interest, experience, or education in the preservation of the County's Historic Resources. At least two (2) members shall have practical and professional experience in one or more of the following fields: archaeology, architecture, architectural history, history or historic preservation.
3. The HRRB shall establish and adopt operating procedures which shall be in compliance with all applicable St. Johns County Land Development Codes and State and Federal laws. Such procedures shall be adopted by resolution and may be amended, as appropriate.
4. The HRRB shall meet as needed, at the request of the County Administrator or his designee, in order to fulfill its functions in a timely manner. Reasonable public notice shall be provided for all meetings of the HRRB, and all meetings shall be open to the public. The HRRB shall keep minutes of its proceedings and other official actions. A majority vote shall be required in order to provide any affirmative recommendation pursuant to this Section.
5. If any member fails to attend three (3) successive meetings or fails to attend five (5) totals meetings during the calendar year, the HRRB shall declare the member's office vacant and notify the Board of County Commissioners.

B. Functions

The Board of County Commissioners shall direct the HRRB to perform the following functions.

1. The HRRB shall establish priorities for the identification, protection, preservation and potential acquisition of Landmarks.
2. The HRRB, with the assistance of the Planning Department, shall establish application procedures and application forms for Landmark designations. The HRRB shall receive and evaluate proposals for recommendations for potential Landmarks from the general public, historic preservation professionals, and other

interested parties. Such proposals shall be evaluated in consideration of the Criteria for Landmark Designation as set forth in following Sec. 3.01.04.C.

3. The HRRB shall prepare the Landmark designation report for each potential Landmark. The HRRB shall forward the Landmark designation report(s) with a recommendation to the Board of County Commissioners to approve, approve with modifications or conditions, or deny the proposed Landmark designation(s).
4. The HRRB shall review and comment related to any Management Plan required pursuant to a proposed Development Project where the Project affects a Landmark. Such review and comment will occur within the established Development Review Process. Note: A Management Plan is required where any proposed Development Project is presumed to have an adverse effect on a Landmark as described within Sec.3.01.05.A2.b.

Sec. 3.01.03 St. Johns County Historic Resource Inventory

The County Administrator, in coordination with the HRRB, shall survey, create and maintain an inventory of known or potential Historic Resources located within unincorporated St. Johns County. The inventory shall be known as the "St. Johns County Historic Resources Inventory" and shall provide for identification, evaluation, recordation and documentation of known or potential Historic Resources. In the case of subsurface resources, the Inventory shall indicate a low, medium or high probability of occurrence. The survey shall be performed in a manner consistent in format and data as the Florida Master Site File as maintained by the Division of Historical Resources of the Department of State. The Historic Resource Inventory shall be mapped and periodically updated.

Sec. 3.01.04 Designation of a St. Johns County Landmark

A. Initiation

Within the Historic Resources Inventory, certain sites, Buildings, Structures, objects, or groups thereof, may be considered to have particularly unique or special significance related to the cultural, architectural, archaeological and historical heritage of St. Johns County. Such Historic Resources may be designated as St. Johns County Landmarks.

1. The HRRB shall notify the County Administrator of its intent to forward recommendations for potential Landmark(s) designation to the Board of County Commissioners.
2. The County Administrator shall by certified mail notify the owner(s), and the Adjacent property owner(s), that a property is under consideration for Landmark designation within thirty (30) days of receiving such notice.

B. Review of the Landmark Designation

1. The HRRB shall prepare a written Landmark designation report for each Landmark designation. The report shall be filed with the County Administrator and shall contain a statement in evidence of the criteria for Landmark designation(s) as contained in Section 3.01.04.C below. The report shall also contain an architectural or archaeological description; a statement of significance related to the local community, and the justification by which the potential Landmark is considered worthy of designation. A site plan and photographs shall be included in the report. When appropriate, floor plans of any Building should be included. The report shall contain sufficient specific information about the property to serve as a guide for the evaluation of any future proposed changes to the property.
2. The HRRB shall provide a copy of the report to the property owner(s).
3. The Board of County Commissioners shall hold a public hearing on the proposed Landmark designation(s) within ninety (90) days of the filing of the Landmark designation report with the County Administrator. Notice shall be given pursuant to the notice requirements contained in Section 9.06.02, including notification to the property owner(s) and Adjacent property owners.
4. At the public hearing, the HRRB shall present the proposed designation(s) and the recommendation of the HRRB to the Board of County Commissioners, which shall review each potential Landmark considering the information contained within the designation report; the criteria for Landmark designations contained in Section 3.01.04.C below; public testimony and evidence submitted for the record at the public hearing. The Board of County Commissioners shall move to approve, approve with modifications or conditions, or deny the proposed Landmark designation(s).

C. Criteria for Landmark Designation

A Landmark shall have achieved significance within the time period established by the National Register of Historic Places, which is fifty (50) years old or older, and may be considered eligible for designation if it meets one or more of the following criteria:

1. Associated in a significant way with the life of a person of recognized importance.
2. The site of an historic event with significant effect upon St. Johns County, the State of Florida, or the nation.
3. Exemplifies a historic, cultural, political, economic, or social trend of St. Johns County, the State of Florida, or the nation.
4. Embodies distinguishing characteristics of an architectural style, period or method of Construction.

5. Is the work of an architect or builder whose work has significantly influenced the development of St. Johns County, the State of Florida, or the nation.
6. Contains elements of design, detail, materials or craftsmanship of outstanding quality or represents a significant innovation or adaptation to the Florida environment.
7. Has value as a Building that is recognized for the quality of its architecture and that retains sufficient features showing its architectural significance.
8. Has yielded, or is likely to yield, archaeological information or artifacts important in prehistory or history.
9. Is a geographically definable area or neighborhood united by culture, architectural styles or physical Development, which has historic or cultural significance in the community.

D. Determination by the Board of County Commissioners

1. Immediately following approval of a Landmark designation, the Board of County Commissioners shall notify the property owner(s) and the Adjacent property owner(s) of the designation of the Landmark.
2. The Landmark designation shall be recorded in the official record books of St. Johns County, and noted on the Official Zoning Atlas of St. Johns County, and shall be noted in the Historic Resources Inventory as a Landmark.
3. Within thirty (30) days of the decision by the Board of County Commissioners to designate a Landmark, the property owner(s) may petition for a review of the Board of County Commissioners decision by the Circuit Court of St. Johns County. The nature of the review shall be by petition for writ of certiorari.

Sec. 3.01.05 Treatment of Historic Resources and Landmarks

A. Review of Proposed Development Affecting a Site within the Historic Resource Inventory or a designated Landmark

1. When applications are filed for Development Permits, Development Orders or other Development approvals which affect sites within the Historic Resource Inventory or designated as a Landmark, the County Administrator shall be notified by the County department to which the application was made.
2. In reviewing Projects affecting sites within the Historic Resource Inventory or designated as Landmark, the County Administrator shall apply the following criteria to determine whether the Project will have no effect, no adverse effect, or an adverse effect on a Historic Resource or Landmark:

- a. A Project is considered to have an effect when the characteristics of the property that qualified the property for Landmark designation or inclusion in the Historic Resources Inventory are proposed to be altered. Alteration of features in the surrounding environs may also have an effect.
- b. A Project is considered to have an adverse effect when the effect may reasonably be foreseen to diminish or degrade the integrity of the location, design, setting, materials or workmanship of the historic property. Adverse effects on historic properties include, but are not limited to:
 - (1) Physical destruction, damage, or alteration of significant elements of all or part of the property.
 - (2) Isolation of the property from its setting, or alteration of the character of the property's setting, when that setting contributes to the property's qualification for Landmark designation.
 - (3) Introduction of visual, audible, or atmospheric elements that are out of character with the property or adversely alter its setting.

B. Action to be Taken upon Presumption of Adverse Effect

A Project is presumed to have an adverse effect when, in the determination of the County Administrator, one or more of the circumstances cited above will occur as a result of the Project. A presumption of adverse effect upon a Historic Resource or Landmark shall require the following procedures.

1. In the event that the Historic Resources Inventory indicates that there is a medium or high probability that an archaeological resource may exist on a Project site, the applicant shall cause to be performed a Phase I investigation consistent with the requirements of Chapter 4, "Standards for Conducting, Reporting and Reviewing Archaeological and Historic Site Assessment Survey Activities" of the Division of Historical Resources, Historic Preservation Compliance Review Program of the Florida Department of State, Division of Historical Resources.
2. In the event that the Phase I investigation provides substantial evidence of a significant resource, and with the concurrence of such evidence by the Division of Historical Resources, the County Administrator shall require a Phase II investigation of the site to be performed.
3. In the event that the Historic Resources Inventory indicates that a Historic Structure or object exists on a Project site, or when common observation indicates that any form of Historic Resource exists on a Project site, a plan for the management of that resource shall be required as described below.

C. Adverse Effects Occurring as a Result of Proposed Development - Requirement for a Historic Resource Management Plan

Where evidence of likely adverse effect has been further substantiated pursuant to the findings of the Phase I or Phase II survey, or where evidence of likely adverse effect is apparent through common observation, the Applicant shall provide a Historic Resource Management Plan related to the Historic Resource or Landmark. The information required shall be dependent upon the nature, context and significance of the resource. The County Administrator shall consult with the Division of Historical Resources to determine appropriate information to be requested and appropriate protection or mitigation measures. The Management Plan shall at minimum, provide the following:

1. Potential impacts to the Historic Resource or Landmark citing any irreversible or irretrievable commitment of resources
2. Alternatives to any proposed demolition and options to mitigate adverse effect
3. Schedule of any demolition, excavation, or any activity causing alteration to the Historic Resource or Landmark.
4. Provision of an adequate time to create additional recordation and documentation, and if appropriate, relocation of the resource. In the event that relocation of a resource is required, a minimum of ninety (90) days shall be allowed for such relocation to occur.

D. Review and Approval of Historic Resource Management Plan

1. When required, a Historic Resource Management Plan shall be reviewed pursuant to the established Development Review Process. Additionally, the HRRB shall review and comment related to the Management Plan. The HRRB shall provide a report containing its comments to the County Administrator within fourteen (14) days of receipt of the proposed Management Plan.
- 2.. The Board of County Commissioners shall hold a public hearing on the proposed Historic Resources Management Plan. Notice shall be given pursuant to the notice requirements contained in Section 9.06.02, including notification to the property owner(s) and Adjacent property owners.
3. The Board of County Commissioners may approve, approve with conditions, or disapprove the Historic Resources Management Plan. The Management Plan shall be attached to any Development Order or Permit, and shall remain in effect as prescribed within the Management Plan.
4. Development related to a Project may commence and proceed prior to final approval of a Management Plan provided no activity which may cause any effect to the Historic Resource or Landmark or its environs shall occur. Such condition shall be noted on any Development Order or Permit.

Sec. 3.01.06 Properties Listed or Determined to be Eligible for Listing on the National Register of Historic Places

For all properties listed or determined to be eligible for listing on the National Register of Historic Place, the County shall support the responsibilities, requirements and protocols of the Division of Historical Resources.

Sec. 3.01.07 Emergency Action Involving a Threat to a Historic Resource or Landmark

A. Request for Emergency Action

The County Administrator may take emergency action to review and consider a threat to a Historic Resource or Landmark. A threat is considered to be any activity which may have an adverse effect upon a Historic Resource or Landmark. Notice related to a potential threat may be submitted to the County Administrator by any interested party or Agency. In the case of a development application which may propose a threat, the County department receiving such application concerning a Historic Resource or Landmark shall immediately notify the County Administrator.

1. In support of the request for emergency action, written information describing the potential threat shall be submitted to the County Administrator. Such information shall provide evidence that an adverse effect may occur to the Historic Resource or Landmark if demolition, alteration or Construction is allowed to occur thereon.
2. The County Administrator shall have the authority to order the County Building Official to immediately suspend all demolition, or alteration, or Construction activity on the property, in which event the County Administrator shall determine if a potential threat exists and schedule a public hearing to consider the request for emergency action.
3. The County Administrator shall notify the Applicant for the Permit, and/or the property owner, in writing, of the date, time, and place of the public hearing on the request for emergency action. All demolition, alteration, or Construction activity requiring Building Permits or the processing of Permit applications relating to the property shall be held in abeyance until action is completed with regard to the threatened property. The County Building Official shall have the authority to suspend any Permit issued for any threatened property as herein described during which time the Applicant or Property Owner shall provide a Historic Resource Management Plan as described in Section 3.01.05.
4. Upon approval of a Historic Resource Management Plan by the Board of County Commissioners, the County Building Official shall authorize release of the Permits, with any conditions attached and to remain in force as set forth in the Management Plan.

Sec. 3.01.08 Maintenance And Protection of Historic Resources and Landmarks

A. Generally

1. No provision of this Section shall be interpreted to require a property owner to undertake an alteration or to restore a Historic Resource or Landmark to its original appearance.
2. No person shall instigate or cause the demolition or destruction of a Historic Resource or Landmark through the purposeful neglect or intentional damage to a Historic Resource or Landmark.

B. Emergency Conditions

When the County Building Official determines that there are emergency conditions which pose a threat to the safety or general welfare of the public, affecting a Historic Resource or Landmark, the County Building Official may order the correction of these conditions. The Building Official shall notify the County Administrator prior to the action being taken. When the emergency conditions require demolition or destruction of a Historic Resource or Landmark, the Building Official shall make every effort to provide adequate time for a Historic Resources Management Plan to be prepared.

PART 3.02.00 WELLHEAD PROTECTION

Sec. 3.02.01 Purpose

- A. The purpose of this Part is to ensure the protection of the existing and future public potable water supplies in St. Johns County, Florida, through the establishment of Wellhead Resource Protection Areas (RPA) around public potable water supply wells, and the prohibition or regulation of specific activities and facilities in these areas.
- B. The St. Johns County Board of County Commissioners hereby declares that in order to ensure an adequate and safe future supply of potable water that certain land Uses and associated activities, which are deemed by the County to be potential sources of degradation of the drinking water in St. Johns County, may be regulated or prohibited within defined areas. This Part sets forth regulations and prohibitions deemed necessary by the St. Johns County Board of County Commissioners to ensure protection of the present and future public potable water supply wells for the residents of unincorporated St. Johns County, Florida.
- C. It is recognized that public water supply Development occurs within two (2) separate and distinct aquifer systems, those being the shallow, discontinuous, semi-confined Surficial Aquifer and the deeper, continuous, confined Floridan Aquifer. Further, it is recognized that the Surficial Aquifer requires a higher degree of protection than does the Floridan Aquifer.
- D. As an interim measure, Wellhead Resource Protection Area refers to all Public Water Supply Utilities within St. Johns County. For the Surficial Aquifer only, maps, travel times, drawdown rates, capture zones, location, and all other attributes of identified Public Water Supply Utilities shall be found in "Wellhead Protection Area Delineation For Public Supply Utilities Located In St. Johns County, Florida" produced by the St. Johns River Water Management District, 1993. All regulations within this Part shall follow amendments or revisions made to the above referenced document.
- E. New public water supply wells developed by a Public Water Supply Utility after the effective date of this Code shall prepare a Wellhead Protection Area Study with a professional geologist and submit the findings to St. Johns County in both hard copy and digital format.

Sec. 3.02.02 Wellhead Resource Protection Area Map

- A. Designation of Wellhead Resource Protection Areas

Wellhead Resource Protection Areas (RPA) are hereby established for the Surficial Aquifer and the Floridan Aquifer.

For the Surficial Aquifer, a one thousand (1,000) foot Zone or the five (5) year travel time rate as illustrated in Table 2 of the wellhead study referred to in Section 3.02.01.C., whichever is greater, around public potable water supply wells is designated as a Wellhead Resource Protection Area (RPA) to protect existing and future potable water resources for the people of unincorporated St. Johns County. For the Floridan Aquifer, a fixed one

thousand (1,000) foot zone around public potable water supply wells is designated as a Wellhead RPA. For the Surficial Aquifer, the County Administrator in coordination with St. Johns River Water Management District and the specific Public Water Supply Utility shall determine as to whether or not the well is pumping at its normal or full capacity rate in deciding the five (5) year travel time buffer for new Development or activities which may occur in the area. This Wellhead Resource Protection Area is further divided in two zones for the two Aquifer systems as follows:

1. Primary Zone, Surficial Aquifer

The inner boundary of the Wellhead Resource Protection Area shall be defined by a two hundred (200) foot radius, or the one (1) year travel time as defined in Table 2 of the wellhead study referred to in Section 3.03.01.C., whichever is greater, from the wellhead. In accordance with Section 3.03.02.A. above, the County Administrator in coordination with St. Johns River Water Management District and the Public Water Supply Utility shall determine the pumping capacity rate of the well from the wellhead.

2. Secondary Zone, Surficial Aquifer

The outer boundary of the Wellhead Resource Protection Area shall be defined by a one thousand (1,000) foot radius, or the five (5) year travel time, whichever is greater, from the wellhead.

3. Primary Zone, Floridan Aquifer

The inner boundary of the RPA shall be a fixed two hundred (200) foot radius from the wellhead.

4. Secondary Zone, Floridan Aquifer

The outer boundary of the RPA shall be a fixed one thousand (1,000) foot radius from the wellhead.

B. Interpretation of Wellhead Resource Protection Area Designations

To determine the location of properties and facilities within the Wellhead Resource Protection Areas, the following general rules shall apply:

1. Map boundaries

Provisions of this regulation shall apply if a contiguous parcel of land lies wholly or in part within a Wellhead Resource Protection Area, to the extent of the boundary delimitation.

2. Changes to map boundaries

Wellhead Resource Protection Area designations may be changed by the Board of County Commissioners, on the basis of defined criteria, including but not limited to changes in the technical knowledge concerning the aquifers of St. Johns County, changes in pumping rates for public potable water supply wells in wellfields, wellfield reconfiguration, the addition of new public potable water supply wells to a wellfield, or approval by the Board of County Commissioners of additional wellfields.

Sec. 3.02.03 Regulation Of Activities In The Wellhead Resource Protection Areas

A. Prohibited Activities, Primary Zone, Surficial and Floridan Aquifer

The following activities are prohibited in the Primary Zones of Wellhead Resource Protection Areas:

1. The Primary Zone shall be a zone of exclusion for all Uses except existing residential Uses, Uses functionally related to the water supply system, open space, parks, and playgrounds. For the Surficial Aquifer only, no parking areas, Structures, or other impervious surfaces, other than those surfaces that are accessory to existing residential Uses, will be permitted in this zone except for playing courts, open-air shelters, and other similar recreation facilities. An exemption shall be allowed for one single family dwelling unit per Parcel or Lot that may be within this zone of exclusion, provided that Parcel or Lot was created on or before the adoption of the St. Johns County Comprehensive Plan.
2. New sanitary landfills, including new phosphogypsum piles, and any other disposal of a solid waste, or solid waste transfer facility, as permitted under Rule 17-701.020, F.A.C.
3. New Industrial Land Use designations.
4. New Interim wastewater treatment plants, unless Advanced Wastewater Treatment (AWT) standards and other regulatory requirements for Community Wastewater Treatment Plants are met.
5. New concentrated animal feeding operations as defined in Rule 17-670.200, F.A.C.
6. New dairy farm storage and treatment facilities, high intensity areas and land application areas as defined in Rule 17-670.200, F.A.C.
7. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Surficial Aquifer.
8. Any new land applications of sludge and septage.
9. New underground storage facilities.

10. Stormwater management ponds.

B. Prohibited Activities, Secondary Zone, Surficial Aquifer

The following activities are prohibited in the Wellhead Resource Protection Areas (RPA) for the Surficial Aquifer, Secondary Zone:

1. New sanitary landfills, including new phosphogypsum piles, and any other disposal of a solid waste, or solid waste transfer facility, as permitted under Rule 17-701.020, F.A.C.
2. New concentrated animal feeding operations as defined in Rule 17-670.200, F.A.C.
3. New dairy farm storage and treatment facilities, high intensity areas and land application areas as defined in Rule 17-670.200, F.A.C.
4. Any new land applications of sludge and septage.
5. New underground storage facilities.
6. Any surface drainage modifications which would reduce recharge to the Surficial Aquifer.

C. Restricted Activities, Secondary Zone, Floridan Aquifer

The following activities are restricted in the Wellhead Resource Protection Areas (RPA), for the Secondary Zone, Floridan Aquifer: These activities may be allowed, subject to review and approval of a Special Use Permit. These activities may also require a Development Permit from the County in accordance with Part 9.01.00.

1. Sludges

Existing sludge spreading activities in an RPA must be permitted by and meet the requirements of state and local environmental permitting agencies and this Part.

2. Septages

Existing septage spreading activities in an RPA must be permitted by and meet the requirements of state and local environmental permitting agencies and this Part.

3. Hazardous Wastes

Any new facility that uses, handles, stores, or generates hazardous wastes in an RPA above thirty (30) gallons in a liquid form, or six (6) pounds of solid, must be permitted by and meet the requirements of the Florida Department of Environmental Protection and this Part.

4. New sanitary landfills, including new phosphogypsum piles, and any other disposal of a solid waste, or solid waste transfer facility, as permitted under Rule 17-701.020, F.A.C.
5. New concentrated animal feeding operations as defined in Rule 17-670.200, F.A.C.
6. New dairy farm storage and treatment facilities, high intensity areas and land application areas as defined in Rule 17-670.200, F.A.C.
7. New underground storage facilities.

D. Expansion or Modification of an Existing Facility

Expansion or modification of an existing facility identified in Section 3.02.03.A., 3.02.03.B., or 3.02.03C above shall only be approved by the Planning and Zoning Agency by Special Use Permit in accordance with Section 3.02.05 below.

Sec. 3.02.04 General Exemptions

The following legally existing activities and facilities are deemed by the County to be generally exempt from the requirements of this Part.

A. General Exemption for Continuous Transit

The transportation of any hazardous waste through an RPA shall be exempt from the provisions of this Part provided that the transporting motor vehicle is in continuous transit. The transport of any hazardous waste through existing permanent pipelines shall also be exempt provided that the currently authorized Use or Uses are not changed.

B. General Exemption for Vehicular Fuel and Lubricant Use

The use of any petroleum product solely as a fuel in a vehicle's fuel tank or as a lubricant in a vehicle shall exempt the vehicle from the provisions of this Part.

C. General Exemption for the Use of Nitrates Contained in Fertilizers

The use of fertilizers containing nitrates shall be generally exempt from this Part.

D. General Exemption for Janitorial Uses

The use of hazardous waste for the maintenance and cleaning of residential, commercial and office Buildings is generally exempt from the provisions of this Part.

E. General Exemption for Construction Activities

The activities of constructing, repairing or maintaining any facility or improvement on land within an RPA shall be generally exempt from the provisions of this Part provided that all

contractors, subcontractors, laborers, material men and their employees or agents, when using, handling, storing, producing, transporting or disposing of hazardous wastes use applicable Best Management Practices.

F. General Exemption for Laboratory or Instrument Use

Professional laboratories shall not be required to obtain a Special Use Permit for the handling, storage, use, generation, transport or disposal of hazardous wastes, if and only if, these substances are stored, generated, transported, handled, used or disposed of in the normal course of business of the laboratory.

G. General Exemption for Retail Sales Activity

Retail sales establishments which store and handle, for resale, hazardous wastes in the substance's original and unopened containers shall not be required to obtain a Special Use Permit, when using, handling, storing, producing, transporting or disposing of hazardous wastes, use applicable Best Management Practices, and are generally exempt from the provisions of this Part.

H. General Exemption for Application of Pesticides, Herbicides, Fungicides, and Rodenticides

The application of those hazardous wastes used as pesticides, herbicides, fungicides, and rodenticides in recreation, agriculture, pest control, and aquatic weed control activities shall be exempt from the provisions of this Part provided that:

1. Application of the substance is in strict conformity with the use requirements as set forth in the EPA registry for that substance and as indicated on the containers in which the substances are sold.
2. The application is in strict conformity with the requirements as set forth in Chapters 482 and 487 F.S., and the Florida Administrative Code.
3. The application of any of the pesticides, herbicides, fungicides, and rodenticides shall be highlighted in the records of the certified operator supervising its use. The certified operator shall provide specific notification in writing to the applicators under his or her supervision that they are working at a site located in a potable water Wellhead Resource Protection Area for which particular care is required. Records shall be kept of the date and amount of those substances applied at each location and said records shall be available for inspection by the County.

I. General Exemption for Office Uses

Office Uses, except for the storage, handling or use of hazardous wastes as provided for in this Part, shall be generally exempt from the provisions of this Part.

J. General Exemption for Residential Uses

Residential Uses shall be generally exempt from this Part. However, notwithstanding the minimum lot size requirements of Section 6.01.01 and Section 6.01.05 of this Code, a minimum lot size of one (1) acre is required for the use of a septic system within an RPA, except for existing lots of record as of the adoption of this Code.

Sec. 3.02.05 Special Use

A. Generally

A property owner in an RPA may make a request to the Planning and Zoning Agency under Part 9.03.00, Special Use procedures, for a Special Use under Section 3.02.03.D., Expansion or Modification of an Existing Facility.

B. Duration

A Special Use for a particular activity or facility shall expire automatically five (5) years after issuance.

C. Conditions and Safeguards

In granting the Special Use Permit, additional conditions and safeguards may be prescribed which are deemed necessary to protect the existing impacted well(s), future identified well(s) or future potable water supply resources. The Applicant for a Special Use Permit shall in addition to the standards of Part 9.03.00, demonstrate by the preponderance of competent substantial evidence of:

1. Unique circumstances exist which are peculiar to the particular non-residential activity or facility and which are different than any other prohibited or allowed non-residential activity or facility.

2. Best Possible Technology

Best possible technology exists which will isolate the activity or facility from the existing or future potable water supply resources.

3. Hydrogeologic data and analysis

Site-specific hydrogeologic data and analysis establish that the activity or facility will not elevate water quality parameters above the limits set forth in Rule 17-3, F.A.C., at the point of discharge.

PART 3.03.00 FLOOD DAMAGE CONTROL REGULATIONS

Sec. 3.03.01 General Provisions

A. Short Title

This Part shall be known and may be cited as the "St. Johns County Flood Damage Control Regulations."

B. Purpose

The purposes of the Flood Damage Control regulations are:

1. Restrict or prohibit Uses which are dangerous to health, safety, property, and general welfare which result in damaging increases in erosion or in Flood heights or velocity of surface waters.
2. Require that Uses vulnerable to Floods, including facilities which serve such Uses, be protected against Flood damages at the time of initial Construction.
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, and others which are involved in the accommodation of Flood.
4. Control filling, grading, dredging and other Development which may increase erosion, Flooding or Flood damage on other lands.
5. Prevent or regulate the Construction of Flood barriers which will unnaturally divert floodwaters or which may increase Flood hazards or adverse Flooding impacts to other lands.
6. Protect human life and health.
7. Minimize expenditure of public money for costly Flood control projects.
8. Minimize the need for rescue and relief efforts associated with Flooding and generally undertaken at the expense of the general public.
9. Minimize prolonged business interruptions.
10. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains.
11. Help maintain a stable tax base by providing for the land Use and Development of Flood prone areas in such a manner as to minimize Flood blight areas.
12. Insure that potential home buyers are notified that property is in Flood area.

Sec. 3.03.02 Standards And Criteria

A. Basis for Establishing the Areas of Special Hazard

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency (FEMA) in its St. Johns County Flood Insurance Study and any supporting documentation, and any revisions thereto are adopted by reference and declared to be a part of the Flood Damage Control regulations.

B. Use of Other Base Flood Data

When base Flood elevation data have not been provided in accordance with Section 3.03.02.A., Basis for Establishing the Areas of Special Hazard, then the Flood Damage Control Administrator shall obtain, review, and reasonably utilize any base Flood elevation data available from a Federal, State, or other source, in order to administer Section 3.03.02.A. The best available information shall be used in all cases in the administration of the Flood Damage Control regulations.

C. General Standards

In all Areas of Special Flood Hazards, all of the following provisions are required:

1. All new Construction and substantial improvements shall be anchored to prevent flotation collapse, or lateral movement of the Structure.
2. All new Construction and substantial improvements shall be constructed by methods and practices that minimize Flood damage.
3. All new and replacement utility supply systems shall be designed to prevent contamination or damage by floodwaters.
4. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and to prevent damage to treatment plant equipment by floodwaters, and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during Flooding.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of Flooding.
6. Mobile homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

D. Specific Standards

The Federal Emergency Management Agency (FEMA) shall provide the data upon which floodplain management regulations shall be based. Minimum standards are as follows:

1. When FEMA has not defined the Special Flood Hazard Areas within the County, has not provided water surface elevation data, and has not provided sufficient data to identify the Floodway or Coastal High Hazard Area, but the County has indicated the presence of such hazards by submitting an application to participate in the National Flood Insurance Program (NFIP), the County shall:
 - a. Require Permits for all proposed Construction or other Development in the community, including the placement of Manufactured/Mobile Homes, so that it may determine whether such Construction or other Development is proposed within Flood-prone areas.
 - b. Review proposed Development to assure that all necessary Permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 - c. Review all Permit applications to determine whether proposed Building sites will be reasonably safe from Flooding. If a proposed Building site is in a Flood-prone area, all new Construction and substantial improvements shall:
 - (1) Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
 - (2) Be constructed with materials resistant to Flood damage,
 - (3) Be constructed by methods and practices that minimize Flood damages, and
 - (4) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of Flooding.
 - d. Review subdivision proposals and other proposed new Development, including Manufactured/Mobile Home Parks or Subdivisions, to determine whether such proposals will be reasonably safe from Flooding. If a subdivision proposal or other proposed new Development is in a Flood-prone area, any such proposals shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize Flood damage within the Flood-prone area,
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate Flood damage, and
 - (3) Adequate drainage is provided to reduce exposure to Flood hazards.
- e. Require within Flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of floodwaters into the systems.
 - f. Require within Flood-prone areas:
 - (1) New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and
 - (2) Onsite waste disposal systems to be located to avoid impairment to them or contamination from them during Flooding.
2. When FEMA has designated Areas of Special Flood Hazards (A Zones) by the publication of a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) for the County, but has neither produced water surface elevation data nor identified a Floodway or Coastal High Hazard Area, the County shall:
- a. Require Permits for all proposed Construction and other Developments including the placement of Manufactured/Mobile Homes, within Zone A on the FHBM or FIRM.
 - b. Require the application of the standards in paragraphs 1.b.c.d.e. and f. above to Development within Zone A on the FHBM or FIRM.
 - c. Require that all new subdivision proposals and other proposed Developments (including proposals for Manufactured/Mobile Home Parks and Subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base Flood elevation data.
 - d. Obtain, review and reasonably utilize any base Flood elevation and Floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph 2.c. above, as criteria for requiring that new Construction, substantial improvements, or other Development in Zone A on the FHBM or FIRM meet the standards in paragraphs 3.b.c.e. f. l. n. and 4.b. and c. of this Section.

- e. Where base Flood elevation data are utilized, within Zone A on the FHBM or FIRM:
 - (1) Obtain the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved Structures,
 - (2) Obtain, if the Structure has been floodproofed in accordance with paragraph 3.c.(2) of this Section, the elevation (in relation to mean sea level) to which the Structure was floodproofed, and
 - (3) Maintain a record of all such information with the County Administrator.
 - f. Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
 - g. Assure that the Flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - h. Require that all Manufactured/Mobile Homes to be placed within Zone A on the FHBM or FIRM shall be installed using methods and practices which minimize Flood damage. For the purposes of this requirement, Manufactured/Mobile Homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
3. When FEMA has provided a notice of final Flood elevations for one or more Special Flood Hazard Areas on the FIRM for the County and, if appropriate, has designated other Special Flood Hazard Areas without base Flood elevations on the FIRM, but has not identified a regulatory Floodway or Coastal High Hazard Area, the County shall:
- a. Require the standards of paragraph 2. above within all A1-30 Zones, AE Zones, A Zones, AH Zones, and AO Zones, on the FIRM.
 - b. Require that all new Construction and substantial improvements of residential Structures within Zones A1-30, AE and AH Zones on the FIRM have the lowest floor elevated to one (1) foot above the base Floor level.
 - c. Require that all new Construction and substantial improvements of nonresidential Structures within Zones A1-30, AE and AH Zones on the FIRM:
 - (1) Have the lowest floor elevated to or above the base Flood level, or

- (2) Together with attendant utility and sanitary facilities, be designed so that below the base Flood level the Structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- d. Provide that where a nonresidential Structure is intended to be made watertight below the base Flood level:
 - (1) A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the Construction, and shall certify that the design and methods of Construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraphs 3.c.(2) or 3.h.(2) of this Section, and
 - (2) A record of such certification which includes the specific elevation (in relation to mean sea level) to which such Structures are floodproofed shall be maintained with the County Administrator.
- e. Require, for all new Construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, Building access, or storage in an area other than a basement and which are subject to Flooding shall be designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to Flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- f. Require that Manufactured/Mobile Homes that are placed or substantially improved within Zones 1-30, AH, and AE Zones on the FIRM on sites:
 - (1) Outside of a Manufactured/Mobile Home Park or Subdivision,
 - (2) In a new Manufactured/Mobile Home Park or Subdivision,
 - (3) In an expansion to an existing Manufactured/Mobile Home Park or Subdivision, or
 - (4) In an existing Manufactured/Mobile Home Park or Subdivision on which a Manufactured/Mobile Home has incurred "substantial damage" as the result of a Flood, be elevated on a permanent

foundation such that the lowest floor of the Manufactured/Mobile Home is elevated to or above the base Flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

- g. Require within any AO or A Zone on the FIRM that all new Construction and substantial improvements of residential Structures have the lowest floor elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least three (3) feet if no depth number is specified).
- h. Require within any AO or A Zone on the FIRM that all new Construction and substantial improvements of nonresidential Structures:
 - (1) Have the lowest floor elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least three (3) feet if no depth number is specified), or
 - (2) Together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in paragraph 3.c.(2) of this Section.
- i. Require within any A99 Zones on the FIRM the standards of paragraphs 1.a. through 1.d.(1) and 2.e. through 2.i. of this Section.
- j. Require until a regulatory Floodway is designated, that no new Construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed Development, when combined with all other existing and anticipated Development, will not increase the water surface elevation of the base Flood more than one (1) foot at any point within the community.
- k. Require within Zones AH and AO, adequate drainage paths around Structures on slopes, to guide floodwaters around and away from proposed Structures.
- l. Require that Manufactured/Mobile Homes to be placed or substantially improved on sites in an existing Manufactured/Mobile Home Park or Subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph 3.f. above be elevated so that either:
 - (1) The lowest floor of the Manufactured/Mobile Home is one (1) foot above the base floor elevation, or

- (2) The Manufactured/Mobile Home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than forty-eight (48) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
 - m. Notwithstanding any other provisions, the County may approve certain Developments in Zones A1-30, AE, and AH, on the FIRM which increase the water surface elevation of the base Flood by more than one (1) foot, provided that the County first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of 44 CFR Chapter 1, Section 65.12 (10-1-96 Edition), and receives the approval of FEMA.
 - n. Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the FIRM either:
 - (1) Be on the site for fewer than one hundred eighty (180) consecutive days,
 - (2) Be fully licensed and ready for highway use, or
 - (3) Meet the Permit requirements of paragraph 2.a. above and the elevation and anchoring requirements for Manufactured/Mobile Homes in paragraph 3.f. of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- 4. When FEMA has provided a notice of final base Flood elevations within Zones A1-30 and/or AE on the FIRM for the County and, if appropriate, has designated AO Zones, AH Zones, A99 Zones, and A Zones on the FIRM, and has provided data from which the County shall designate its regulatory Floodway, the County shall:
 - a. Meet the requirements of paragraphs 3.a. through 3n. of this Section.
 - b. Select and adopt a regulatory Floodway based on the principle that the area chosen for the regulatory Floodway must be designed to carry the waters of the base Flood, without increasing the water surface elevation of that Flood more than one (1) foot at any point.
 - c. Prohibit encroachments, including fill, new Construction, substantial improvements, and other Development within the adopted regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in Flood levels within the community during the occurrence of the base Flood discharge.

- d. Notwithstanding any other provision of this Section, the County may permit encroachments within the adopted regulatory Floodway that would result in an increase in base Flood elevations, provided that the community first applies for a conditional FIRM and Floodway revision, fulfills the requirements for such revisions as established under the provisions of 44 CFR Chapter 1, Section 65.12 (10-1-96 Edition), and receives approval of FEMA.
5. When FEMA has provided a notice of final base Flood elevations within Zones A1-30 and/or AE on the FIRM for the County and, if appropriate, has designated AH Zones, AO Zones, A99 Zones, and A Zones on the FIRM, and has identified on the FIRM Coastal High Hazard Areas by designating Zones V1-40, VE, and/or V, the County shall:
- a. Meet the requirements of paragraphs 3.a. through 3n. of this Section.
 - b. Within Zones V1-30, VE, and V on the FIRM:
 - (1) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved Structures, and whether or not such Structures contain a basement, and
 - (2) Maintain a record of all such information with the County Administrator.
 - c. Provide that all new Construction within Zones V1-30, VE, and V on the FIRM is located landward of the reach of mean high tide.
 - d. Provide that all new Construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base Flood elevation data is available, on the FIRM, are elevated on pilings and columns so that:
 - (1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base Flood level, and
 - (2) The pile or column foundation and Structure attached thereto is anchored to resist floatation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all Building components. Water loading values used shall be those associated with the base Flood. Wind loading values used shall be those required by applicable State or local Building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the Construction, and shall certify that the design and methods of Construction to be

used are in accordance with accepted standards of practice for meeting the provisions of paragraphs 5.d.(1) and (2) of this Section.

- e. Provide that all new Construction and substantial improvements within Zones 1-30, VE, and V on the FIRM have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the Building or supporting foundation system. For the purposes of this Section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - (1) Breakaway wall collapse shall result from a water load less than that which would occur during base Flood, and
 - (2) The elevated portion of the Building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all Building components (structural and nonstructural). Water loading values used shall be those associated with the base Flood. Wind loading values used shall be those required by applicable State or local Building standards. Such enclosed space shall be useable solely for parking of vehicles, Building access, or storage.
- f. Prohibit the use of fill for structural support of Buildings within Zones V1-30, VE, and V on the FIRM.
- g. Prohibit man-made alterations of sand dunes and mangrove strands within Zones V1-30, VE, and V on the FIRM which would increase potential Flood damage.
- h. Require that Manufactured/Mobile Homes placed or substantially improved within Zones V1-30, V, and VE on the FIRM on sites:
 - (1) Outside of a Manufactured/Mobile Home Park or Subdivision,
 - (2) In a new Manufactured/Mobile Home Park or Subdivision,
 - (3) In an expansion to an existing Manufactured/Mobile Home Park or Subdivision, or

(4) In an existing Manufactured/Mobile Home Park or Subdivision on which a Manufactured/Mobile Home has incurred "substantial damage" as the result of a Flood, meet the standards of paragraphs 5.b. through 5g. of this Section and that Manufactured/Mobile Homes placed or substantially improved on other sites in an existing Manufactured/Mobile Home Park or Subdivision within Zones V1-30, V, and VE on the FIRM meet the requirements of paragraph 3.l. of this Section.

i. Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the FIRM either:

(1) Be on the site for fewer than 180 consecutive days,

(2) Be fully licensed and ready for highway use, or

(3) Meet the requirements in paragraphs 2.a. and 5.b through 5g. of this Section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. When FEMA has provided a notice of final base Flood elevations within Zones A1-30 or AE on the FIRM for the County, and, if appropriate, has designated AH Zones, AO Zones, A99 Zones, and A Zones on the FIRM, and has identified Flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the County shall:

a. Meet the requirements of paragraphs 3.a. through 3n. and 4.a. through 4d. of this Section.

b. Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in Section 59.1 and in accordance with the eligibility procedures under Section 65.14 of 44 CFR, Chapter 1 (10-1-96 Edition).

c. For all new Construction of Structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR Flood depth is five (5) feet or less:

(1) Determine the lower of either the AR base Flood elevation or the elevation that is three (3) feet above highest adjacent grade, and

(2) Using this elevation, require the standards of paragraphs 3.a. through 3n. above.

- d. For all new Construction of Structures in those areas within Zone AR that are not designated as developed areas where the AR Flood depth is greater than five (5) feet:
 - (1) Determine the AR base Flood elevation, and
 - (2) Using that elevation, require the standards of paragraphs 3.a. through 3n. above.
- e. For all new Construction of Structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:
 - (1) Determine the applicable elevation for Zone AR from paragraphs c. and d. above,
 - (2) Determine the base Flood elevation or Flood depth for the underlying A1-30, AE, AH, AO, and A Zone, and
 - (3) Using the higher elevation from (1) and (2), require the standards of paragraphs 3.a. through 3n. above.
- f. For all substantial improvements to existing Construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:
 - (1) Determine the A1-30 or AE, AH, AO, or A Zone base Flood elevation, and
 - (2) Using this elevation apply the requirements of paragraphs 3.a. through 3n. above.
- g. Notify the Permit Applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the Structure will be elevated or protected to or above the AR base Flood elevation.
- h. Standards for Subdivision Proposals:
 - (1) All subdivision proposals shall be consistent with the need to minimize Flood damage.
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize Flood damage.
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to Flood hazards.

- (4) Base Flood elevation data shall be provided by the developers for subdivision proposals and other proposed Development.
- (5) All subdivision proposals must comply with all pertinent provisions of the Subdivision design standards and any other Development regulations.

Sec. 3.03.03 Additional Standards For Developments In Regulatory Floodways

A. Criteria

The criteria for Development in floodplains shall pertain to all floodplains and not be limited to those floodplains identified on FEMA maps. The County Administrator shall be responsible for determining the on-site one hundred (100) year Flood elevations if not determined by a FEMA study. The County Administrator is required to submit a Letter of Map Amendment or Map Revision to FEMA for any changes in Flood zone designations as determined by a detailed study of the area.

B. One Hundred (100) Year Frequency Floodplain

No Development (Structures or fill) shall be allowed in the Floodway conveyance portion of any one hundred (100) year frequency floodplain associated with a freshwater stream, channel, lake, or waterway, unless provisions are made to compensate for any reduction in conveyance caused by the Development.

C. One Hundred (100) Year Frequency Floodplain Non-Tidal

No Development (Structures or fill) shall be allowed in any one hundred (100) year frequency non-tidal floodplain, unless provisions are made to compensate for the reduction in storage volume due to the proposed Development.

D. Compensation Storage Volumes

Any compensation storage volumes shall be provided in addition to stormwater detention or retention volumes otherwise required to reduce peak runoff rates from the Development.

E. Earthen Fill

No earthen fill shall be placed within a one hundred (100) year floodplain area unless an equal amount of Flood storage volume is created by excavation below the one hundred (100) year Flood elevation and above the seasonal high ground water table elevations, whichever is appropriate.

F. Exceptions

Exceptions shall be allowed if the floodplain is associated with a landlocked water body and is under one ownership.

G. Encroachment

No encroachment shall be allowed in a regulatory Floodway, as designated on the FEMA Floodway Maps (and listed in the S&D Manual), unless approved by FEMA and subsequently accepted by St. Johns County.

PART 3.04.00 AIRPORT OVERLAY DISTRICT

Sec. 3.04.01 Intent

It is the intent of this overlay district to promote the health, safety and general welfare of the inhabitants of the County by preventing the creation, establishment or maintenance of hazards to aircraft, preventing the destruction or impairment of the utility of an airport and the public investment therein and protecting the lives and properties of owners or occupants of lands in the vicinity of any public use airport as well as the users of the airport; and to aid and implement the overriding Federal and State interest in safe operation of airports and the security of land surrounding them.

Sec. 3.04.02 District Boundary

There are four (4) criteria to be used in establishing the limits of the Airport Overlay District for airports. They are the property map, the most recent version of the airport layout plan (ALP) showing the twenty (20) year future growth projections, airport noise contour map, and the airport airspace surfaces map. The Airport Overlay District shall encompass all property owned by the airport, all property not owned by the airport in the shadow of the future airport property line shown on the ALP, and all property within the shadow of the imaginary line defined as two hundred (200) feet outside the sixty-five (65) db noise level contour identified on the airport noise contour map. These maps are further defined in paragraph 3.04.03 of this Section.

Sec. 3.04.03 Airport Overlay District Maps

Each airport in the County shall create and maintain maps related to the airport in accordance with Federal Aviation Administration (FAA) and Florida Department of Transportation (FDOT) requirements. These maps shall be coordinated with and incorporated into the planning and zoning maps maintained by the County Planning and Zoning Departments. These maps shall include the following specific maps and any other maps as required and directed by the County.

A. Airport Property Map

This map shall show all properties owned by the airport and their relation to the major runways. In addition, the map shall show areas affected by the airport as included in any state charter or other authorizing agency documentation.

B. Airport Layout Plan

The FAA and FDOT require this plan as part of the airport Master Planning process. It identifies twenty (20) year future growth projections and property that the airport plans to acquire to accommodate future expansion of airside facilities. This plan also identifies clear zones, Building restriction lines, and other like requirements to facilitate the safe operation of aircraft.

C. Airport Noise Contour Map

Similar to the airport layout plan, the noise contour map is required by the FAA and FDOT as part of the airport Master Planning process. It identifies twenty (20) year future growth projections and the impacts this growth will have on the surrounding area relative to noise increases. This map shows, as a minimum, the sixty-five (65) db noise contour for both the existing and future airside facilities.

D. Airport Airspace Surfaces Map

The FAA and FDOT also require this map as part of the Airport Master Plan. It provides clear definition of all imaginary surfaces required for the safe operation of aircraft on and around the airport. The imaginary surfaces are defined by the FAA in Federal Aviation Regulation Part 77, and are surfaces through which fixed Structures can not penetrate. These airspace limitations extend well beyond the limits of airport property and the Airport Overlay District, and form a height limitation on property that falls under them. These height limitations are generically defined in paragraph 3.04.05, and are more precisely defined in FAA FAR Part 77.

Sec 3.04.04 Existing Uses In Airport Overlay District

Properties within the Airport Overlay District in addition to their zoning requirements, are further limited as follows:

- A. All existing Uses as of the effective date of this Land Development Code shall be allowed to remain.
- B. All existing zoning districts shall remain with additional limitations as outlined below:
 - 1. In addition to a recommendation by the Planning and Zoning Agency, changes to any zoning district shall be reviewed by the Airport Authority and a recommendation forwarded prior to being presented to the Board of County Commissioners.
 - 2. In addition to approval by the Planning and Zoning Agency, request for Variances and Special Uses to existing zoning districts shall be reviewed by the Airport Authority and a recommendation forwarded to the Planning and Zoning Agency.
- C. Existing nonconforming Uses and Structures will be allowed to remain and the owner will be allowed to make minor repairs and perform normal maintenance. However, replacement of or major renovation to existing nonconforming Uses will be required to comply with the new requirements established for this district.

Sec 3.04.05 Airport Overlay Height Limitations

Activities within the Airport Overlay District shall be limited in their use of the airspace as defined by the FAA in Federal Aviation Regulation Part 77. These limitations define the height of Structures or other obstructions allowable within each zone, and are generally defined below and are shown on the Airport Airspace Surface Map. For properties within two thousand (2,000) feet of any

runway or under any airport flight pattern, maximum height determination requires coordinated review with the affected airport and the FAA.

A. Primary Zone

The area longitudinally centered on a runway, extending two hundred (200) feet beyond each end of that runway, with a width so specified for the most precise approach type existing or planned for either end of the runway. No Structure will be permitted within the primary zone, except those required to assist the take off and landing of aircraft, that is higher than the nearest point on the runway centerline. The width of the primary zone for each runway at County airports is as follows:

St. Augustine – St. Johns County Airport:

Runway	Zone Width (feet)	Remarks
Runway 13/31	1000	Existing Precision Approach
Runway 13R/31L	1000	Future Precision Approach
Runway 6/24	250	Existing Non-Precision Approach
Runway 2/20	250	Existing Non-Precision Approach

B. Horizontal Zone

The area encompassing the runways, primary zones, approach zones, and transitional zones of the airport defined by swinging ten thousand (10,000) foot radii arcs from the intersection of the primary zone and the runway centerline at each runway end and connecting these arcs by tangent lines to form an enclosed shape. No Structure higher than one hundred fifty (150) feet above the airport elevation will be allowed within the horizontal zone without prior approval of the FAA and the Airport Authority. The airport elevations are as follows:

<u>Airport</u>	<u>Elevation (feet above mean sea level)</u>
St. Augustine – St. Johns County Airport	11.00 feet

C. Conical Zone

The area extending from the horizontal zone four thousand (4,000) feet. Height limitations vary within this zone from one hundred fifty (150) feet at the horizontal zone to three hundred fifty (350) feet at the outer edge of the conical zone. Height increase within the zone is one (1) foot vertically for every twenty (20) feet horizontally measured from the horizontal zone. Heights are measured from the official airport elevation.

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 and slope. The width of the approach zone shall match the width of the primary zone at each runway end and

shall expand uniformly to the stated width at the outer boundary. Maximum Structure or object height shall be calculated using the approach zone slopes listed below. The maximum height calculation shall be based on the closest horizontal distance between the primary surface and the Structure or object. The distance, slopes, and widths for each runway are as follows:

St. Augustine – St. Johns County Airport:

<u>Runway</u>	<u>Distance (feet)</u>	<u>Slope</u>	<u>Width (feet)</u>
Runway 13/31	10,000	50:1	16,000
	10,000 to 50,000	40:1	
Runway 13R/31L	10,000	50:1	16,000
	10,000 to 50,000	40:1	
Runway 6/24	5,000	20:1	1,200
Runway 2/20	5,000	20:1	1,200

E. Transitional Zone

The area extending outward from the sides of the primary zones and approach zones and connecting to the horizontal zones and conical zones. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins, and increase at a rate of one (1) foot vertically for every seven (7) feet of horizontal distance measured at right angles from the runway centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of five thousand (5,000) feet from the side of the approach zone that extends beyond the conical zone.

F. Other Zones

Height limitations on properties beyond the zones indicated above are defined based on nautical miles from the airport reference point as defined on the ALP. No Structure shall be erected, to a height of two hundred (200) feet above the airport elevation within three (3) nautical miles; to a height of three hundred (300) feet between three (3) and four (4) nautical miles; to a height of four hundred (400) feet between four (4) and five (5) nautical miles; and to a height of five hundred (500) feet beyond five (5) nautical miles, unless it can be shown to meet all of the following tests:

1. That notice of proposed Construction or alteration has been given to the affected airport and the FAA as required by Part 77 of the Federal Aviation Regulations,
2. That the proposed Structure will not raise the Federal Aviation Administration's established minimum descent altitude or decision height for approach to any runway, or cause minimum obstruction clearance altitude or minimum en route altitude to be increased, and
3. That the Structure does not otherwise constitute an obstruction to air navigation.

Sec 3.04.06 Land Use Restrictions

A. Use Restrictions

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

1. 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 use airport or in vicinity thereof.
2. No operation or Use shall produce smoke, glare, or other visual hazards within three nautical miles of any usable runway of a public use airport.
3. No operation or Use shall produce electrical interference with navigation signals or radio communication between the airport and aircraft.
4. Use of land within the accident potential hazard area, defined in FAR Part 77, shall prohibit residential Use, schools, hospitals, explosive material storage, assembly of large groups of people, or any other Use that could produce a major catastrophe as a result of an aircraft crash.

B. Lighting

Notwithstanding the proceeding provision of this Section, the owner of any Structure over two hundred (200) feet above ground level within the County must install on that Structure lighting in accordance with Federal Aviation Administration (FAA) Advisory Circular (AC) 70-7460-ID, as amended from time to time. Additionally, any Structure within the County exceeding seven hundred forty-nine (749) feet above mean sea level must install on the Structure high intensity white obstruction lights in accordance with FAA AC 70-7460-ID.

C. Variances

Any person desiring to erect or increase the height of any Structure (exceeding the height restrictions herein), or use his property not in accordance with the regulations prescribed in this Section, may apply for a Variance from such regulations in accordance with Part 9.03.00. No application for Variance to the requirements of this Code may be considered unless a copy of the application has also been furnished to the affected airport personnel.

D. Hazard Marking and Lighting

Any Permit or Variance granted shall require the owner to mark and light the Structure in accordance with FAA AC 70-7460-ID, as amended from time to time, and may be conditioned to require the installation, operation, and maintenance of any additional markers and lights as may be necessary to indicate to pilots the presence of the airspace hazard.

E. Trees

No person shall allow the natural growth of Trees to interfere with any of the FAA FAR Part 77 surfaces established for existing or proposed runways at any public use airport. In order to promote the safe operation of aircraft in accordance with Florida Statute, Chapter 333, the County shall request the property owner remove any Tree or vegetation deemed to interfere with FAA FAR Part.77. If the property owner does not remedy the violation within thirty (30) days, the County has the right to remove any Tree or vegetation required to meet FAA FAR 77 requirements without compensation to the property owner. The cost of removing Trees or vegetation by the County shall be billed to the property owner.

F. Disclosure Statement

No person shall sell, lease or offer to sell or lease a Structure or land within the airport horizontal or conical zone boundaries as defined above, unless the prospective buyer or lessee has been given adequate notice in writing, at the time of contract of sale or lease, which notice shall be recorded in the public records of St. Johns County, Florida, as a part of the legal instrument that conveys the real property interest in the lands lying within the aforementioned Airport Overlay District, horizontal or conical zones.

PART 3.05.00 PONTE VEDRA ZONING DISTRICT

Sec. 3.05.01 Purpose

The Ponte Vedra Zoning District has zoning regulations in addition to the St. Johns County Land Development Code. St. Johns County Ordinance 99-43 provides the zoning regulations for the Ponte Vedra Zoning District. The provisions of this Code which are not in conflict with the provisions of the Ponte Vedra Zoning Ordinance shall apply to the Ponte Vedra Zoning District.

PART 3.06.00 PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT

Sec. 3.06.01 Purpose And Intent

The purpose and intent of establishing this overlay district is to enhance property Development within the Ponte Vedra/Palm Valley Coastal Corridor Overlay District (alternatively "Ponte Vedra/Palm Valley Overlay District") and achieve specific goals and objectives of the St. Johns County Comprehensive Plan. Objectives to be attained through the establishment of this Ponte Vedra/Palm Valley Overlay District include protection of adjacent residential Uses; reduction of visual distraction through uniform Sign criteria; enhancement of physical appearance through increased landscaping of public and private property; clustering of complementary Uses throughout the various locations throughout the Ponte Vedra/Palm Valley Overlay District; provision of architectural design guidelines within specific locations throughout the Ponte Vedra/Palm Valley Overlay District; encouraging pedestrian facilities; and enhancing the appearance of Development through landscaping. These goals shall be accomplished through the establishment of special Development standards for the Ponte Vedra/Palm Valley Overlay District and the review of the impact upon the safe use of the roads of this Ponte Vedra/Palm Valley Overlay District; the location, character, compatibility and appearance of all proposed commercial and multi-family land Uses; and the compliance with the standards, criteria, and application requirements of this Part. The review shall be performed with the goal of determining whether a proposed plan of Development meets the goals, objectives and polices set forth in the Comprehensive Plan and the standards and criteria of this Part.

Sec 3.06.02 Delineation Of The Ponte Vedra/Palm Valley Overlay District

- A. The Ponte Vedra/Palm Valley Coastal Corridor Overlay District (alternatively "Ponte Vedra/Palm Valley Overlay District"), delineated herein, is a special district in the form of an overlay superimposed upon the various zoning districts. This Ponte Vedra/Palm Valley Overlay District encompasses all that land situated within St. Johns County within six hundred (600) feet of the outer edges of the right-of-way of the following roads as listed below:
1. Palm Valley Road (CR 210) from US 1 North, excepting that portion lying outside St. Johns County, to the Intracoastal Waterway.

2. Palm Valley Road (CR 210) from the Intracoastal Waterway to SR A1A.
3. Roscoe Boulevard (CR 210A) from Palm Valley Road (CR 210) to Solana Road.
4. Canal Boulevard from Palm Valley Road (CR 210) to Roscoe Boulevard (CR 210A).
5. Mickler Road from Palm Valley Road (CR 210) to SR A1A.
6. State Road A1A North from Mickler Road to Mosquito Control Road.
7. Solana Road from Roscoe Boulevard (CR 210A) to the west edge of the Ponte Vedra Zoning District.

- B. In such cases where a proposed Development Parcel extends beyond six hundred (600) feet from the outer edges of the right-of-way, the entire Parcel shall be subject to the Ponte Vedra/Palm Valley Overlay District, except any portion outside the boundaries of St. Johns County. Measurements from the right-of-way will be made generally in a perpendicular direction from the right-of-way line and, where there is curvature, perpendicular to the chord of such curvature.

Sec. 3.06.03 Application Of District Regulations

- A. All standards prescribed in this Part shall apply to all Uses contained within the CN, CG, CHT, CI, OP, RG-1, and RG-2 zoning categories (including those Uses when contained in PUD's, PSD's, or PRD's) excluding single-family dwellings, mobile homes, roadside stands, nurseries, and boarding stables and riding academies. These requirements shall apply to property proposed for Development as a permitted Use, and to all proposed Development subsequent to any Rezoning, as well as to additions, exterior remodeling and renovations hereafter undertaken within the Ponte Vedra/Palm Valley Overlay District.
1. Exterior remodeling and renovation shall be defined as any activity changing the exterior of a Structure that requires a County Building Permit, and also the re-painting of any Structure to a color other than the existing color, as well as to Construction or alteration of fences or decks.
 2. These regulations shall apply to only that portion being added, remodeled, renovated or changed.
 3. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired, Buildings re-painted using the same colors, and roofs repaired and replaced with the same materials and colors, without a review by the Architectural Review Committee (ARC).
 4. Any non-conforming Uses or Structures impacted by this Part shall follow Part 10.03.00 of this Code concerning non-conforming regulations.

B. Permitted Uses

The Uses for the property contained within the Ponte Vedra/Palm Valley Overlay District

shall be as prescribed in the various zoning districts underlying the Ponte Vedra/Palm Valley Overlay District, except where such Use or site design is not permitted by the St. Johns County Comprehensive Plan, as may be amended from time to time.

C. Exemptions

The following activities shall be exempt from ARC review.

1. Repainting of Structures in existing colors provided that existing colors are otherwise in compliance with these Regulations.
2. Additions to the rear of a Structure not exceeding two-hundred and fifty (250) square feet which are of similar architectural style as the existing structure, and consist of like exterior finishes and colors including window and doors, provided any such addition is otherwise in compliance with these Regulations.
3. Replacement of roofing with like roofing materials.
4. Replacement of existing porches, patio overhangs, porte cocheres or carports which are replaced in a similar style as the existing Structure or main portion of the existing Structure and consist of like exterior finishes and colors, provided the replacement is otherwise in compliance with these Regulations.
5. Replacement of landscaping consistent with a previously approved Landscape Plan, or replacement of existing landscaping with like landscaping material provided replacement is otherwise in compliance with these Regulations.

Sec. 3.06.04 Development Standards And Criteria

A. The following general criteria shall apply within the Ponte Vedra/Palm Valley Overlay District:

1. Flat roof lines, or the appearance of flat roof lines, are not allowed.
2. Work areas or storage doors and open bays shall not open toward, face or otherwise be visible from any Ponte Vedra/Palm Valley Overlay District Delineated Roadway as described in Section 3.06.02.
3. Heating, ventilation and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be either screened from view with fencing or vegetation, or located so that such items are not visible from any Ponte Vedra/Palm Valley Overlay District Delineated Roadway, adjacent residential properties or intersecting Streets. Trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes (except as provided by Florida law), Antenna, and other such Structures shall be similarly screened or made not visible.
4. Chain link, barbed wire and similar Fencing shall not be allowed in any required Front Yard, and where such Fencing can be viewed from any roadway, landscaping and/or berming shall be provided to prohibit visibility from any Ponte Vedra/Palm

Valley Overlay District Delineated Roadway.

5. Exterior lighting for safety and security shall be kept to a minimum consistent with reasonable safety requirements of the particular business or Structure. Safety and security lights, other than low-wattage lights or ground-area lights, shall not be directly visible from adjacent residential properties. Additional lighting criteria for the protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly.
6. The maximum amount of impervious surface coverage of any site proposed for Development, excluding any jurisdictional wetlands and pervious parking areas, shall not exceed sixty-five percent (65%).
7. Commercial Uses shall have a maximum Gross Floor Area (GFA) of ten thousand (10,000) square feet per acre (pro rata), excluding any jurisdictional wetlands.
8. The maximum length of Buildings parallel, or within 45 degrees parallel, to any Ponte Vedra/Palm Valley Overlay District Delineated Roadway shall be one hundred twenty (120) feet.

Sec. 3.06.05 Minimum Yard Requirements

A. Minimum yard requirements shall be as follows:

1. Front along State Road A1A North right-of-way
Forty (40) feet for a one-Story Building; sixty (60) feet for a two-Story Building.
2. Front along any other collector or local roadway
Thirty (30) feet for one-Story Building; fifty (50) feet for a two-Story Building.
3. Side
Twenty (20) feet.
4. Rear
Ten (10) feet if adjoining rear of existing commercial Uses.
5. For Buildings proposed on sites which adjoin an existing residential land Use or residentially-zoned Lands, the minimum adjoining Yard requirement (whether it be a Side or Rear Yard, or both) is thirty (30) feet for a one Story Building. For a two Story Building, the minimum adjoining Yard requirement (whether it be a Side or Rear Yard, or both) is fifty (50) feet.
6. Required separation
Minimum twenty (20) feet between Buildings.

7. Accessory Uses and Structures shall not be visible from the Ponte Vedra/Palm Valley Overlay District Delineated Roadway, and shall be a minimum distance of ten (10) feet from the side and rear landscape buffers and shall not exceed seven (7) feet in height. Accessory Uses and Structures shall not be allowed closer to the Ponte Vedra/Palm Valley Overlay District Delineated Roadway than any Building on the site.

Sec. 3.06.06 Buffers

A. Buffering Requirements

The minimum buffering requirements are as follows:

1. A minimum twenty (20) foot buffer from the right-of-way of the Ponte Vedra/Palm Valley Overlay District Delineated Roadway.
2. A minimum ten (10) foot buffer from side property boundaries. Side Yard buffers shall begin not more than fifty (50) feet from the right-of-way of the Ponte Vedra/Palm Valley Overlay District Delineated Roadway and shall continue to the front or rear property line most distant from said right-of-way.
3. A minimum ten (10) foot buffer from rear property boundaries.
4. Where a one (1) Story Building is to be constructed within sixty (60) feet of residentially-zoned property, or where a two (2) Story Building is to be constructed within one hundred (100) feet of residentially-zoned property, an eight (8) foot high masonry wall shall be provided and maintained between the Building and the residentially-zoned property, or alternatively, landscaping which provides one-hundred percent (100%) opacity to an eight (8) foot height shall be provided and maintained.

B. Buffers may be placed within required Yards. Buffers may be placed within required Yards and shall, where reasonably possible, contain native vegetation existing on the site proposed for Development. Where native vegetation does not exist or cannot reasonably be retained, buffers shall be landscaped as follows:

1. The minimum twenty (20) foot landscaped buffer from the right-of-way of any Ponte Vedra/Palm Valley Overlay District Delineated Roadway shall contain existing or installed evergreen species Trees which are not less than four (4) inches DBH and twelve (12) feet in height, with a six (6) feet spread, placed not more than twenty (20) feet apart. Shrubbery is also required in this area and shall be not less than three (3) feet above the Established Grade at time of planting. The Established Grade includes the height of any berm on which shrubbery is planted. **(Note: The established grade is defined herein to mean the planned elevation of the surface of the ground, driveway or walkway after Construction and landscaping are completed. It does not, however, include any earthen berm placed on top of the ground surface to act as a visual barrier.)**

2. Where commercial or multi-family Development adjoins single-family residential property, a ten (10) foot buffer from the residential property lines shall contain a visual screen consisting of existing or installed evergreen species Trees which are not less than six (6) inches DBH and twenty (20) feet in height with an eight (8) feet spread, and not more than fifteen (15) feet apart.

C. Buffer areas

Buffer areas are landscaped strips along parcel boundaries which separate incompatible Uses or serve as boundaries of Parcels or Uses and may serve as protective or safety barrier.

- D. Buffer areas required shall be included in plans submitted for review. Buffer areas may be located between the Building restriction lines and the property lines and shall not be located in an existing or dedicated public or private street right-of-way. However, the continuation of buffer landscaping into the right-of-way, where feasible and permitted, is encouraged. **(Note: Building restriction line is defined herein as a line offset by a prescribed distance within a property line beyond which Construction is not permitted unless authorized herein.)**

- E. The design of buffer areas may utilize three features: (1) distance, (2) plant material and (3) structural elements, such as walls or berms. One or more of these features shall be required depending on adjacent existing or zoned Uses. They shall be continuous except for driveway and walk entrances and of prescribed height except within sight triangles at street or roadway intersections, see Section 3.06.06.G. below.

- F. Plant material used for buffers shall be natural or landscaped. In either case, this shall create a minimum sixty (60) percent visual screen at least five (5) feet in height above Development established grade adjacent to the buffer, to be installed at the time of inspection and to be achieved within one (1) year of installation. The use of landscaped berms is encouraged. Walls shall be of appropriate design and no higher than six (6) feet above established grade, except as prescribed for Section 3.06.07.A. below. Adequate distance shall be maintained between the Structure and the exterior property line for plant material and access for its maintenance. The plant material may be natural or landscaped to create a softening effect on the Structure. All elements of buffer areas shall be maintained in good condition.

G. Sight Triangle

Where any public or private right-of-way or drive intersects another public or private right-of-way or drive an adequate line of sight is necessary to allow for the safe merging of vehicular and/or pedestrian traffic. A sight triangle exists in the corners of where the outer edges of two (2) rights-of-way or drives intersect, one on each side of the intersecting right-of-way or drive. For reasons of safety, no mature plantings or Structures greater than two (2) feet in height shall be allowed within a sight triangle, except Trees with lower canopy heights at least six (6) feet above street grade and spaced so as not to substantially interrupt line of sight. For the purposes of this regulation a sight triangle shall be determined as follows:

Where the outer edges of the two rights-of-way or drives meet is the intersecting point. Twenty-five (25) feet distance from the intersecting point measured along the outer edge of the first right-of-way or drive is the first point, and twenty-five (25) feet distance from the intersecting point measured along the outer edge of the second right-of-way or drive is the second point. The area within the triangle formed by all three points connected shall be a sight triangle. A sight triangle does not extend into the right-of-way or drive at the intersection. In the case of unpaved drives, the approximate edge of the road where no vegetation exists may be used. In cases where at least one of the rights-of-way is US 1 and/or SR A1A, the sight triangle distances measured above shall be thirty-five (35) feet in length.

Landscape islands at intersections or in access ways shall have the same restrictions as above. For all corner Lots the sight triangle described above shall be drawn from the intersection of the corner property lines.

Sec. 3.06.07 Fences And Walls

A. Within the Ponte Vedra/Palm Valley Overlay District the maximum allowable height for fences or walls, including posts/columns, gates, lights, etc. outside Building restriction lines shall have a maximum height of four (4) feet except:

1. On rear Lot lines which coincide with the right-of-way line of any Ponte Vedra/Palm Valley Overlay District Delineated Roadway, the maximum height may be eight (8) feet.
2. For property adjacent to a borrow pit or drainage pond, the maximum height may be six (6) feet.
3. Properties in a commercial zoning district are allowed fences only in the Rear and Side Yard with a maximum height of six (6) feet and a maximum height of any posts/columns, gates, lights, etc. of eight (8) feet, except as provided in Section 3.06.06.A.4.
4. The height shall be measured from the established grade on the exterior side of the fence or wall. They are allowed anywhere on the Lot except as prohibited on corner lots and because of sight triangles (see Section 3.06.06.G.).
5. Retaining Walls

Maximum height of a retaining wall on a Lot or Parcel is four (4) feet. A minimum of forty (40) feet shall separate retaining walls designed to add cumulative height.

Sec. 3.06.08 Parking

A. All parking in the Ponte Vedra/Palm Valley Overlay District shall be governed by this Land Development Code, with the addition of the following:

1. Space Required Between Parking Area and Building

A minimum distance of eight (8) feet will be maintained between any Building and its parking area. This space is to be reserved and utilized for walkways and/or vegetation. Within this eight (8) feet wide distance, a minimum three (3) feet wide strip for vegetation is required. No such space is required at the rear of the Building, unless there is an adjoining residential Use.

2. Lighting

Adequate lighting shall be provided if off-Street parking or loading facilities are to be used at night. The lighting shall be designed and installed to minimize glare on adjacent property. The parking area illumination shall be confined to the parking area, not extending beyond the property line. Bulbs shall be concealed from adjacent properties.

Sec. 3.06.09 Signage

All multi-family and commercial Signs shall be permitted in the Ponte Vedra/Palm Valley Overlay District only in accordance with the provisions of this Section.

A. General provisions applying to all subject signage in the Ponte Vedra/Palm Valley Overlay District

1. The tops of ground Signs shall not be more than twelve (12) feet above the adjacent highway grade or eight (8) feet above the site grade.
2. Where a single Building, or group of related Buildings contains more than one (1) store or business front, all wall Signs shall be of similar style and shall be compatible and uniform in terms of size, color and any lighting. Any back-lighting, or appearance of lighting, shall be white in color.
3. The color and materials of Signs shall be compatible with the architectural style, color and materials of the related commercial or multi-family Building.

B. Number and size of Signs permitted for Multi-family properties

1. Shall be limited to one (1) wall Sign in painted or molded letters. The face area of such a Sign shall not exceed twenty-four (24) square feet.
2. One (1) ground Sign, in addition to a wall Sign, may be installed in painted or molded letters and shall be on-site. The total ground Sign face area shall not exceed thirty-two (32) square feet. Such Sign may be double faced.
3. In construing the provisions of this Section, Signs containing letters not exceeding six (6) inches in height erected within or upon doors shall not be counted in computing the number of Signs.
4. Real Estate for Sale, Lease or Rental Signs, including "OPEN HOUSE" Signs, pertaining to the sale, lease or rental of property or Buildings may be installed in addition to the above limits subject to the following regulations:

- a. Only one (1) additional Sign shall be permitted on any one Lot or Parcel of land in addition to any exempt Signs covered in this regulation.
 - b. The face surface of such Sign shall not be larger than six (6) square feet.
 - c. The Sign shall be constructed only of metal, plastic, wood or pressed wood and shall be fastened to a supporting member constructed of angle iron not exceeding one (1) inch by one (1) inch or a four (4) by four (4) inch post.
 - d. The supporting member shall be driven into the ground to provide that the top of the face of such Sign shall not be more than four (4) feet above the established grade of the ground.
 - e. All such Signs shall be lettered professionally.
 - f. Such Sign shall be erected or placed so that its center line is parallel or perpendicular to the front property line.
 - g. Nothing contained herein shall be construed as prohibiting the same wording from being on both the front and back of the Sign.
 - h. Where such Sign is suspended from an arm of the support, such arm shall not exceed a length of twenty (20) inches.
 - i. Such Sign shall be kept in good repair and shall not be illuminated, animated, or constructed of a reflective material and shall not contain any flags, streamers, movable items or like devices.
 - j. Any such Sign shall be removed within five (5) days from the date a binding agreement is entered into for the sale, lease or rental of the property or immediately upon the removal of the property from the market, whichever occurs first.
5. One (1) on-site "Garage Sale" Sign to be installed on a temporary basis not exceeding forty-eight (48) hours in duration and not to exceed one (1) square foot in size.
 6. One (1) on-site Sign identifying a Subdivision of homes with the name only of the Subdivision not to exceed sixty (60) square feet of face area.
 7. When Construction or modification of a Building commences, one (1) Sign denoting the owner's name or general contractor's name, phone number, and street number may be erected on the street side of the property, but shall be a temporary Sign only to identify the job site and shall be removed when the Building has been completed. Such Sign shall not exceed one (1) square foot of face area.
 8. Warning Signs stating pesticide has been sprayed on lawns or gases have been used to fumigate Buildings. Said Signs to be temporary and removed once the danger period of inhalation has passed. The exterminator's trade name, address

and phone number may be shown on these warning Signs.

9. Signs prohibiting trespassing on property, and alarm warning Signs. Such Signs shall not exceed one (1) square foot of face area.

C. Number and size of Signs permitted for Commercial properties

1. For all Uses permitted in the Multi-family Zoning Districts (RG-1, RG-2), the same regulations as in the Multi-family Zoning Districts shall apply in the Commercial Zoning Districts (CN, CG, CHT, CI, and OP) of the Ponte Vedra/Palm Valley Overlay District.
2. Shall be limited to one (1) wall Sign upon the front elevation of the Building. When such Building abuts both on front and side streets, one (1) wall Sign may also be located upon the side street elevation of the Building. The total wall Sign area for each Building establishment shall not exceed twenty-four (24) square feet per face.
3. Where a Building is divided into units for several businesses, one (1) wall Sign as specified above is authorized for each such business. In addition, each business located therein may have one double-faced hanging Sign under covered walkways with maximum dimensions two (2) feet vertical by four (4) feet horizontal.
4. One (1) awning Sign may be substituted, on the front elevation of the Building, for a wall Sign. A window identification Sign may be substituted for a wall Sign.
5. In construing the provisions of this Section, Signs containing letters not exceeding six (6) inches in height erected within or upon show windows, display windows or doors shall not be counted in computing the number of wall or hanging Signs.
6. One (1) ground Sign of the following maximum sizes, in addition to wall Signs, may be installed when used in connection with a business conducted on the premises, and shall be on-site. Said Sign may be double-faced and shall not create a traffic hazard or endanger the public safety.
 - a. For Uses occupying five (5) acres or less, the total ground Sign face area shall not exceed thirty-two (32) square feet per Sign face. For Uses occupying more than two (2) acres, one such Sign is authorized for each street frontage.
 - b. For shopping/office centers occupying more than five (5) acres, the total area per face shall not exceed sixty (60) square feet, and one such Sign is authorized for each street frontage.
7. For office and professional Buildings with multiple tenants, one (1) directory Sign containing the names of individuals, organizations or businesses occupying the Building not exceeding fifteen (15) square feet per face area.
8. Signs installed with molded letters shall be measured at the most extreme limits of length and width and the area shall be computed from these measurements for conformance to the face area limitations.

9. Real estate for sale, lease or rental Signs may be installed in addition to the above limits provided the face surface of the Sign shall not be greater than thirty-two (32) square feet and limited to one (1) Sign per Parcel of land, store or office Building.
10. Signs may be supported by foundations, the height of which may not exceed four (4) feet. Use of dirt, sand or other material to elevate the height of the Sign on a mound is prohibited. The maximum height to the top of the Sign or mounting surface for molded letters shall be eight (8) feet.
11. Directional ground Signs within property lines shall be limited to two (2) square feet per Sign. Logos on directional Signs shall be included in the overall advertising display area allowed.
12. Temporary Window Signs
Signs for the purpose of advertising a particular type of services, products, or events shall be regulated as follows:
 - a. The Sign or Signs shall be temporary and may be attached or applied to the inside surface of the window. Any Sign within two (2) feet of the glass is considered a window Sign.
 - b. The total window Sign coverage is limited to fifteen percent (15%) of the total window space.
 - c. See Section 3.06.09.C.1.
 - d. A temporary window Sign must be removed within thirty (30) days of installation.
13. When Construction or modification of a Building commences, one (1) Sign denoting the owner's name or general contractor's name, phone number, and street number may be erected on the street side of the property, but shall be a temporary Sign only to identify the job site and shall be removed when the Building has been completed. Such Sign shall not exceed one (1) square foot of face area.
14. Warning Signs stating pesticide has been sprayed on lawns or gases have been used to fumigate Buildings. Said Signs to be temporary and removed once the danger period of inhalation has passed. The exterminator's trade name, address and phone number may be shown on these warning Signs.
15. Signs prohibiting trespassing on property, and alarm warning Signs. Such Signs shall not exceed one (1) square foot of face area.

Sec. 3.06.10 Landscape Criteria

- A. Applications for rezonings shall provide schematic and textual information which describes existing vegetation including any Specimen, Historic or Protected Trees. Specimen, Historic and Protected Trees shall be as defined in Article XII of this Code. The rezoning

application shall also address proposed Tree protection, proposed landscaping, and required buffering.

B. Landscape Plan

At the time of Construction Plan review, in accordance with the County's Development Review Committee (DRC) process, and prior to issuance of any Land Clearing or Construction Permits, the following detailed information shall be provided (this requirement shall apply to all Development, that which is pursuant to a rezoning or otherwise, to which the established DRC process is applicable). A detailed landscape plan, which depicts and describes the following items, shall address or reference each item numerically in the following order on the plan drawings or by attached text.

1. A survey of all Specimen, Historic and Protected Trees shall be submitted in conjunction with the Development site layout. The Tree survey shall also depict any Protected Trees as defined in Article XII of this Code. All Trees proposed for removal shall be clearly noted. The Tree survey shall note sizes, locations, species identification, and spacing, and shall be certified by either a registered land surveyor, registered engineer, registered landscape architect or certified arborist.
2. All proposed Trees and plant materials, with sizes, locations, species identification, existing and proposed contours and spacing.
3. All existing and proposed Structures and vehicular use areas, with sizes, square footage, materials, and circulation noted.
4. Proposed irrigation system layout (if required).
5. Parking Lot islands which include one shade Tree, existing or planted, not less than fourteen (14) feet in height and four (4) inch caliper, for each island. Shrubbery in each island shall include a minimum of three (3) three-gallon container stock for each forty (40) square feet of planting area.
6. Retention and protection of Specimen and valuable native Protected Trees and use of native and drought-resistant plant materials (see following Section 3.06.10.C.).
7. Buffering and screening requirements as described in Section 3.06.06 and landscaped as follows:
 - a. The minimum twenty (20) feet landscaped buffer from any Ponte Vedra/Palm Valley Overlay District Delineated Roadway right-of-way shall contain existing or installed evergreen species Trees which are not less than four (4) inches DBH and twelve (12) feet in height, with a six (6) feet spread, placed not more than twenty (20) feet apart. Shrubbery is also required in this area and shall be not less than three (3) feet above the established grade at time of planting. The established grade includes the height of any berm on which shrubbery is planted.

- b. Where commercial or multi-family Development adjoins single-family residential property, a ten (10) feet buffer from the residential property lines shall contain a visual screen consisting of existing or installed evergreen species Trees which are not less than six (6) inches DBH and twenty (20) feet in height with an eight (8) feet spread, and not more than fifteen (15) feet apart.
- c. Maintenance plan for Trees and plant materials during Construction and after Development is completed.

C. Tree Protection

Development of land for different Uses and intensity often necessitates the removal of Trees to accommodate roads, parking, Buildings, and facilities. It is the intent of this Ponte Vedra/Palm Valley Overlay District that every effort be made through the design, layout, and Construction of Development projects to incorporate and save as many Trees as possible. All Development pursuant to this Part shall comply with the St. Johns County Land Clearing and Tree Protection in Section 4.01.05, and the following standards shall also apply within the Ponte Vedra/Palm Valley Overlay District. Where applicable, the following information shall also be addressed or referenced numerically in the following order on the landscape plan drawings or by attached text.

1. No person shall cut, destroy, move, or remove any living, disease-free Tree of any species having a trunk of eight (8) inches DBH or larger, in conjunction with any Development of land governed by this Code unless and until such removal or destruction has been approved under the provisions of this Code, as well as the St. Johns County Land Clearing and Tree Protection pursuant to Section 4.01.05.
2. No person shall cut or clear land of Trees for the sole purpose of offering land for sale.
3. The clear-cutting of Trees shall be avoided where reasonably possible. The term "clear-cutting" as used herein shall mean the cutting of more than seventy-five percent (75%) of the Trees four (4) inches DBH or greater. Clear-cutting pursuant to an approved Development Plan shall require the planting of replacement Trees as indicated in the detailed landscape plan accompanying the Construction Permit application.
4. The requirement for a Tree survey, as required by Section 3.06.10.A., shall be waived when the Applicant demonstrates the ability to accomplish the proposed project without removal of any Trees eight (8) inches DBH or greater. The Applicant shall submit to the County Administrator, a written statement prior to obtaining any Land Clearing or Construction Permits which provides that no such Trees shall be removed, and subsequent Permit will indicate "No Tree Removal" as a condition thereof.
5. Removal of Protected Trees shall be strongly discouraged. Where removal of such Trees is required, replacement of such species shall be required on an inch for inch

basis. Relocation (spading) of such Trees, where reasonably possible, shall be required.

6. Considerable damage to or the death of Trees may result if more than six (6) inches of soil is added around the base of a Tree, more than thirty percent (30%) of circumferential bark is removed, or more than thirty percent (30%) of the root system is removed. In addition, asphalt paving, Building Construction, and soil compaction too close to Trees may cause their destruction. Accordingly, it shall be the responsibility of the Applicant to institute alternative site designs to assure the best chance of Tree survival whenever these criteria cannot be adhered to. The use of alternative pervious surfaces such as "Turf-Block" may be required in Tree drip line areas within parking areas only.
7. Where there are Specimen or Historic Trees, as defined in Article XII of this Code, preservation of such Trees shall be required, where reasonably possible. When such Trees exist where greater than six (6) inches of fill is required, tree wells shall be utilized and constructed within the drip line area.
8. Those Trees designated for preservation in accordance with the provisions of this Code, and as shown on the approved landscape plan, shall be marked with bright blue ribbons encircling the Tree trunk at a four (4) feet DBH, and a four (4) feet high structural barricade shall be constructed around the Tree at the drip line prior to the start of Construction. It shall be the responsibility of the Applicant to insure that markings and barricades remain in place until completion of all Construction or improvements.

Sec. 3.06.11 Architectural Design Standards

The pleasing and compatible relationship of architecture along Ponte Vedra/Palm Valley Overlay District Delineated Roadways is of important public concern. The architectural design of Structures and their materials and colors must be visually harmonious with the overall appearance, history and cultural heritage of St. Johns County, and also with natural Land forms and existing vegetation. Compatibility with existing adjacent Structures and other approved Development Plans must also be considered. The intent of these standards is not to restrain diversity or innovative architecture, but to reduce incompatible and adverse impacts, and to insure an aesthetically pleasing environment. To accomplish this, the following standards shall apply to the review of proposed Buildings, renovations, and related site improvements.

- A. Proposed Development shall be located and configured in a visually complementary manner with the existing terrain and vegetation of the Parcel and surrounding parcels. Structures shall obstruct as little as reasonably practical scenic views from the main road or from existing Structures and the natural environment. Structures shall not dominate, in an incompatible manner, any general Development or adjacent Building which is substantially in compliance with this Code. This may be accomplished by the use of architectural features and/or siting of proposed Structures to reduce the appearance of excessive and inappropriate height or mass of proposed Structures.

- B. The proposed Building or Structure shall be of such design that it contributes to the image of the Ponte Vedra/Palm Valley Overlay District as a place of beauty, spaciousness, and high quality.
- C. The proposed Building or Structure shall not, in its exterior design and appearance, be of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance or value.

Sec. 3.06.12 Design Elements and Materials

The following specific design criteria shall apply to Development regulated under the conditions of the Ponte Vedra/Palm Valley Overlay District:

- A. Flat roofs, or the appearance of flat roofs, shall not be allowed. Pitched roofs, or the appearance of pitched roofs, with a minimum slope of 5/12 are required.
- B. Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or design elements, or by unbroken extension of line shall be avoided.
- C. Architectural grade shingles, metal standing seam, tile or other non-reflective roof materials with similar nature-blending texture and appearance shall be considered appropriate.
- D. Stucco, tabby, wood siding or wood shingle siding, brick or other materials with similar texture and appearance shall be considered appropriate.
- E. Exterior colors of paints and stains shall be nature-blending with no more than three colors per Building, excluding roof color. Semi-transparent stains are recommended for application on natural wood finishes. All exterior color hues shall be subdued, consistent and compatible with those on existing adjacent properties as well as those throughout the Ponte Vedra/Palm Valley Overlay District.
- F. Roof and exterior wall surfaces, with the exception of glass doors and windows shall be non-reflective. Any glass coating shall not reflect outward and shall be limited in color to gray or green. No more than forty (40%) percent of the facade facing any of the Ponte Vedra/Palm Valley Overlay District Delineated Roadways shall be glass or reflective material.
- G. The location and dimensions of wall Signs shall maintain compatibility with architectural materials, finishes and features of the Building.

Sec. 3.06.13 Lighting Criteria

Architectural lighting shall be recessed under roof overhangs or generated from a concealed light source, or low level light fixtures. Site lighting shall be of low-intensity, shall be of white light which does not distort colors and shall not spill over into adjoining properties, roadways or in any way interfere with the vision of oncoming motorists. Specifically, lights without cutoff-type luminaire shall be no higher than ten (10) feet and shall have a minimum illumination measured at the Lot line ground level of 0.20 candlepower. Lights with a cutoff-type luminaire shall be no higher than

twenty (20) feet, with a maximum illumination measured at the Lot line at ground level of 0.30 candlepower. Lights with a luminaire of less than a ninety (90) degree cutoff shall be no higher than twenty (20) feet with a maximum illumination measured at the Lot line at ground level of 0.50 candlepower. All lighting which may impact sea turtles that nest on the sand beaches fronting the Atlantic Ocean shall be further regulated through the provisions of Section 4.01.09 of this Code.

Sec. 3.06.14 Administrative Requirements

The following requirements shall apply to all projects and provisions defined in Section 3.06.03 of this Ponte Vedra/Palm Valley Overlay District. For those projects subject to ARC review that do not require a County Building Permit, a Minor ARC Review shall be allowed. For those projects subject to ARC review that do require a County Building Permit, a Regular ARC Review shall be required.

A. Functions

The St. Johns County Board of County Commissioners shall direct the following functions to determine compliance with the Ponte Vedra/Palm Valley Overlay District:

1. The St. Johns County Board of County Commissioners shall establish by appointment an Architectural Review Committee (ARC) which shall be the same ARC established in the Ponte Vedra Overlay District. The ARC shall establish and adopt operating procedures which shall be in compliance with all applicable St. Johns County Land Development Codes and State and Federal laws.
2. The ARC shall meet as needed, at the request of the County Administrator or his designee, in order to fulfill its functions in a timely manner. Reasonable public notice shall be provided for all meetings of the ARC, and all meetings shall be open to the public. The ARC shall keep minutes of its proceedings and other official actions. A majority vote shall be required in order to provide an affirmative determination of compliance with this Part.

B. Application and Permitting Requirements

1. The ARC shall, with the assistance of the St. Johns County Planning Department, develop submittal requirements and review procedures in accordance with Sections 3.06.04 through 3.06.14 of this Part to determine compliance with this Code. Such procedures shall be adopted by Resolution of the St. Johns County Board of County Commissioners, and may be amended by the Board of County Commissioners from time to time, as appropriate. Pursuant to this adopted process, the ARC shall, in a timely manner, provide a written determination to the Applicant that the Development complies, complies with conditions, or does not comply, with Sections 3.06.04 through 3.06.13 of this Code.
2. The Applicant must provide proof of the above written determination of compliance in order to obtain Land Clearing Permits, any Permit authorizing Construction, or any other Development Order as defined in Part II of Chapter 163, F.S.

C. Vested Rights Determinations

1. As an alternative to a determination that a proposed Development complies with the standards contained herein, the Applicant may demonstrate to the St. Johns County Board of County Commissioners, that vested rights to proceed with the proposed Construction or Development have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.06.00 of this Code to the subject Construction or Development. Upon a determination of vested rights or estoppel by the St. Johns County Board of County Commissioners, the provisions of Part 3.06.00 of this Code in conflict with such rights shall not be applied to the Applicant. The legal requisites for such determinations and burdens of proof, therefore, shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.
2. A Planned Unit Development (PUD) may be expanded, without a vested rights or estoppel determination, if the proposed addition(s) adjoins the existing PUD. The more restrictive standards and criteria of the existing PUD or the Ponte Vedra/Palm Valley Overlay District shall apply to the expansion.

D. Variances and Appeals

An Applicant may apply to the St. Johns County Board of County Commissioners for, and be granted or denied, a Variance from one or more standards of the Ponte Vedra/Palm Valley Overlay District. Variances, or modifications to these requirements within PUD's, in the Ponte Vedra/Palm Valley Overlay District shall be governed as follows:

1. Any Variance, or modification within PUD's, to Ponte Vedra/Palm Valley Overlay District requirements may be granted only by the Board of County Commissioners. Such requests shall be considered by the Board of County Commissioners pursuant to requirements of Section 10.04.03.
2. Any affected or aggrieved person may Appeal a determination of the Architectural Review Committee to the Board of County Commissioners, made under the authority of this Section, by filing such Appeal in writing to the County Administrator within thirty (30) days of any such determination.

PART 3.07.00 SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT

Sec 3.07.01 Purpose And Intent

The purpose and intent of establishing this Overlay District is to protect and preserve the "Old Florida" style, rural beach community in the South Anastasia Island Coastal Corridor Overlay District (alternatively "A1A South Overlay District") and achieve specific goals and objectives of the St. Johns County Comprehensive Plan. Objectives to be attained through the establishment of this A1A South Overlay District include protection of adjacent residential Uses; reduction of visual distraction through uniform Sign criteria; enhancement of physical appearance through increased landscaping of public and private property; clustering of complementary Uses throughout the various locations in the A1A South Overlay District; provision of architectural design guidelines within specific locations throughout the A1A South Overlay District; encouraging pedestrian oriented and non-urban scale to future Development; and enhancing the appearance of Development through landscaping. These goals shall be accomplished through the establishment of special Development standards for the A1A South Overlay District and the review of the impact upon the safe use of the roads of this A1A South Overlay District; the location, character, compatibility and appearance of all proposed commercial and multi-family land Uses; and the compliance with the standards, criteria, and application requirements of this Part. The review shall be performed with the goal of determining whether a proposed plan of Development meets the goals, objectives and polices set forth in the Comprehensive Plan and the standards and criteria of this Part.

Sec 3.07.02 Delineation Of The A1A South Overlay District

- A. The South Anastasia Island Coastal Corridor Overlay District (alternatively "A1A South Overlay District"), delineated herein, is a special district in the form of an overlay superimposed upon the various zoning districts. This A1A South Overlay District encompasses all that land situated within St. Johns County within the boundaries indicated as follows:
1. On the North by Owens Avenue;
 2. On the East by the Atlantic Ocean;
 3. On the South by the Flagler County line; and
 4. On the West by the Matanzas River (Intracoastal Waterway).
- B. In such cases where a proposed Development Parcel extends beyond the boundaries delineated above, the entire Parcel shall be subject to the A1A South Overlay District, except any portion outside the boundaries of St. Johns County. Measurements from the A1A South Overlay District boundaries will be made generally in a perpendicular direction from the right-of-way line and, where there is curvature, perpendicular to the chord of such curvature.

Sec. 3.07.03 Application Of District Regulations

- A. All standards prescribed in this Part shall apply to all Uses contained within the CN, CG, CHT, CI, OP, RG-1, and RG-2 zoning categories (including those Uses when contained in PUD's, PSD's, or PRD's) excluding single-family dwellings, mobile homes, roadside stands, and nurseries. These requirements shall apply to property proposed for Development as a permitted Use, and to all proposed Development subsequent to any rezoning, as well as to additions, exterior remodeling and renovations hereafter undertaken within the A1A South Overlay District.
1. Exterior remodeling and renovation shall be defined as any activity changing the exterior of a Structure that requires a County Building Permit.
 2. These regulations shall apply to only that portion being added, remodeled, renovated or changed.
 3. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired, without a review by the Architectural Review Committee (ARC).
 4. Any non-conforming Uses or Structures impacted by this Part shall follow Part 10.03.00 of this Code concerning non-conforming regulations.
- B. Permitted Uses

The Uses for the property contained within the A1A South Overlay District shall be as prescribed in the various zoning districts underlying the A1A South Overlay District, except where such Use or site design is not permitted by the St. Johns County Comprehensive Plan, or this Part as may be amended from time to time.

Sec. 3.07.04 Development Standards And Criteria

- A. The following general criteria shall apply within the A1A South Overlay District:
1. Roof design should generally be of hipped, shed or gable types unless the specific recognized architectural character of the Building suggests a flat roof. Mansard roofs shall be allowed provided they are on all visually exposed sides and the slope does not exceed one to one (1:1).
 2. Work areas or storage doors and open bays shall not open toward, face or otherwise be visible from State Road A1A South or any adjacent residential properties. No drive-through facilities shall be allowed as part of any commercial Structure.
 3. Heating, ventilation and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be either screened from view with fencing architecturally consistent with the Building or vegetation, or located so that such items are not visible from State Road A1A South, adjacent residential properties or intersecting Streets. Trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes (except as provided by Florida law), Antenna, and other such Structures shall be similarly screened or made not visible.

4. Chain link, barbed wire and similar fencing shall not be allowed in any required Front Yard, and where such fencing can be viewed from any roadway, landscaping and/or berming shall be provided to prohibit visibility from State Road A1A South or any adjacent residential properties.
5. Exterior lighting for safety and security shall be kept to a minimum consistent with reasonable safety requirements of the particular business or Structure. Safety and security lights, other than low-wattage lights or ground-area lights, shall not be directly visible from adjacent residential properties. Additional lighting criteria for the protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly.
6. The maximum amount of impervious surface coverage of any site proposed for Development, excluding any jurisdictional Wetlands, shall not exceed sixty-five percent (65%).
7. Commercial Uses shall have a maximum Gross Floor Area (GFA) of ten thousand (10,000) square feet per acre (pro rata), excluding any jurisdictional wetlands.
8. For properties adjacent to State Road A1A South, the maximum length of Buildings parallel, or within 45 degrees of parallel, to State Road A1A South shall be one hundred twenty (120) feet.
9. The maximum height of Structures shall not exceed thirty-five (35) feet measured from grade.

Sec. 3.07.05 Minimum Yard Requirements

A. Minimum yard requirements shall be as follows:

1. Front along State Road A1A South right-of-way
Twenty (20) feet for a one-Story Building; thirty (30) feet for a two-Story Building.
2. Front along any other Collector
Fifteen (15) feet for one-Story Building; twenty-five (25) feet for a two-Story Building.
3. Side
Ten (10) feet.
4. Rear
Ten (10) feet if adjoining rear of existing commercial Uses.
5. For Buildings proposed on sites which adjoin an existing residential land Use or residentially-zoned Lands, the minimum adjoining Yard requirement (whether it be a Side or Rear Yard, or both) is thirty (30) feet for a one Story Building. For a two

Story Building, the minimum adjoining Yard requirement (whether it be a Side or Rear Yard, or both) is fifty (50) feet.

6. Required separation

Minimum twenty (20) feet between Buildings.

7. Accessory Uses and Structures shall not be visible from State Road A1A South, and shall be a minimum distance of ten (10) feet from the side and rear landscape buffers and shall not exceed seven (7) feet in height. Accessory Uses and Structures shall not be allowed closer to State Road A1A South than any Building on the site.

Sec. 3.07.06 Buffers

A. Buffering Requirements

The minimum buffering requirements are as follows:

1. A minimum ten (10) foot buffer from the right-of-way of State Road A1A South.
2. A minimum ten (10) foot buffer from side property boundaries. Side Yard buffers shall begin not more than fifty (50) feet from the right-of-way of State Road A1A South and shall continue to the front or rear property line most distant from said right-of-way.
3. A minimum ten (10) foot buffer from rear property boundaries.
4. Where a one (1) Story Building is to be constructed within sixty (60) feet of residentially-zoned property, or where a two (2) Story Building is to be constructed within one hundred (100) feet of residentially-zoned property, a landscaped visual screen shall be provided and maintained between the Building and the residentially-zoned property, which provides seventy-five percent (75%) or greater opacity to a six (6) foot height.

- B. Buffers within required Yards and landscaped visual screens shall, where reasonably possible, contain native vegetation existing on the site proposed for Development.

C. Buffer areas

Buffer areas are landscaped strips or existing native vegetation along parcel boundaries which separate incompatible Uses or serve as boundaries of parcels or Uses and may serve as a protective or safety barrier.

- D. Buffer areas required shall be included in plans submitted for review. Buffer areas may be located between the Building restriction lines and the property lines and shall not be located in an existing or dedicated public or private street right-of-way. However, the continuation of buffer landscaping into the right-of-way, where feasible and permitted, is encouraged. (Note: Building restriction line is defined herein as a line offset by a prescribed

distance within a property line beyond which Construction is not permitted unless authorized herein.)

Sec. 3.07.07 Fences And Walls

- A. Within the A1A South Overlay District the maximum allowable height for fences or walls, including posts/columns, gates, lights, etc. outside Building restriction lines shall have a maximum height of four (4) feet except:
1. On rear Lot lines which coincide with the Right-of-Way line of State Road A1A South, the maximum height may be eight (8) feet.
 2. For property adjacent to a borrow pit or drainage pond, the maximum height may be six (6) feet.
 3. Properties in a commercial zoning district are allowed fences only in the Rear and Side Yard with a maximum height of six (6) feet and a maximum height of any posts/columns, gates, lights, etc. of eight (8) feet, except as provided in Section 3.07.06.A.4.
 4. The height shall be measured from the established grade on the exterior side of the fence or wall. They are allowed anywhere on the Lot except as prohibited on corner lots and because of sight triangles.
 5. Retaining Walls

Maximum height of a retaining wall on a Lot or parcel is four (4) feet. A minimum of forty (40) feet shall separate retaining walls designed to add cumulative height.

Sec. 3.07.08 Parking

- A. All parking in the A1A South Overlay District shall be governed by the appropriate Land Development Code requirements, except as indicated below. However, where the nature of a particular business would indicate the need for less than the minimum required number of parking spaces, businesses are encouraged to seek Variances from parking requirements, upon demonstration that the required spaces are not needed, in exchange for enhanced buffers, landscaping and other pervious surfaces.
- B. Adequate lighting shall be provided if off-Street parking or loading facilities are to be used at night. The lighting shall be designed and installed to minimize glare on adjacent property. The parking area illumination shall be confined to the parking area, not extending beyond the property line. Bulbs shall be concealed from adjacent properties.

Sec. 3.07.09 Signage

All multi-family and commercial Signs, including new, replacement or modified existing Signs, shall be governed as set forth in this Code, except as provided below:

- A. All Ground Signs shall be of a wide-based monument style. Pylon Signs may be permitted

when the pylon is effectively screened from view with landscaping or landscaped berm features. Signs may be double-faced and shall not create a traffic hazard or endanger the public safety.

- B. Sign composition shall be consistent with the architectural materials, finishes and features of the Building.
- C. For Uses occupying five (5) acres or less, the total ground Sign face area shall not exceed thirty-two (32) square feet per Sign face. One such Sign shall be allowed for street frontage on State Road A1A South. The Sign should include the numerical address.
- D. For Uses occupying more than five (5) acres, the total area per Sign face shall not exceed eighty (80) square feet. One such Sign shall be allowed for street frontage on State Road A1A South. The Sign should include the numerical address.
- E. Signs may be supported by foundations the height of which shall not exceed four (4) feet. Use of dirt, sand, or other materials to elevate the height of the Sign on a mound is prohibited. The maximum height to the top of the Sign or the mounting surface for molded letters shall be eight (8) feet where the ground Sign face is permitted to be up to thirty-two (32) square feet, and twelve (12) feet where the ground Sign face is permitted to be up to eighty (80) square feet.
- F. Signs may be illuminated according to the standards of Article VII of this Code.
- G. Signs on Buildings shall be limited to one (1) wall Sign on the front of the Building. When such Building abuts both on the front and side streets, one (1) wall Sign may also be located upon the side street elevation of the Building. The total wall Signage for each Building establishment shall not exceed twenty-four (24) square feet per face.
- H. Where a Building is divided into units for several businesses, one wall Sign as specified above may be allowed for each such business. In addition, each business located therein may have one double-faced hanging Sign under covered walkways with maximum dimension of two (2) feet by four (4) horizontal.
- I. One (1) awning Sign may be substituted, on the front elevation of a Building, for a wall Sign. A window identification Sign may be substituted for a wall Sign.
- J. In construing the provisions of this Section, Signs erected within or upon show window, display window or doors containing letters not exceeding six (6) inches in height, shall not be counted in computing the number of wall or hanging Signs.
- K. Real estate, for sale or rental Signs may be installed in addition to the above limits provided the face of the Sign shall not be greater than sixteen (16) square feet and limited to one (1) Sign per parcel of land, business, or office Building.
- L. Temporary window Signs, for the purpose of advertising a particular type of service, products, or events may be attached or applied to the inside of a window. Any Sign within two (2) feet of the glass is considered a window Sign. The total window Sign coverage is limited to twenty-five percent (25%) of the window space. Temporary window Signs shall be removed within thirty (30) days.

M. The following signage is prohibited:

1. Roof, banner type, spectacular, portable and animated Signs and billboards
2. Signs painted on the roof of a Building;
3. Statues, flags, banners, pennants or inflatable Signs, except as may be allowed by Article VII of this Code;
4. Exterior electric Signs;
5. Exterior neon Signs;
6. Interior neon Signs which exceed more than thirty percent (30%) of a window area or is larger than twelve (12) square feet and visible from the outside;
7. Fluorescent lighting for any purposes other than overhead lighting.
8. Any Sign prohibited by Article VII of this Code.

Sec. 3.07.10 Landscape Criteria

- A. Applications for rezonings shall provide schematic and textual information which describes existing vegetation including any Specimen, Historic or Protected Trees. Specimen, Historic and Protected Trees shall be those as defined within Article XII of this Code. The rezoning application shall also address proposed Tree protection, proposed landscaping, and required buffering.
- B. Landscape Plan

At the time of Construction Plan review, in accordance with the County's Development Review Committee (DRC) process, and prior to issuance of any Land Clearing or Construction Permits, the following detailed information shall be provided (this requirement shall apply to all Development, that which is pursuant to a rezoning or otherwise to which the established DRC process is applicable). A detailed landscape plan, which depicts and describes the following items, shall address or reference each item numerically in the following order on the plan drawings or by attached text.

1. A survey of all Specimen, Historic and Protected Trees shall be submitted in conjunction with the Development site layout. The Tree survey shall also depict any Protected Trees as defined in Article XII of this Code. All Trees proposed for removal shall be clearly noted. The Tree survey shall note sizes, locations, species identification, and spacing, and shall be certified by either a registered land surveyor, registered engineer, registered landscape architect or certified arborist.
2. All proposed Trees and plant materials, with sizes, locations, species identification, existing and proposed contours and spacing.
3. All existing and proposed Structures and vehicular use areas, with sizes, square footage, materials, and circulation noted.

4. Proposed irrigation system layout (if required).
5. Parking lot islands which include one shade Tree, existing or planted, not less than fourteen (14) feet in height and four (4) inch caliper, for each island. Shrubbery in each island shall include a minimum of three (3) three-gallon container stock for each forty (40) square feet of planting area.
6. Retention and protection of Specimen and valuable native Protected Trees and use of native and drought-resistant plant materials (see following Section 3.07.10.C.).
7. Buffering and screening requirements as described in Section 3.07.06 and landscaped as follows:
 - a. The minimum ten (10) feet landscaped buffer from State Road A1A South right-of-way shall contain existing or installed evergreen or native palm species Trees which, where reasonably possible, are native and are not less than four (4) inches DBH, with a six (6) feet spread, placed not more than twenty (20) feet apart. Shrubbery is also required in this area and shall be not less than three (3) feet above the established grade at time of planting and where reasonably possible, shall be native. The established grade includes the height of any berm on which shrubbery is planted.
 - b. Where commercial or multi-family Development adjoins single-family residential property, a ten (10) feet buffer from the residential property lines shall contain a visual screen consisting of existing or installed evergreen species Trees which, where reasonably possible, are native and are not less than four (4) inches DBH placed not more than fifteen (15) feet apart.
 - c. Maintenance plan for Trees and plant materials during Construction and after Development is completed.

C. Tree Protection

Development of land for different Uses and intensity often necessitates the removal of Trees to accommodate roads, parking, Buildings, and facilities. It is the intent of this A1A South Overlay District that every effort be made through the design, layout, and Construction of Development projects to incorporate and save as many Trees as possible. All Development pursuant to this Part shall comply with the St. Johns County Land Clearing and Tree Protection in Section 4.01.05, and the following standards shall also apply within the A1A South Overlay District. Where applicable, the following information shall also be addressed or referenced numerically in the following order on the landscape plan drawings or by attached text.

1. No person shall cut, destroy, move, or remove any living, disease-free Tree of any species having a trunk of eight (8) inches DBH or larger, in conjunction with any Development of land governed by this Code unless and until such removal or destruction has been approved under the provisions of this Code, as well as the St. Johns County Land Clearing and Tree Protection pursuant to Section 4.01.05.

2. No person shall cut or clear land of Trees for the sole purpose of offering land for sale.
3. The clear-cutting of Trees shall be avoided where reasonably possible. The term "clear-cutting" as used herein shall mean the cutting of more than seventy-five percent (75%) of the Trees four (4) inches DBH or greater. Clear-cutting pursuant to an approved Development Plan shall require the planting of replacement Trees as indicated in the detailed landscape plan accompanying the Construction Permit application.
4. The requirement for a Tree survey, as required by Section 3.07.10.A., shall be waived when the Applicant demonstrates the ability to accomplish the proposed project without removal of any Trees eight (8) inches DBH or greater. The Applicant shall submit to the County Administrator, a written statement prior to obtaining any Land Clearing or Construction Permits which provides that no such Trees shall be removed, and subsequent Permit will indicate "No Tree Removal" as a condition thereof.
5. Removal of Protected Trees shall be strongly discouraged. Where removal of such Trees is required, replacement of such species shall be required on an inch for inch basis. Relocation (spading) of such Trees, where reasonably possible, shall be required.
6. Considerable damage to or the death of Trees may result if more than six (6) inches of soil is added around the base of a Tree, more than thirty percent (30%) of circumferential bark is removed, or more than thirty percent (30%) of the root system is removed. In addition, asphalt paving, Building Construction, and soil compaction too close to Trees may cause their destruction. Accordingly, it shall be the responsibility of the Applicant to institute alternative site designs to assure the best chance of Tree survival whenever these criteria cannot be adhered to. The use of alternative pervious surfaces such as "Turf-Block" may be required in tree drip line areas within parking areas only.
7. Where there are Specimen or Historic Trees, as defined in this Code, preservation of such Trees shall be required, where reasonably possible. When such Trees exist where greater than six (6) inches of fill is required, tree wells shall be utilized and constructed within the drip line area.
8. Those Trees designated for preservation in accordance with the provisions of this Code, and as shown on the approved landscape plan, shall be marked with bright blue ribbons encircling the Tree trunk at a four (4) feet DBH, and a four (4) feet high structural barricade shall be constructed around the Tree at the drip line prior to the start of Construction. It shall be the responsibility of the Applicant to insure that markings and barricades remain in place until completion of all Construction or improvements.

Sec. 3.07.11 Architectural Design Standards

The pleasing and compatible relationship of architecture along the A1A South Overlay District is of important public concern. The architectural design of Structures and their materials and colors must be visually harmonious with the overall appearance, history and cultural heritage of the communities within the A1A South Overlay District, and also with natural land forms and existing vegetation. Compatibility with existing adjacent Structures and other approved development plans must also be considered. The intent of these standards is not to restrain diversity or innovative architecture, but to reduce incompatible and adverse impacts, and to insure an aesthetically pleasing environment. To accomplish this, the following standards shall apply to the review of proposed Buildings, renovations, and related site improvements.

- A. Proposed Development shall be located and configured in a visually complementary manner with the existing terrain and vegetation of the Parcel and surrounding Parcels. Structures shall obstruct as little as reasonably practical scenic views from the main road or from existing Structures and the natural environment. Structures shall not dominate, in an incompatible manner, any general Development or adjacent Building which is substantially in compliance with this Code. This may be accomplished by the use of architectural features and/or siting of proposed Structures to reduce the appearance of excessive and inappropriate height or mass of proposed Structures.
- B. The proposed Building or Structure shall be of such design that it contributes to the image of the A1A South Overlay District as an "Old Florida" style, rural beach community with a pedestrian oriented, non-urban scale to the built environment preserving where possible the native beach and estuarine environments of the area.

Sec. 3.07.12 Design Elements And Materials

The following specific design criteria shall apply to Development regulated under the conditions of the A1A South Overlay District:

- A. Roofs, see Section 3.07.04.A.1.
- B. Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or design elements, or by unbroken extension of line shall be avoided.
- C. Roof shall consist of wood or asphalt composition shingles, barred tile, clay tile or similar non-reflective finished material having a natural texture and appearance. Metal roofs shall only be allowed where they are characteristic of a recognized architectural style.
- D. Exterior walls on all sides shall be stucco, tabby, wood siding or wood shingle siding, brick or other materials with similar texture and appearance.
- E. Exterior colors of paints and stains which are subdued and nature-blending are preferred with no more than three colors per Building, excluding roof color. Semi-transparent stains are recommended for application on natural wood finishes.
- F. Roof and exterior wall surfaces, with the exception of glass doors and windows shall be

non-reflective. Any glass coating shall not reflect outward and shall be limited in color to gray or green. No more than forty percent (40%) of the facade facing State Road A1A South shall be glass or reflective material.

- G. The location and dimensions of wall Signs shall maintain compatibility with architectural materials, finishes and features of the Building.

Sec. 3.07.13 Lighting Criteria

Architectural lighting shall be recessed under roof overhangs or generated from a concealed light source, or low level light fixtures. Site lighting shall be of low-intensity, shall be of white light which does not distort colors and shall not spill over into adjoining properties, roadways or in any way interfere with the vision of oncoming motorists. Specifically, lights without cutoff-type luminaire shall be no higher than ten (10) feet and shall have a minimum illumination measured at the Lot line ground level of 0.20 candlepower. Lights with a cutoff-type luminaire shall be no higher than twenty (20) feet, with a maximum illumination measured at the Lot line at ground level of 0.30 candlepower. Lights with a luminaire of less than a ninety (90) degree cutoff shall be no higher than twenty (20) feet with a maximum illumination measured at the Lot line at ground level of 0.50 candlepower. All lighting which may impact sea turtles that nest on the sand beaches fronting the Atlantic Ocean shall be further regulated through the provisions of Section 4.01.09 of this Code.

Sec. 3.07.14 Administrative Requirements

The following requirements shall apply to all projects and provisions defined in Section 3.07.03 of this A1A South Overlay District. For those projects subject to ARC review that do not require a County Building Permit, a Minor ARC Review shall be allowed. For those projects subject to ARC review that do require a County Building Permit, a Regular ARC Review shall be required.

A. Functions

The St. Johns County Board of County Commissioners shall direct the following functions to determine compliance with the A1A South Overlay District:

1. The St. Johns County Board of County Commissioners shall establish by appointment an Architectural Review Committee (ARC). The ARC shall establish and adopt operating procedures which shall be in compliance with all applicable St. Johns County Land Development Codes and State and Federal laws. The ARC shall consist of three (3) members, two (2) of whom must be residents of the A1A South Overlay District. At least one (1) member shall be an active or retired architect currently or formerly registered in the State of Florida.
2. The ARC shall meet as needed, at the request of the County Administrator or his designee, in order to fulfill its functions in a timely manner. Reasonable public notice shall be provided for all meetings of the ARC, and all meetings shall be open to the public. The ARC shall keep minutes of its proceedings and other official actions. A majority vote shall be required in order to provide an affirmative determination of compliance with this Part.

B. Application and Permitting Requirements

1. The ARC shall, with the assistance of the St. Johns County Planning Department, develop submittal requirements and review procedures in accordance with Sections 3.07.04 through 3.07.14 of this Article to determine compliance with this Code. Such procedures shall be adopted by Resolution of the St. Johns County Board of County Commissioners, and may be amended by the Board of County Commissioners from time to time, as appropriate. Pursuant to this adopted process, the ARC shall, in a timely manner, provide a written determination to the Applicant that the Development complies, complies with conditions, or does not comply, with Sections 3.07.04 through 3.07.13 of this Code.
2. The Applicant must provide proof of the above written determination of compliance in order to obtain Land Clearing Permits, any Permit authorizing Construction, or any other Development Order as defined in Part II of Chapter 163, F.S.

C. Vested Rights Determinations

1. As an alternative to a determination that a proposed Development complies with the standards contained herein, the Applicant may demonstrate to the St. Johns County Board of County Commissioners, that vested rights to proceed with the proposed Construction or Development have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.07.00 of this Code to the subject Construction or Development. Upon a determination of vested rights or estoppel by the St. Johns County Board of County Commissioners, the provisions of Part 3.07.00 of this Code in conflict with such rights shall not be applied to the Applicant. The legal requisites for such determinations and burdens of proof, therefore, shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.
2. A Planned Unit Development (PUD) may be expanded, without a vested rights or estoppel determination, if the proposed addition(s) adjoins the existing PUD. The more restrictive standards and criteria of the existing PUD or the A1A South Overlay District shall apply to the expansion.

D. Variances and Appeals

An Applicant may apply to the St. Johns County Board of County Commissioners for, and be granted or denied, a Variance from one or more standards of the A1A South Overlay District. Variances, or modifications to these requirements within PUD's or PSD's, in the A1A South Overlay District shall be governed as follows:

1. Any Variance, or modification within PUD's or PSD's to A1A South Overlay District requirements may be granted only by the Board of County Commissioners. Such requests shall be considered by the Board of County Commissioners pursuant to requirements of Section 10.04.03.

2. Any affected or aggrieved person may Appeal a determination of the Architectural Review Committee to the Board of County Commissioners, made under the authority of this Section, by filing such Appeal in writing to the County Administrator within thirty (30) days of any such determination.

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July 29, 1999

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**ARTICLE IV
NATURAL RESOURCES**

PART 4.00.00 GENERALLY

The decision by the Owner as to whether and how to develop a Parcel of land, and the decision by St. Johns County to approve or disapprove proposed Development, may depend on the impact that the proposed Development will have on natural resources. This Article establishes standards and procedures by which these impacts are determined, and by which St. Johns County will approve or disapprove the Development in light of such impacts.

PART 4.01.00 NATURAL RESOURCES

Sec. 4.01.01 Generally

A. Purpose

The purpose of the Natural Resources Regulations is to set forth regulations regarding Land Alteration, the protection of soil and water, the protection of Trees and other vegetation, and the protection of Environmentally Sensitive Areas, in order to maintain the quality of life in St. Johns County and protect the health, safety, welfare and general well being of the citizens of St. Johns County.

B. Intent

It is intended that the implementation of these regulations accomplish the following objectives:

1. Promote soil Conservation by minimizing and controlling alterations of the natural terrain, and thereby reduce sedimentation and air and surface water pollution resulting from soil erosion.
2. Maximize the retention of Trees, a valuable natural resource of the community.
3. Create an aesthetically pleasing and functional living environment to protect and enhance property values by conserving Trees and other vegetation.
4. Protect Environmentally Sensitive Areas from activities which would alter their ecological integrity, balance or character.
5. Ensure that the activities associated with Excavating and the resulting excavation itself do not adversely impact the quantity or quality of surface water or groundwater.

6. Ensure that the hauling of excavated material does not adversely impact public roads or bridges or public health, safety or welfare.
7. Ensure compliance with Chapter 163, F.S., and the St. Johns County Comprehensive Plan.

Sec. 4.01.02 Natural Resources Permitting

A. When Required

Except as specifically exempted herein, it shall be unlawful for any Person, firm or corporation, either individually or through an agent, to cause Land Alteration within the unincorporated areas of St. Johns County without having obtained, a Development Permit or Development Order from the County Administrator, or to allow a condition which is the result of unauthorized Land Alteration activity to remain unremedied.

B. Effect of Permit

Issuance of a Development Permit by the County Administrator, or exemption from the requirement thereof, does not abrogate any legal requirement to comply with the regulations of any other governmental agency, local, state or federal, which may have jurisdiction over the proposed activity upon the land.

C. Exceptions to Requirement of Permit

No Permit under this Section is required for:

1. The Removal of dead or naturally fallen vegetation, except within an Environmentally Sensitive Area.
2. The limited Removal of Understory vegetation necessary to obtain clear visibility between two (2) points for the purpose of performing field survey work, provided the Removal will not create a cleared swath wider than ten (10) feet.
3. The Removal of vegetation that is endangering public health, safety or welfare, and, after consultation with the County Administrator, it is determined by the County Administrator that there is no other remedy provided in this Code.
4. The Removal of Exempted Trees, as defined in this Code.
5. The Removal of vegetation planted on the premises of a plant nursery or tree farm and grown for the purpose of selling to the general public in the ordinary course of business.
6. The transplanting of Understory vegetation, including any Protected Tree, for use as landscaping material within the site or off the site, provided the Understory vegetation is not transplanted from an Environmentally Sensitive Area.

7. Land Alteration activities within approved utility Rights-of-Way or Easements necessary to supply gas, water, sewer, telephone, cable television, or electrical service, provided these activities do not adversely impact an Environmentally Sensitive Area; however, any Land Alteration activity within a new electrical transmission corridor greater than one hundred (100) feet in width does not qualify for this exemption. Pursuant to the definition of Land Alteration, activities undertaken to maintain existing utility Rights-of-Way or Easements are not regulated by these Land Alteration regulations.
8. Land Alteration activities necessary to install a sprinkler system, septic tank, septic tank drainfield, utility line or swimming pool; or minor filling for topsoil or foundation fill; provided these activities do not involve Protected Tree Removal or are not undertaken within an Environmentally Sensitive Area.
9. Land Alteration activities on residentially zoned land for Single Family or Two Family Dwelling Unit where the principal structure allowed pursuant to the zoning regulations has been previously permitted and constructed after Building Permit has been issued, except for the specific provisions of Sections 4.01.05, and 4.01.09.
10. Land Alteration activities which are normal and necessary to conduct Bona Fide Agricultural and Silvicultural Operations, where those operations are on land in a zoning category which allows Agricultural or Silvicultural Use. Existing Bona Fide Agricultural and Silvicultural Operations may continue within Planned Unit Developments (PUD's) and Planned Rural Developments (PRD's) when allowed within the ordinance establishing the PUD or PRD district.
11. Land Alteration activities required by an administrative or judicial order for the correction of landfill violations or closure of a landfill pursuant to Chapter 17 of the Florida Administrative Code.
12. In the interest of public safety, health and general welfare during or following high winds, storms, hurricanes, tornadoes, floods, freezes, fires or other manmade or natural disasters, the County Administrator, upon finding that a waiver is necessary and defining geographically the area of the emergency, may suspend the regulations contained in Part 4.01.00 of this Code, in whole or in part, for a period of up to thirty (30) days in the affected area.
13. The Removal of Trees and vegetation for Fire Protection Breaks.
14. Land Alteration activities necessary for the Construction and safe operation of Airport infrastructure intended for public use. This includes Tree Removal and/or tree and vegetation mitigation associated with Airside Activities such as clear zones and runway safety and protection zones.
15. The Removal of Trees exempted under Section 4.01.05.B of this Code.

D. Certain Activities Exempt From the Provisions of Section 4.01.07, Significant Natural Communities Habitat

1. The terms of Section 4.01.07, pertaining to Significant Natural Communities Habitat, shall not apply to the following activities:
 - a. Land Alteration activities necessary to make the improvements shown on Site Development Plans, Subdivision Construction Plans, DRI's, PUD's, and PRD's approved prior to adoption of this Code.
 - b. Land Alteration activities on land subdivided pursuant to the Subdivision Regulations for a Subdivision that does not require Improvement facilities.
 - c. Land Alteration activities necessary to construct a Single Family or Two Family Dwelling Unit.
2. Development specifically vested against Land Development Regulations adopted to implement the Comprehensive Plan pursuant to a valid, unexpired Vested Rights Determination shall not be required to comply with Section 4.01.07, pertaining to Significant Natural Communities Habitat.
3. Development approved in a Development of Regional Impact (DRI) Development Order adopted prior to the adoption of this Code is exempt from the provisions of Section 4.01.07, Significant Natural Communities Habitat. Further, any amendment to such DRI Development Order which does not increase the impact of authorized Development within Significant Natural Communities Habitat sought to be protected by the provisions of Section 4.01.07 shall also be exempt from such provisions. Any amendment to such DRI Development Order which adds additional land to the DRI Development Order and increases the impact of authorized Development within Significant Natural Communities Habitat sought to be protected by the provisions of Section 4.01.07 shall be addressed in the manner provided in that Section as to such new land. All other amendments to such DRI Development Order shall be reviewed in accordance with the criteria contained in Section 380.06(19), F.S.
4. The terms of Section 4.01.07 pertaining to Significant Natural Communities Habitat shall not apply to those Land Alteration activities which are normal and necessary to conduct Bona Fide Agricultural and Silvicultural Operations.
5. The terms of Section 4.01.07 pertaining to Significant Natural Communities Habitat shall not apply to those Land Alteration activities which directly relate to Airside Activities at Airports intended for public use. Airside Activities include but are not limited to runways, taxiways, taxilanes, aircraft aprons, storage hangers, terminal Buildings, aircraft maintenance facilities, and other similar Airside Activities and Structures.

6. The terms of Section 4.01.07 pertaining to Significant Natural Communities Habitat shall not apply to Development Projects less than ten (10) acres in size.
- E. The terms of Section 4.01.06 pertaining to buffers and setbacks shall not apply to platted or legal and documented Lots of Record existing prior to the initial effective date of this Code to be developed as one (1) Single Family or Two Family Dwelling, except that a minimum twenty-five (25) foot upland buffer shall be required in all instances, unless either a vesting determination is obtained or a Variance is approved pursuant to Article X of this Code. Furthermore, any residence and Accessory Uses regardless of the size of the footprint constructed or properly and effectively permitted on such a Lot on the initial effective date of this Code shall for that particular Structure be a deemed vested Use of the Lot in relation to the buffers and setbacks required by this Article, and such residence and Accessory Use shall not be a Non-Conforming Use under this Code to the extent it shall be replaceable within its existing footprint.

Sec. 4.01.03 Reserved

Sec. 4.01.04 Soil And Water

Pursuant to the objectives and policies of the Coastal/Conservation Element of the St. Johns County Comprehensive Plan, the following measures shall be taken to protect and conserve Soils and Water within the County:

- A. Minimization of Impact
 1. Proposed Improvements shall be designed and located to minimize Land Alteration activities which would unnecessarily Remove the existing vegetation or alter the topography of the natural land surface.
 2. Adequate protection measures, such as hay bales, baffles, sodding and sandbagging, shall be provided as necessary to minimize erosion and downstream sedimentation caused by surface water runoff on exposed land surfaces.
- B. Surface Water Discharges
 1. The turbidity of surface water discharged off-site or into any Wetland or Natural Water Body on-site shall not violate the water quality standard for turbidity as stated in Chapter 62-302, F.A.C. Turbid water in violation of this standard shall be treated prior to discharge off-site or into any Wetland or Natural Water Body on-site by using sediment control measures such as settling basins, berms, interceptor ditches, silt screens and other sediment traps. Whenever sediment control measures are necessary, they shall be installed prior to initial clearing and grading operations and maintained throughout the Land Alteration activity as a condition of granting the Permit.

2. Surface water runoff shall be discharged only within the drainage area that normally receives this runoff, unless otherwise approved by the St. Johns River Water Management District or other state or federal agency having jurisdiction.

C. Excavation

1. Applicants must ensure that any proposed Excavating activities meet the standards of the Florida Department of Environmental Protection and St. Johns River Water Management District.
2. Excavating activities shall not adversely impact water levels of either surface water or groundwater on surrounding property. The County shall ensure compliance with Florida Department of Environmental Protection and St. Johns River Water Management District permitting requirements for maintenance of water levels for surface water and groundwater.

D. Exposed Soils

Exposed soils shall be vegetated immediately upon completion of Land Alteration activities. Areas may be sodded, plugged, sprigged, seeded or covered with other vegetation as desired. In areas where erosion is likely, such as slopes greater than five to one (5:1) or areas of erosion prone soils, the County Administrator may determine that sodding is required. Where erosion is found to be occurring, sodding shall be required. In areas where grass seed is used, nurse grass seed (e.g. rye, millet) shall also be sown for immediate effect.

E. Placement of Fill

Fill shall not be placed in Wetlands, Natural Water Bodies, natural water courses, or related floodplains up to and including the 100-year floodplain, manmade/artificial channels, or any natural or manmade stormwater storage area, without prior approval of all applicable state and federal permitting agencies having jurisdiction.

Sec. 4.01.05 Trees And Other Vegetation

A. General Prohibitions

It shall be prohibited and subject to penalties contained herein for any person directly or indirectly to perform any of the following, unless exempted herein or by an approved Variance.

1. To damage or Remove any Protected Tree without first obtaining a Tree Removal Permit.
2. To perform Tree Removal or Land Clearing without a valid County Land Clearing Permit.

3. To perform any Construction activity including Land Clearing and Tree Removal without first erecting Protective Barriers to at least include the Tree's Protected Area as defined in this Code.
4. To make any Construction activity within the required Protected Area of any Protected Tree.
5. To place any Structure or site Improvement within a required Protected Area unless the Improvement is depicted on a sealed Site Plan and approved by the County Development Review process.
6. To change earth grade more than six (6) inches within the required Protected Area of any Protected Tree.
7. To modify drainage which causes water to be trapped within a required Protected Area of any Protected Tree.
8. To perform Land Clearing or Tree Removal on the individual platted Lots within a new multi-Lot residential Project. On residential Projects requiring clearing for New Construction, only a Tree Removal/Land Clearing Permit for the road Right-of-Ways, drainage areas and Utility Easements as shown and approved on the Project's Construction Plans shall be issued after Construction Plans are approved through the County Development Review process.

B. Exemptions

Notwithstanding anything to the contrary in this Code, the following activities shall be lawful without application for and issuance of a Permit. None of these exemptions shall apply to any dune vegetation seaward of the Coastal Construction Control Line or to a Specimen Tree, or Historic Tree, unless otherwise stated below. The burden of proving entitlement to any particular exemption shall lie with the Person claiming the exemption. Exemptions are as follows:

1. The Removal, trimming, pruning or alteration of any unprotected Tree or other vegetation when necessary for:
 - a. The clearing of a path not to exceed ten (10) feet in width to provide physical access or view necessary to conduct a survey or site examination for the preparation of Subdivision plats, Site Plans, or Tree Surveys. The path may be widened to avoid a Protected Tree. However, Land Clearing for surveys shall not authorize the Removal of Protected, Specimen or Historic Trees.
 - b. The clearing of a path not to exceed ten (10) feet in width to provide vehicular access necessary to conduct soil percolation and/or soil bore tests on a property.
 - c. Creation of a Fire Protection Break

2. Routine landscape maintenance such as trimming or pruning of vegetation which is not intended or reasonably likely to result in the eventual death of any Protected Tree; and mowing of yards or lawns, or any other landscaping or gardening activity, which is commonly recognized as routine non-commercial gardening or routine maintenance or replacement. This exemption shall be construed to allow routine maintenance of commonly grown horticultural vegetation growing on dunes seaward of the Coastal Construction Control Line, provided the Person owning such property, or his agent, first provides sufficient documentation evidencing express permission for such activity from the Bureau of Beaches and Coastal Systems of the Florida Department of Environmental Protection of the State of Florida.
3. The Removal, trimming, pruning or alteration of any Tree or vegetation in an existing Utility or drainage Easement or Right-of-Way provided such work is done by or under the control of the operating Utility company, or governmental agency, or property owners association or entity responsible for maintaining drainage Improvements and in the case of Utility Easements, said entity has received all necessary licenses or Permits to provide Utility service within the Easement. To qualify as an existing Easement or Right-of-Way, said Right-of-Way shall be legally recorded and platted or have drainage or Utility Structures in place prior to the effective date of this Code.
4. The Removal, pruning, trimming or alteration of any Tree or vegetation for the purpose of maintaining an existing access to a property.
5. The movement or storage of any vehicle within or across a Protected Area for the purpose of using or maintaining an access to property that existed prior to the adoption of this Code.
6. Any activity conducted on land operating as a Bona Fide Agricultural Use or Silvicultural Use such as a commercial nursery, farm, ranch or similar operations. This exemption shall include the purposeful Removal of a Tree or Trees (Protected Tree or not, but not including Historic and Specimen Trees) for their permanent relocation at another site undergoing Development. When Land Clearing or Tree Removal has been performed under this exemption based upon the Use of the property for an Agricultural Use, no County Development approvals shall be given for any non-Agricultural Use or Improvement on the same site within four (4) years of the completion of such Land Clearing or Tree Removal. However, the four (4) year rule shall not apply if the land to be developed has maintained at least twenty-five (25) Tree Credits per acre.
7. Any Tree which constitutes an immediate peril to life, property, or other Trees of equal or greater points, may be Removed without an advanced permit, provided that it is followed by a written notification to the County Administrator within three (3) weeks with clear and complete photographic evidence for issuance of retroactive Permit for Removal of the Tree.

8. The mowing or underbrushing of a land area that does not disturb the soil profile when conducted without disturbance, damage or Removal of Protected Trees.
9. The Removal, trimming, pruning or alteration of any Tree or vegetation for the purpose of maintaining the FAA FAR Part 77 surface around public use Airports required for the safe operation of aircraft on and around the Airport.
10. The Removal, trimming, pruning or alteration of Trees or vegetation required for Airside construction at public use Airports.

C. Permits; Criteria Governing Issuance

A Permit shall be issued upon proper application to St. Johns County clearly demonstrating compliance with this Code. This Permit authorizes the Land Clearing or Grubbing and/or Removal of Protected Trees and undergrowth vegetation only as depicted on the accompanying Site Plan, excluding Specimen and Historic Trees.

1. Criteria Governing Issuance

a. Tree Removal

Tree Removal shall only be allowed when the Enforcing Official finds that at least one of the following criteria has been satisfied with respect to each Protected Tree designated for Removal under the Permit:

- (1) That the Tree is located within the Building Footprint or within an area five feet outside the Building Footprint of a given site, as identified on the Tree Survey and approved Site Plan to minimize the loss of Trees approved through the Development Review process.
- (2) That the Tree is located within an existing or proposed Right-of-Way that has been approved under a Development Order issued by the County; or the Tree is located in an existing public Right-of-Way.
- (3) That the Tree is located within an existing or proposed Easement, stormwater management tract or facility, within the minimum area reasonably necessary for the contemplated service or Use .
- (4) That the Tree is located where its continued existence would unreasonably interfere with the physical Construction of the Improvements on a particular site from interference with the access to the site by Construction equipment, or with the operation of the equipment on the site in the immediate vicinity of the proposed Structure or Improvement; and in areas requiring Removal of muck and other unsuitable materials.

- (5) That the Tree is located where it creates or will create a safety or health hazard with respect to an existing or proposed Structure or vehicle or pedestrian routes.
- (6) That the Tree is located where it interferes with the installation, delivery, or maintenance of proposed or existing utility services to the site.
- (7) That the Tree is diseased, injured or in danger of falling.
- (8) That the Tree is located on a portion of the site outside of the Building Footprint but within the interior area of the site to be used as a vehicular use area or vehicular and pedestrian ingress and egress.

b. Land Clearing

No Land Clearing shall be allowed unless the County Administrator finds that all of the following criteria have been satisfied:

- (1) The Land Clearing or Grubbing is necessary in order to make site improvements already authorized by an approved Site Plan, Subdivision approval, or Development Permit, and that the area to be cleared is the minimum necessary for such work or (in the event the aforementioned approvals are not required by law for the intended Use of the property) that the proposed clearing is the minimum necessary for the proposed Use of Improvement and is in conformance with Section 4.01.05.C.1.a. "Tree Removal".
- (2) The Applicant shall provide a reasonable written plan to control erosion which may be expected to occur as a result of the proposed Land Clearing or Grubbing. The erosion control plan must meet the requirements of the Roadway, Drainage, & Utilities Standards in Part 6.04.00 and obtain review approval. The plan shall incorporate some or all of the following means as determined by the Applicant: temporary seeding and mulching, sodding, diversion berms, interceptor ditches, sediment barriers, sediment basins, and related appurtenances or devices.
- (3) All provisions of a final submitted erosion control plan shall constitute conditions of the Land Clearing Permit issued and a violation of any of the conditions or provisions of the plan shall be considered a violation of this Code, and subject to all enforcement provisions. The County Administrator may request written elaboration or modification of a proposed plan prior to issuance of a Permit in order to minimize erosion or clarify the nature and design of measures intended by the Applicant.

- (4) The Applicant has or is complying with all Tree protection provisions contained elsewhere in this Code.

2. Posting of Permits

The Permit shall be posted in a conspicuous and visible place at the front of the property. The Permit shall be protected from the weather and be located in such location by the applicant promptly after issuance, during, and for a period not less than one month after the Tree Removal and/or Land Clearing or until a Building Permit is issued, whichever occurs first. It is the responsibility of the Permit Applicant to maintain the Permit, or to promptly obtain a replacement copy from the County if necessary.

3. Permits required by this Code may be obtained after-the-fact for Land Clearing and/or Tree Removal activities upon determination by the County Administrator that such activities were performed in accordance with Permit issuance criteria specified in this Section. Such fee for an after-the-fact Permit shall be as established by Resolution of the Board of County Commissioners in a separate fee schedule.

D. Historic and Specimen Tree Designation

1. Designation as an Historic Tree may commence in any one of the following ways:

- a. An Applicant may request such designation as part of any master plan, preliminary Subdivision plat, or preliminary Site Plan application. To do so, the Applicant shall submit evidence to the County Administrator that the Historic designation is proper.
- b. A property Owner may request such designation at any time. In making such request, the property Owner shall submit the request and an expert evaluation to the County Administrator.
- c. The County Administrator may request such designation as part of an overall Historic Tree protection planning program for the County or portion thereof.

2. The County Administrator shall present, from to time, all Tree designation requests with documentation for Trees meeting the criteria of Historic Trees to the Board of County Commissioners of St. Johns County for its consideration and designation.

3. Specimen Tree Designation

The County Administrator, property Owner, or an Applicant may request that a Canopy Tree become a Specimen Tree when professional field measurements document, species, height, crown spread, D.B.H. and overall condition. The results in total points awarded a Tree designee must be equal to or greater than seventy percent (70%) of the current Florida State Champion Tree for that species as published in "Big Trees the Florida Register" for all species except that the total points awarded must equal or exceed fifty percent (50%) for Laurel Oak, Live Oak, Southern Magnolia and Southern Red Cedar. The County Administrator shall review and approve all Specimen Tree designation requests.

Point Calculation:

TOTAL points shall be determined by using the following formula:

(Average crown spread in feet) divided by 4 + (Circumference in inches) + (Height in feet) = Total Points

Example: Crown spread maximum 68 feet
 Crown Spread minimum 52 feet
 120 Total / 2 = 60 feet Average

60 feet / 4 = (15) + Circumference (135 in.) + Height (41 ft.) = (191) Total Points

CANOPY TREE LIST & SPECIMEN QUALIFICATIONS

Tree species selected for planting from this list are subject to County approval based upon site conditions including but not limited to: soil characteristics, planting area size, visibility concerns and Utility conflicts.

Common Name	Scientific Name	CURRENT (1999) Champion Trees				
		Circumference (inches)	Diam. D.B.H.	Height (feet)	Crownsread (feet)	*Total Points
Loblolly Bay**	Gordonia Lasianthus	164	52.33	95	60	274
Redbay**	Persea Borbonia	152	48.4	77	52	242
Southern Magnolia**	Magnolia Grandiflora	198	63.1	94	62.5	308
Sweetbay Magnolia**	Magnolia Virginiana	113	36.0	90	52	216
Pecan	Carya Illoinensis	217	69.1	114	117	360

Common Name	Scientific Name	CURRENT (1999) Champion Trees				
		Circumference (inches)	Diam. D.B.H.	Height (feet)	Crownsread (feet)	*Total Points
Pignut Hickory	Carya Glabra	177	56.4	109	90	309
Drake Elm	Ulmus Paruifolia Drake	Not included in "Big Trees"				
Florida Elm	Ulmus Americana Var.Floridana	120	38.2	102	70	240
Winged Elm	Ulmus Alata	135	43.0	126	59	276
Laurel Oak**	Quercus Laurifolia	258	82.2	80	113.5	366
Live Oak**	Quercus Virginiana	360	115.7	85	160	485
Shumard Oak	Quercus Shumardii	149	47.5	116	77	284
River Birch	Betula Nigra	88	28	92	63	196
Red Maple	Acer Rubrum	155	49.4	92	49	259
Sugarberry	Celtis Laevigata	234	74.5	67	83	322
Sycamore	Platanus Occidentalis	186	59.2	97	92.5	306
Cherry Laurel	Prunus Caroliniana	127	40.5	47	55	188
Pear	Pyrus Calleryana "Bradfordi"	Not included in "Big Trees"				
American Holly**	Ilex Opaca	95	30.3	69	61.5	179
Dahoon Holly	Ilex Cassine	32	10.2	68	31	108
Southern Red Cedar**	Juniperus Sillicicola	195	62.1	75	51.5	283
Coastal Plain Willow	Salix Caroliniana	41	13.1	43	26	91
Red Mulberry	Morus Rubra	204	65.0	51	58.6	270

* See Point Calculation for example to obtain Total Points for a tree.

** Evergreen Species

4. On sites where grade cuts are necessary under Historic or Specimen Trees proper root pruning shall be required. Within the Tree's Protected Area, all excavation shall be by hand and roots two (2) inches and larger shall be evenly cut.
5. When underground Utilities are necessary under Historic or Specimen Trees, tunneling shall be required. The underground Utility tunnel shall begin at the Tree's Protected Area and be a minimum of four (4) feet deep. No open vertical trenches shall be allowed within a Historic or Specimen Tree's Protected Area.

D. Credit for Trees And Tree Bank Fund

- To allow a variety of Tree sizes, a Tree planted for credit or those Trees to be preserved shall receive a Tree Credit based on the following schedule:

Size of Tree and Tree Credits Earned
(See Note 1 - 7 following table)

<u>Measurement</u>	<u>Diameter</u>	<u>Credit</u>
Caliper	2" - 4"	0.5 credit
Caliper	Over 4" - 6"	1 credit
Caliper	Over 6" - 11"	2 credits
D.B.H.	Over 11" - 17"	3 credits
D.B.H.	Over 17" - 23"	4 credits
D.B.H.	Over 23" - 29"	5 credits
D.B.H.	Over 29" - 36"	6 credits
D.B.H.	Over 36" - 48"	10 credits
D.B.H.	Over 48"	20 credits

Note 1. Bonus: Tree Credits shall be given for any native Trees preserved within a Vehicle Use Area or between a road and the Building Footprint or Vehicle Use Area. Such Tree Credit may be applied against the deficit of Tree Credits from Removal of other Protected Trees.

Note 2. Bonus: Planted Protected Flowering Trees shall receive double credits.

Note 3. Bonus: A stand of ten (10) or more native Protected Trees in a cluster with one (1) continuous drip line shall also earn double Tree Credits. Credits may be applied against the deficit of Tree Credits from Removal of other Protected Trees.

Note 4. Native Multi-Trunk Trees shall earn credits determined by the addition of Tree Credits based upon the size of each individual trunk. Where the individual stems are less than eight (8) inches in diameter then the largest three stems will be used, measured four and a half (4.5) feet above ground level only when such Trees are healthy and at least five (5) feet from any Construction activity. Any planted Multi Trunk Tree receiving Tree Credits shall be no closer than fifteen (15) feet from the trunk of any other Tree receiving Tree Credits.

Note 5. Newly planted or transplanted native Trees up to twelve (12) inch caliper. These Trees may be placed in landscape areas and shall earn Tree Credits only when said landscape area extends at least two and a half (2.5) feet from the center of the outermost Tree trunk.

Note 6. In lieu of the points above, all Palms shall receive one-half (0.5) credit for those with six (6) feet to fifteen (15) feet of clear trunk and one (1) credit for those greater than fifteen (15) feet.

Note 7. Trees planted to receive credit from the table above shall be selected so:

- (a) At a minimum, seventy percent (70%) of the replacement Trees shall be Canopy Trees, unless Canopy Trees are not suitable in the area to be planted.
- (b) To provide diversity, no one species shall constitute more than fifty percent (50%) of the total replacement planting.
- (c) All replacement Trees shall be a minimum two (2) inch caliper measured six (6) inches from the ground.

2. St. Johns County Tree Bank Fund

A dedicated financial fund shall be created under authority of this Code to receive payments as detailed elsewhere when Protected Trees are not replaced after Removal. The Tree Bank shall be a separate line item set up and shown on County financial records in which all receipts are detailed. Expenditures of Tree Bank funds shall only occur via a County Construction, beautification or capital improvement Project approved by the Board of County Commissioners in advance of expenditure and be limited to cost for Trees and landscaping. The Board of County Commissioners may also expend funds from the Tree Bank for Single Family Lots qualifying under the County SHIP affordable housing program to meet applicable Tree Credit requirements. An annual separate accounting statement shall be presented to the Board of County Commissioners by the County Administrator detailing yearly activity of the Tree Bank Fund.

F. Permit Application Procedures

1. Application for any Permit required by Section 4.01.05 shall be in writing on a form provided by the County Administrator. Applicants shall provide all information necessary to evaluate the application to include, but is not limited to, proof of Applicant's legal or equitable interest in the proposed site plus a scaled Site Plan giving all details on Lot configuration and dimensions plus all existing and proposed constructed Improvements of any kind. In addition, more specifics on existing Trees and vegetative cover for different types of Projects shall be provided by the Applicants as detailed below.

a. For Commercial Building sites

A Tree Survey showing all Protected Trees shall be used by the Applicant to produce a conceptual Site Plan overlaid on the Tree Survey including a tally of Tree Credits lost by Removal of Protected Trees. Said Site Plan shall be subject to a preapplication meeting evaluation of the County Development Review process. A tally of Tree Credits of all Protected Trees to be Removed under the final approved Site Plan shall be submitted with landscape plans illustrating the maximum Tree Credits to be reasonably earned by replacement planted Trees. At the Developers option, a one

hundred dollar (\$100) per lost Tree Credit deficiency charge for any unavoidable loss shall be paid into the St. Johns County (SJC) Tree Bank Fund or replacement with new plantings equal to the number of Tree Credits lost before final Development Review approval of the commercial site. In the event that the commercial site is not adequately Treed, a minimum of twenty-five (25) Tree Credits per gross acre (or prorated portion thereon) shall exist after completion of Construction.

b. For Development of Lots

The procedures for commercial Building sites, as described in paragraph a. above, shall be followed except the area for Tree Survey and subsequent procedures shall only include Right-of-Way, drainage ways and impoundments, and Easement areas. No Land Clearing or Tree Removal shall be allowed in the area of Building Lots except to use soil excavated from onsite retention ponds. On the subsequent Construction Plan detail submission to Development Review, all areas to receive more than six (6) inches of fill shall also be covered by a Tree Survey. All Protected Trees within said area shall be considered lost and their total Tree Credits replaced by new plantings outside future Building Restriction Lines of each Lot or at the option of the Developer one hundred dollars (\$100) per lost Tree Credit paid into the SJC Tree Bank Fund by the Lot Developer prior to final County approval.

c. On individual residential Lots

Except as provided herein, the Lot owner or builder shall not Remove Trees or clear land before County Permits are issued. Applications for such and/or Building Permits shall be submitted complete with a scaled detailed Site Plan showing all Lot characteristics and dimensions, all existing and proposed Construction Improvements, all fill including septic mounds, onsite sanitary disposal tanks and any wells. On any portion of a Lot with less than six (6) inches of grade change, said Site Plans shall also show in their proper approximate location all existing Protected Trees which shall thereafter be protected and saved during Building Construction to minimize future expense in planting Trees necessary to meet the twenty-five (25) Tree Credit per acre requirement.

For purposes of this Code, all Trees in any area with six (6) inches or more grade change shall be considered lost and no Tree Credits shall be given for such Trees. Such Trees shall be flagged with fluorescent surveyors marking tape prior to requesting a footing or foundation inspection from the County. Any such Trees within ten (10) feet of the proposed Construction area shall have Tree Protection Barricades placed around the Tree's Protected Area. Further, at Final Inspection, prior to approval for use of each Building, a field inspection by authorized County personnel shall verify twenty-five (25) Tree Credits per acre exist, either native or planted in the Lot area. For Single Family residential, Lots larger than the minimum Lot size requirements, established by Article II, Tree Credits shall only be required for the minimum

required Lot size. For purposes of the Automatic Inspection Request system used by Building Permit holders, said Tree Credit verification inspections shall be requested using Inspection Code 805.

d. Tree Removal on existing homesites

Owners of existing homes occupied prior to the effective date of this Code shall request a Permit for any Protected Tree they wish to Remove and arrange for an onsite inspection by the County Administrator for approval. If, in the County Administrator's opinion, said Removal reduces the site below the twenty-five (25) Tree Credit per acre requirement, replacement Trees will be required to meet minimum Tree Credits and shall be planted within thirty (30) days after Tree Removal. Tree Removal does not include Historic and Specimen Trees.

2. Erosion Control

If Land Clearing is intended, an erosion control plan per Section 4.01.05.C.1.b. together with reasons for Clearing or Grubbing of the site shall be submitted at the time of the Permit application. The Permit application shall be submitted and processed concurrently with Site Plan review or Subdivision approval, as the case may be, when such approvals are otherwise required to make Use of the property. The Site Plan or Subdivision preliminary plat shall be prepared in a manner to allow ready comparison with the Tree Survey in order to assess whether the cited criteria have been met. All items shown shall be properly dimensioned, scaled and referenced to the property lines, and setback or yard requirements provided. If known, existing and proposed site elevations and major contours shall be included.

3. Any Permit issued hereunder shall remain valid for a period consistent with the Development Review Committee Site Plan approval. The County Administrator may require reapplication and full review in those renewal cases where site conditions have, in his sole opinion, changed substantially from the date of issuance of the initial Permit. If a Permit required by this Section has been issued concurrently with Site Plan or Subdivision approval, then such Permit shall run concurrently with the Site Plan or Subdivision approval and shall be renewed together therewith.

4. Section 4.01.05.D.3 lists Canopy Trees that may be planted for required erosion control.

C. Determination of Protected Area

The County Administrator shall review each application, and may inspect each site, for the purpose of making a determination as to the appropriate Protected Area to be designated for those Protected Trees on a given site. The Protected Area shall be established based upon consideration of the species, age, size, condition of the Tree, or soil condition, topography, means of Protective Barrier proposed, or other relevant criteria. The Protected Area shall be established for the purpose of protecting the roots and trunk of a Protected Tree both during and after construction. In no event shall the Protected Area be less than

one-half (0.5) the average radius of the Leaf Drop Area, unless a Special Use may be established by the County Administrator and set forth in the Tree Removal Permit, in accordance with Section 4.01.05.C., and no Land Clearing or Tree Removal shall begin until after Protective Barriers are installed.

Sec. 4.01.06 Environmentally Sensitive Areas - Wetlands, Estuaries, And Natural Water Bodies

A. Activities Prohibited, Allowed

1. Land Alteration activity which destroys, reduces, impairs or otherwise adversely impacts a Wetland or Natural Water Body shall be prohibited unless specifically authorized and permitted by all applicable state and federal permitting agencies having jurisdiction.
2. Notwithstanding the provisions of Section 4.01.06.B.2., a minimum natural vegetative upland buffer of fifty (50) feet shall be required and maintained between developed areas and the St. Johns River, Matanzas River, Guana River, or Tolomato River, regardless of any other regulatory agency requirement of a lesser distance. This requirement shall also apply to the portions of tributaries, streams, or other water bodies connected to the St. Johns River, Matanzas River, Guana River, or Tolomato River, established by the mean high water line of the applicable tributary, stream or other water body. The fifty (50) foot upland buffer shall be measured from the St. Johns River Water Management District or Florida Department of Environmental Protection Wetland jurisdictional line. It is the objective of this requirement that a minimum fifty (50) foot upland buffer be established in all areas except for those circumstances where an averaging of the buffer width, because of an unavoidable buffer reduction, achieves a greater overall upland buffer width. In no instance shall the upland buffer be less than twenty-five (25) feet, except for those areas adjacent to unavoidable wetland impacts. This provision shall not be interpreted to prohibit the minimum clearing of upland and Wetland vegetation necessary to construct a dock or other improvement to provide access to navigable waters in accordance with a validly issued and unexpired Permit from the Florida Department of Environmental Protection, St. Johns River Water Management District, or other agency having jurisdiction.
3. Any Wetlands, Estuaries, and Natural Water Bodies required to be protected from Development under an applicable Permit shall be designated Conservation Area on all Development Plans and plats. Any allowable Uses approved in the Permit within the Conservation Area shall be noted on such Development Plans and plats.

B. Setbacks and Upland Buffers

In accordance with policies of the Coastal/Conservation Element of the Comprehensive Plan, for any new Development after the adoption of this Code, the following setbacks and upland buffers are established.

1. Setbacks shall be required from areas to be preserved as upland buffers as required in Section 4.01.06.B.2. below. Setbacks shall be a minimum of twenty-five

(25) feet for these areas. Narrower setbacks may be allowed to preserve Trees within the portion of the Parcel to be developed, if specifically approved by the County Administrator.

2. Except as provided in Section 4.01.06.A.2., a minimum twenty-five (25) foot natural vegetative upland buffer shall be required and maintained between developed areas and contiguous Wetlands to protect the water quality of the Wetlands. The twenty-five (25) feet shall be measured from the St. Johns River Water Management District or Florida Department of Environmental Protection Wetland jurisdictional line. It is the objective of this requirement that a minimum twenty-five (25) foot upland buffer be established in all areas except for those circumstances where an averaging of the buffer width, because of an unavoidable buffer reduction, achieves a greater overall upland buffer width. In no instance shall the upland buffer be less than ten (10) feet, except for those areas adjacent to unavoidable Wetland impacts such as road crossings.
3. No filling, Excavating or placement of permanent Buildings shall be allowed within a required setback. This setback requirement shall not apply to: the installation of a sprinkler system, Utility line, landscaping, fencing, gazebos; or except as specifically approved for the Construction of a road essential for access, Construction of a stormwater retention or detention basin or other stormwater-related Structure, Construction of a boardwalk or other stilted Structure, grade finishing to provide a gradual slope between the setback line and the upland buffer, Construction of a retaining wall, recreational trail, or golf cart path; or Construction of a swimming pool provided there is no encroachment within the upland buffer.

C. Development

1. All new Development impacting these areas shall be designed and constructed to federal, state and County specifications to minimize stormwater and pollutant discharge.
2. All new Development impacting these areas shall meet the standards and requirements of Part 6.04.00, Roadway, Drainage, & Utility standards and Part 3.03.00, Flood Damage Control Regulations.
3. Pursuant to policies of the Coastal/Conservation Element of the Comprehensive Plan, users of septic tank systems shall be required to connect to central sewer systems once service becomes available in that area, as required by applicable Utility ordinances and this Code.
4. The County shall protect Estuaries, Wetlands, and Natural Water Bodies by ensuring compliance with Florida Department of Environmental Protection standards for Wastewater discharge into Class II and III waters.

D. Silviculture activities within these areas shall follow practices outlined in the following:

1. "Silviculture Best Management Practices 1993", as updated, Florida Department of Agriculture and Consumer Services, Division of Forestry.
2. Comply with the requirements of Chapters 373 and 403, F.S.
3. Comply with the St. Johns River Water Management District Silviculture Rule, Chapter 40C-400.500, F.A.C.

Sec. 4.01.07 Environmentally Sensitive Areas - Significant Natural Communities Habitat; General Provisions

- A. Section 4.01.07 provides standards and guidelines for the protection of Significant Natural Communities Habitat.
- B. Onsite Conservation shall be considered the most desirable alternative to protect Significant Natural Communities Habitat and plant and wildlife species located within these areas. However, there are provisions to provide Offsite Conservation as an alternative.
- C. Significant Natural Communities Habitat shall be identified, and areas to be established as Preservation shall be designated Conservation Area on all Development Plans and plats equal to or greater than ten (10) acres in size.
- D. Land Alteration activity which destroys, reduces, impairs or otherwise adversely impacts a Preservation Area shall be prohibited unless specifically approved by the Board of County Commissioners, or exempted in Section 4.01.02.D.
- E. Development Projects equal to or greater than ten (10) acres in size containing Significant Natural Communities Habitat shall provide protection of the Significant Natural Communities Habitat as provided below:
 1. Ten percent (10%) of the Significant Natural Communities Habitat contained within the Development Project shall be established as Preservation. Onsite Conservation of Listed Species Essential Habitat may also be required subject to the requirements of Section 4.01.08. However, in no instance shall the total amount of upland required to be established as Preservation for Significant Natural Communities Habitat or designated for Onsite Conservation for Listed Species Essential Habitat exceed ten percent (10%) of the total upland area of the Development Project, unless required by a federal or state regulatory agency with jurisdiction.
 2. Where establishment of Preservation areas within a Development Project, as required above, results in small, fragmented areas with limited habitat value, as determined by the County Administrator in coordination with applicable state or federal agencies, Offsite Conservation shall be allowed.
- F. Silviculture activities within these areas shall follow practices outlined in the following:
 1. "Silviculture Best Management Practices, 1993", as updated, Florida Department of Agriculture and Consumer Services, Division of Forestry.

2. Comply with the requirements of Chapters 373 and 403, F.S.
 3. Comply with the St. Johns River Water Management District Silviculture Rule, Chapter 40C-400.500, F.A.C.
- G. In accordance with policies of the Coastal/Conservation Element of the Comprehensive Plan, St. Johns County has identified rare species and natural communities within the County. The following is a list of Imperiled Habitats within St. Johns County, hereinafter referred to as Significant Natural Communities Habitat as provided by Florida Natural Areas Inventory.
- Imperiled Habitats are:
1. Beach Dune
 2. Coastal Grassland
 3. Coastal Strand
 4. Maritime Hammock
 5. Sandhill
 6. Scrub
- J. A determination of the existence, type, and extent of any Significant Natural Communities Habitat shall be made by the County Administrator in conjunction with appropriate state or federal agencies, by conducting an evaluation upon submission of an application for a Development Permit on all Development Parcels equal to or greater than ten (10) acres in size.

Sec. 4.01.08 Environmentally Sensitive Areas - Threatened or Endangered Species and Species of Special Concern

A. Intent and General Provision

1. This Section provides standards and guidelines for the protection of Threatened or Endangered Species or Species of Special Concern, hereinafter referred to as Listed Species in St. Johns County. It is intended that implementation of the provisions in this Section preserve Essential Habitat based on the species and their habitat needs, in order to maintain viable populations of the species.
2. Identification of Listed Species occurrences in St. Johns County shall be obtained from the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, and Florida Department of Agriculture and Consumer Services for Conservation purposes and Development of wildlife corridors and Greenways.

B. Listed Species

1. Pursuant to policies of the Coastal/Conservation Element of the Comprehensive Plan, any Development which has the potential to endanger Florida manatee or Florida manatee habitat must first ensure compliance with all applicable Florida Department of Environmental Protection regulations before seeking a Development Permit.
2. All species of Marine Turtles which nest on the sand beaches fronting the Atlantic Ocean shall be protected from human interference including beach renourishment, beach front lighting, coastal Construction, mechanical beach clearing, and unregulated vehicular traffic during turtle Nesting Season, in accordance with policies of the Coastal/Conservation Element of the Comprehensive Plan and Section 4.01.09 of this Part for beach lighting requirements.
3. To protect nesting Marine Turtles and their Hatchlings, the following activities are prohibited on the beach at sunset to sunrise during the Nesting Season (May 1 to October 31):
 - a. Campfires or bonfires
 - b. Any transient lighting, such as flashlights, torches, and gas lanterns, used to purposely illuminate nesting Marine Turtles or Hatchlings. This prohibition does not apply to individuals with appropriate Permits from federal and/or state agencies.
 - c. Horseback riding on the beach during the Nesting Season shall be allowed only seaward of the most high-tide line on the beach during times when such riding is otherwise allowed.
 - d. Permanent Marine Turtle information Signs shall be posted at all public and multi-family private beach access points provided with dune crossovers by the persons or entities that control such beach access points (the "Property Owner"). The Signs shall be:
 - (1) Standardized by the County.
 - (2) Supplied by the County at cost to private Owner(s) requiring such Signs.
 - (3) Installed so that they are conspicuous to persons accessing the beach at that particular point.
 - (4) Maintained in perpetuity by the private Owner(s) such that information printed on the Signs remains legible and conspicuous to beach users.
 - e. Removal of Marine Turtle information Signs by person(s) other than the applicable property Owner or his agent is prohibited.

4. Existing beach access points must comply with conditions of this Section within six (6) months of the effective date of this Code. New beach access points constructed after the effective date of this Code must comply with conditions of this Section prior to issuance of a Certificate of Occupancy or final Building approval, as applicable.
5. When a Listed Species Essential Habitat occurs onsite, the Developer shall protect the habitat by locating and designing proposed Improvements in coordination with the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, and Florida Department of Agriculture and Consumer Services to minimize adverse impact to a viable animal or plant population, nesting pair, or nesting colony and to minimize adverse impact to Listed Species Essential Habitat. Onsite Conservation or mitigation requirements shall be established utilizing the standards and guidelines of the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, and Florida Department of Agriculture and Consumer Services. However, it is not the intent of this provision to preclude the reasonable use of a Lot or Parcel consistent with this Code.
6. The County Administrator shall conclude that a Listed Species Essential Habitat occurs onsite whenever a species or wildlife has been previously or currently documented to exist on said site by evaluation of the property using survey methodologies as approved by the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, and Florida Department of Agriculture and Consumer Services. This conclusion shall be rebuttable upon a showing of clear and convincing evidence to the contrary.
7. Protection of a Listed Species Essential Habitat shall consist of Onsite Conservation or Offsite Conservation of the habitat, based on the animal or plant species habitat needs, and shall meet the provisions of Section 4.01.12 for Onsite Conservation or Section 4.01.13 for Offsite Conservation.
8. Pursuant to policies of the Coastal/Conservation Element of the Comprehensive Plan, St. Johns County shall work with the Florida Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, St. Johns River Water Management District, along with other applicable public and private agencies to develop a Greenways plan for the purpose of establishing wildlife corridors for Listed Species and the protection of Natural Communities Habitat or Essential Habitat, as well as providing passive recreational opportunities such as trails and canoeing. The Greenways Plan shall include the Development of a connected system of lands through one or more of the following areas: existing and future Conservation areas, Natural Preserves, federal and state owned Conservation and Preservation land, public or private greenways, rails-to-trails, and other appropriate areas.

Sec 4.01.09 Lighting Management For Protection Of Marine Turtles

This Section establishes a lighting management plan for the protection of Nesting Marine Turtles and their Hatchlings. The following are guidelines for the limitations of new and existing private and public exterior and interior lighting to minimize adverse effects on Marine Turtles.

A. Standards for New Construction

1. Exterior Light Fixtures on New Construction shall comply with the following requirements:
 - a. Except as otherwise permitted herein, the light source or any reflective surface of a Light Fixture on New Construction must not be visible from any point on the surface of the beach and illumination of any area of the surface of the beach is prohibited.
 - b. All Light Fixtures, that cast light on the beach, shall be shielded, recessed, and/or louvered to avoid possible violation of this Section.
 - c. Light Fixtures shall be low mounted through the use of bollards, ground level Light Fixtures, or low wall mounts, none of which shall be greater than forty-eight (48) inches from the ground.
 - d. Light Fixtures proposed for the seaward side of the property must be shielded low pressure sodium lamps of sixty (60) watts or less or bug light bulbs of other types with bulbs of five (5) watts or less.
 - e. Light Fixtures for purely decorative accent purposes shall not be used on the seaward side of a beach property.
 - f. High intensity Light Fixtures, which may cast light on the beach, such as that proposed for Roadways, shall utilize shielded low pressure sodium lamps. The number of Light Fixtures shall be the minimum for human safety and shall be positioned and mounted in a manner such that the point source of light or any reflective surface of the Light Fixture is not visible from any point on the beach.
 - g. Only low intensity lighting (i.e., 40 watts or less) shall be utilized in parking areas that are visible from any point on the surface of the beach. Such lighting shall be set on a base which raises the source of light no higher than forty-eight (48) inches off the ground and shall be positioned and shielded such that the point surface of light or any reflective surface of the Light Fixture is not visible from any point on the surface of the beach. The light emanating from such Light Fixtures may not directly, indirectly or cumulatively illuminate the surface of the beach.
 - h. Parking lots and Roadways, including any paved or unpaved area upon which motorized vehicles will operate, shall be designed and positioned such that vehicular headlights do not cast light toward or onto the surface

of the beach. Hedges, native dune vegetation, and/or other ground-level barriers may be utilized to meet this objective.

- i. Notwithstanding other provisions of this Code, during Construction, temporary security lighting during the Marine Turtle Nesting Season is strongly discouraged. Such security lights shall be shielded and under four (4) foot low-profile Light Fixtures, only. Low pressure sodium vapor lamps or low wattage yellow bug lights shall be utilized for this purpose. Under no circumstances shall these lights directly illuminate any area of the surface of the beach.
- j. It is strongly advised that Tinted Glass or Window Film shall be utilized on all windows and glass doors visible from any point on the surface of the beach.

B. Prior to the issuance of a final County approval or Certificate of Occupancy, for any Improvement on beach front property, compliance with the beach-front lighting standards set forth in this Code shall be approved as follows:

- 1. Prior to receiving a Building Permit for installation of any exterior Light Fixtures which are visible from the beach, the Applicant must obtain approval by the Building Department that the exact type of exterior Light Fixtures to be used complies with this Code.
- 2. Upon completion of New Construction activities the Permit holder shall request a Building Department Night Survey of the site with all Light Fixtures turned on.
- 3. The Building Department shall complete such survey and prepare the inspection findings in writing identifying:
 - a. The date and time of the inspection.
 - b. The extent of compliance with the lighting standards.
 - c. All areas of observed non-compliance, if any.
- 4. A copy of the inspection findings shall be delivered to the Permit holder.

C. Guidelines for existing Development, including publicly owned lighting.

Permanent exterior Lighting Fixtures on existing Structures installed prior to the effective date of this Code and which create direct, indirect, or cumulative illumination of the surface of the beach shall be considered as existing Development and the regulations set forth in this Section shall be met to achieve the purpose of this Code.

D. All existing exterior artificial Light Fixtures associated with existing Structures shall meet the following standards during Night hours during Nesting Season each year.

1. No point source of light or any reflective surface of the Light Fixture shall be visible from any point on the surface of the beach.
2. Illumination of any area of the surface of the beach through direct illumination is prohibited.
3. Light Fixtures which have direct illumination completely shielded from the beach and which have non-reflective interior surfaces shall be used in all cases, except that other Light Fixture types that have appropriate shields, louvers, or cut-off features may also be used if in compliance with this Section.

E. Exterior Light Fixtures, associated with existing Structures, that do not comply with criteria set forth in this Section, shall be modified from May 1st to October 31st each year with one (1) or a combination of the options listed below as necessary to rectify situations not complying with this Section.

1. Reposition the Light Fixture so the point of light or any reflective surface of the Light Fixture is no longer visible from the surface of the beach.
2. Replace Light Fixtures having an exposed point source of light with Light Fixtures containing recessed, shielded, and/or louvered point sources.
3. Replace traditional light bulbs with yellow bug light bulbs not exceeding forty (40) watts.
4. Replace non-directional Light Fixtures with directional Light Fixtures that point down and away from the beach.
5. Replace Light Fixtures having transparent or translucent coverings with Light Fixtures having opaque shields covering an arc of at least one hundred eighty (180) degrees and extending below the bottom edge of the Light Fixture so the point source of light is no longer visible from the surface of the beach.
6. Replace pole lights with low-profile, low-level Light Fixtures so that the point source of light or any reflective surface of the Light Fixture is not visible from the surface of the beach.
7. Replace incandescent, fluorescent and high intensity lighting with the lowest wattage low-pressure sodium vapor lamps possible for the specific application.
8. Plant or improve vegetation buffers between the Light Fixtures and the beach to screen light from the surface of the beach.
9. Construct a ground-level barrier to shield the Light Fixtures from the beach. Ground-level barriers must not interfere with Marine Turtle nesting, or Hatchling emergence, or cause short or long term damage to the beach/dune system.
10. Permanently Remove or disable any Light Fixture which cannot be brought into compliance with these standards.

F. Security lighting

Nothing in this Section is intended to or shall limit or discourage the use of flood lights or spot lights of any color activated by motion of a person or vehicle on the property. Any such light shall provide illumination for a period not to exceed five (5) minutes each time motion is detected by it.

G. Interior Lighting

One (1) or more of the following measures shall be used as necessary to reduce direct, indirect and cumulative beach illumination resulting from the interior light emanating from doors and windows within line-of-sight of the beach from May 1st to October 31st each year during Night hours.

1. Apply Window Tint or Film that meets the standards for Tinted Glass.
2. Rearrange lamps and other moveable Light Fixtures away from windows.
3. Use Window Treatments to shield interior lights from the beach and, during the Nesting Season, draw operable coverings each Night; and/or
4. Turn off unnecessary lights.

H. Cumulative Beach Illumination

Extensive Development with many light sources scattered over a relatively large area, or intense lighting from sporting or similar facilities may result in cumulative beach illumination. Whenever such a situation is determined to exist, the facts shall be reported to the Board of County Commissioners for determination of action as may be appropriate.

I. Compliance Inspections, Penalties and Enforcement

Night-time lighting inspections from the beach shall be conducted at the beginning of each Marine Turtle Nesting Season at least monthly during the Nesting Season to determine compliance or violations of this Section. Enforcement procedures shall be pursuant to Part 10.05.00 of this Code.

Sec. 4.01.10 Environmentally Sensitive Areas - Coastal Conservation

- A. These regulations are in addition to all other regulations in this Code dealing with Development and Conservation in Coastal Areas. In addition, all Development within Coastal Areas in St. Johns County shall comply with regulations in Chapter 161, F.S., Coastal Protection, and the Florida Department of Environmental Protection regulations regarding Construction within the Coastal Construction Control Line.
- B. Development within Coastal Areas shall meet the standards and requirements for Roadway, Drainage, and Utilities Standards in Part 6.04.00 and Flood Damage Control Regulations in Part 3.03.00.

- C. It is the intent of St. Johns County, pursuant to policies of the Coastal/Conservation Element of the Comprehensive Plan, to protect the County's Coastal barrier areas, dunes, and beaches to avoid or minimize Development seaward of the Coastal Construction Control Line.
- D. Seawalls and other shoreline modifications shall be set at, or landward of, the mean high Water Line, except as provided by Chapter 161, F.S. The County and other agencies in compliance with Chapter 161, F.S., shall coordinate in establishing appropriate setbacks.
- E. In accordance with the provisions of applicable Utility ordinances and the requirements of this Code, users of septic tank systems shall be required to connect to public or private sewer systems once service becomes available in that area.
- F. Dredge and Fill

In accordance with policies of the Coastal/Conservation Element of the Comprehensive Plan:

- 1. The Construction of canals and man-made waterways shall not be considered for final approval by the County until all federal and state Permits have been acquired.
 - 2. All approved dredge and fill activities within the Coastal Area shall meet or exceed all applicable federal, state, and local drainage and floodplain standards.
 - 3. All dredge spoil material shall be placed on suitable disposal sites approved by all agencies with jurisdiction.
 - 4. Approved Best Management Practices, published by the Florida Department of Environmental Protection or the St. Johns River Water Management District shall be used before, during and after Construction to reduce siltation and erosion.
- G. Public Beach Access
 - 1. The County shall not vacate or relocate existing Rights-of-Way, Easements, walkways, and other access points to beaches, shores and waterways, without requiring the grant or dedication of equal or greater access points or Easements, pursuant to policies of the Coastal/Conservation Element of the Comprehensive Plan.
 - 2. Private property Owners adjacent to public beach access points, including Easements, shall not be allowed to restrict public access to the beaches through such access points.
 - 3. The County shall protect the accessibility of public beach access points and Easements pursuant to policies of the Recreation and Open Space Element of the Comprehensive Plan.

Sec. 4.01.11 Natural Preserves

For any rezoning or change in the Future Land Use Map designation on property adjacent to a publicly owned or private, nonprofit Natural Preserve or Conservation area, the County shall consider the compatibility of the requested change with the function, operation, and management of the Natural Preserve or Conservation area. The County shall seek the recommendations of the managing agency or private-nonprofit organization holding title to the land prior to the rezoning or Comprehensive Plan change.

Sec. 4.01.12 Onsite Conservation

A. Site Selection

Where alternative Onsite Conservation sites exist within a Development, the site or sites selected for Onsite Conservation shall be the best suited to likely maintain a viable habitat. The selection shall consider the following factors:

1. Ability to protect and manage the site.
2. The size and shape of the site. Emphasis should be on not creating enclaves of Development or areas fragmented by Development.
3. The contiguity of the site with Significant Natural Communities Habitat or Essential Habitat offsite.
4. The existing species population sizes at the site.
5. The life history requirements of the species involved.
6. The proximity and accessibility of the site to other populations of the same species.
7. The compatibility of Conservation of the site with adjacent land Uses.

B. Conservation methods

1. Onsite Conservation shall be accomplished through the designation of the site as Conservation Area on all Development Plans and plats.
2. The site or sites selected for Onsite Conservation of Essential Habitat shall meet the guidelines and requirements of the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, and Florida Department of Agriculture and Consumer Services which shall be determinative of compliance with the requirements of this Section 4.01.12 for Essential Habitat.
3. A landowner may request that St. Johns County accept a transfer of title (by sale or donation) for the conserved area or a dedication of a Conservation Easement over the area provided that any Conservation Easement offered by the property Owner meets the requirements of Section 704.06, F.S.

Sec. 4.01.13 Offsite Conservation

The Offsite Conservation requirement may be fulfilled either directly by conserving land offsite or indirectly by contributing to an Offsite Conservation land bank, as provided below:

A. In-kind Conservation

1. Offsite Conservation sites shall be the same type of habitat or land which can be restored to the same type of habitat as the natural community, Listed Species, or Essential Habitat being adversely impacted onsite by Development.
2. Offsite Conservation sites for the different habitats shall be biologically manageable and appropriate for the Significant Natural Communities Habitat, Listed Species, Essential Habitat requiring protection, or land which can be restored to such habitat. An Offsite Conservation site for Significant Natural Communities Habitat shall be acre-for-acre compensation for the habitat being adversely impacted on-site by Development, unless a deviation is approved by the County Administrator for the preservation of higher quality habitat off-site than is impacted by Development on-site.

B. Site Selection

1. The location of Offsite Conservation sites shall be within St. Johns County.
2. Offsite Conservation sites for Essential Habitat shall meet all appropriate acquisition Conservation restoration habitat suitability, manageability, size and other provisions as established pursuant to the guidelines of the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, and Florida Department of Agriculture and Consumer Services which shall be determinative for purposes of establishing Offsite Conservation requirements pursuant to this Section 4.10.13 for Essential Habitat.

C. Conservation Methods

1. Offsite Conservation sites shall be for the purpose of restoring (if applicable), conserving, and maintaining natural areas in perpetuity.
2. The Developer shall meet the Offsite Conservation acreage requirement through one (1) of the following methods:
 - a. Land Acquisition

The Developer may acquire and transfer fee simple title of an appropriate Offsite Conservation site to St. Johns County, a land conservation governmental agency, or a private, non-profit land Conservation organization.

b. Contribution to an Offsite Conservation land bank

The Developer may contribute to an Offsite Conservation land bank based upon the land bank's actual cost of acquiring in-kind Conservation lands, plus cost of restoration, if any, plus estimated total cost of management during the life of the land bank, divided by applicable acreage, multiplied by the carrying costs.

c. Conservation Easement

The Developer may acquire through fee simple purchase an appropriate Offsite Conservation site and establish a Conservation Easement in favor of St. Johns County or other land Conservation governmental agency or private, non-profit land Conservation organization in accordance with the requirements of Section 704.06, F.S. When a Developer chooses this option, a Management Plan shall be developed in cooperation with the property Owner which stipulates the limitations on the Use of the land and identifies the habitat management activities and assignments of responsibility.

D. Timing

The Development Permit shall specify the acreage and location of the Offsite Conservation site, the cost and timing of any monetary contributions or offsite acquisitions, the ownership and party responsible for management of the Offsite Conservation site, the location of any onsite Development, including Land Alteration and construction activities; and shall contain a requirement that any Significant Natural Communities Habitat, Species, or Essential Habitat on the Project site, for which Offsite Conservation is being provided, shall not be disturbed or adversely impacted prior to meeting the Offsite Conservation requirements.

Sec. 4.01.14 Procedures

A. Generally

A Development Permit shall be applied for and reviewed pursuant to the Procedure for Issuance of Development Permits in Part 9.01.00, subject to the following:

1. For any Parcel containing a Wetland, Estuary, Natural Water Body, Significant Natural Communities Habitat, or Essential Habitat, no Development Permit shall be issued until the application has also been reviewed and approved in accordance with this Article.
2. To review an application, the County Administrator, in coordination with applicable federal or state agencies, shall conduct onsite inspections, except in cases where adequate information is available to preclude an onsite inspection.
3. Where Trees are located within any Conservation Area, where Land Alteration and Construction activities are proposed, the Rights-of-Way or centerlines of proposed roads, the corners of proposed Buildings, and the locations of proposed stormwater

retention or detention basins, man-made lakes, areas that require fill, and other improvements shall be rough staked upon submittal of the application and prior to any onsite inspection. If, upon inspection, roads, Buildings, fill areas, and other improvements have not been identified, the review shall be suspended until these preparations have been completed.

4. Upon review of the complete application, the County Administrator shall approve, approve with conditions, or deny a Development Permit based upon whether the proposal is in compliance with these Regulations and is necessary for one (1) or more of the following reasons:
 - a. Construct Improvements consistent with proper Development or proper physical Use of a Lot or Parcel pursuant to the requirements of this Code.
 - b. For access to a Lot or Parcel or Construction equipment access to and immediately around proposed Structures or other Improvements.
 - c. For essential grade changes or essential surface water drainage or Utility installations.
 - d. Comply with other ordinances, regulations, or codes of St. Johns County.
 - e. For the welfare of the general public for reasons other than those set forth above.
5. In the event the Development Permit is denied, the County Administrator shall notify the Applicant in writing stating specifically the reasons for denial.
6. The Development Permit shall not be issued until Protective Barriers have been erected around all Trees to be retained within the area where Land Alteration or Construction activities are to occur and, where required, around other vegetation to be preserved. Protective Barriers shall remain in place until Land Alteration and Construction activities are completed, or until commencement of grade finishing and sodding.
7. A Development Permit issued for a land Development Project shall limit Land Alteration activities to approved fill areas, road Rights-of-Way, and drainage and Utility Easements and Rights-of-Way, unless otherwise authorized. A separate Lot Grading and/or Building Permit shall be required to undertake Land Alteration activity on individual residential Lots containing Trees or other vegetation.
8. If appropriate, the following requirements shall be addressed through Permit conditions:
 - a. Hauling of Excavated material shall not adversely impact public roads and bridges located along the haul route. The County Administrator shall require the Owner of the land from which material is to be Excavated to construct a paved exit/entry apron at the point of access to a public road if such an apron is needed to protect the road from damage.

- b. Trucks hauling Excavated material on a public road shall be covered and their tailgates securely latched to minimize dust. The Owner of the land from which material is being Excavated shall maintain in a satisfactory condition any dirt road segment of the designated haul route.
- c. The County Administrator shall impose reasonable restrictions on the hours and days of hauling operations when such restrictions are necessary to protect the public health, safety and welfare.

B. Submittals

The application for a Development Permit shall contain information as prescribed in the Development Review Manual.

C. Permit Compliance

- 1. A copy of the Development Permit or Development Order shall be posted onsite during Land Alteration activities.
- 2. The County Administrator may conduct periodic inspections of the site to determine compliance with the Development Permit or Development Order.
- 3. No Certificate of Completion or Certificate of Occupancy, if required, shall be issued until the County Administrator has determined upon final inspection that the Land Alteration activity was undertaken according to the approved plan and the Development Permit or Development Order, if required.
- 4. Any Tree planted in accordance with these regulations shall be replaced by the current property Owner if the Tree dies any time within two (2) years after planting. DBH inch-for-inch replacement shall be provided.

D. Permit Duration and Extension

A Development Permit or Development Order shall be effective for a period of two (2) years after issuance unless otherwise specified on the Permit. A two (2) year Permit extension may be granted by the County Administrator within thirty (30) days after receipt of a written request indicating why an extension is necessary and upon the County Administrator's review of the Project's work schedule, progress and compliance with Part 4.01.00 of this Code. Any Permit not used within the prescribed time limit shall become void and future work shall require a new application.

**ARTICLE V
DEVELOPMENT OPTIONS**

PART 5.00.00 GENERALLY

This Article sets forth the Development options established by St. Johns County. Depending on the circumstances of particular Development scenarios, Development options provided herein may be used singly or jointly. Where necessary the provisions relating to the different Development options contain design standards that supplement or replace particular standards in Article VI, and procedures which supplement or replace particular procedures in Article X.

Sec. 5.00.01 Conservation Of Natural Features And Environmentally Sensitive Areas

Development Plans shall be designed (Subdivisions, Site Plans, PUD's, PRD's, etc.) so as to conform to and take advantage of topographic and other natural features of the land, including the conservation of existing Trees, Wetlands, water bodies, and Environmentally Sensitive Areas as required by law, rule and Article IV of this Code. Environmentally Sensitive Areas shall be shown on the Development Plan. Applicable setbacks from these areas shall also be shown. New Development, expansion or replacement of existing Development shall be restricted in areas designated on the Future Land Use Map as Environmentally Sensitive Areas in accordance with provisions in Sections 4.01.06 through 4.01.13. Development within these areas shall be coordinated with the County Administrator, Florida Fish and Wildlife Conservation Commission, Department of Environmental Protection, St. Johns River Water Management District, and other regional, State, or Federal agency having jurisdiction.

Sec. 5.00.02 Compliance With This Code

No Parcel of land shall be created or used which does not meet the minimum requirements of this Code. No such parcel shall receive any County Development Order or Development Permit that does not meet the minimum requirements of this Code, unless otherwise exempted under this Code.

PART 5.01.00 SUBDIVISION

Sec. 5.01.01 Generally

A. Purpose

The purpose of the Subdivision regulations is to set forth regulations regarding the subdivision and Development of land in unincorporated St. Johns County in order to protect the health, safety, welfare, and general well being of the citizens of St. Johns County.

B. Objectives

It is intended that the implementation of these regulations accomplish the following objectives:

1. Provide efficient and effective review, determination, and compliance procedures;
2. Ensure proper legal description, identification, monumentation, and recording of property boundaries;
3. Ensure adequate access;
4. Prevent the haphazard Subdivision of land and the inadequate provision of physical improvements;
5. Ensure that a Subdivision Development complies with other rules and regulations, such as zoning and environmental regulations, pertinent to the Development;
6. Ensure safe and convenient traffic control;
7. Prevent Flooding within subdivision Developments by providing adequate Flood control and drainage facilities;
8. Ensure the installation of necessary and adequate roads, water, Wastewater, and sidewalk facilities; and
9. Ensure compliance with Chapter 163, F.S., and the St. Johns County Comprehensive Plan.

C. Applicability

Whenever land in unincorporated St. Johns County is divided so as to constitute a Subdivision as defined herein, such Subdivision of land shall be in compliance with the requirements set forth in these regulations. The entire parent Parcel for any Subdivision shall be reviewed by the County in conjunction with the Subdivision review for any portion of the parent Parcel. No County Development Order or Development Permit shall be issued for a Parcel of land which has been divided, to form a Subdivision after the effective

date of this Code, without such land being reviewed and approved as a Platted Subdivision or Subdivision Site Plan.

1. Tracts of land, containing 100 acres or greater, shall not be subject to the Subdivision Site Plan or Subdivision Plat review, but shall provide a survey map and metes and bounds property description, depicting the division. No such tracts of land shall be created without direct access to a public or private Right-of-Way.

D. Compliance with Comprehensive Plan

No division of land shall be allowed that is in conflict with the densities, intensities, or other provisions of the Future Land Use Element of the St. Johns County Comprehensive Plan. No County Development Order or Development Permit shall be issued for a Parcel of land which has been divided contrary to said Comprehensive Plan.

E. Compliance with Other Regulations

No Parcel of land shall be created, either by inclusion within or exclusion from a proposed Subdivision, which cannot be properly utilized for a permitted Use under this Code. A Subdivision Development shall also meet or exceed the relevant requirements of all Land Development Regulations adopted by St. Johns County. The approval of a Subdivision Development does not abrogate any legal requirement to comply with the regulations of any other governmental agency, local, state, or federal, which may have jurisdiction over the proposed activity.

F. Taxes

No land shall be divided or subdivided and no drawing or plat of the division or Subdivision of any land shall be filed or recorded in the public records of any court until all taxes have been paid on the land.

G. Design Objectives

A Subdivision Development should be designed to create a functional and attractive environment, minimize adverse impacts, provide maximum livability, provide safe and efficient access and circulation, and generally be an asset to a community. The County Administrator may, in the application of these standards and guidelines, exercise design discretion to achieve the intent and purpose of these regulations.

Sec. 5.01.02 Subdivision Types

A. Classification of Subdivisions

There are two (2) types of Subdivision reviews regulating the division of property in unincorporated St. Johns County. They are as follows:

1. Subdivision Site Plan Review

- a. Certain parent Parcels may be subdivided, subject to a Subdivision Site Plan review and approval, and not be required to be reviewed or approved as a Platted Subdivision. The Subdivision Site Plan option made, at the request of an Applicant or Agent, an administrative determination, made by the County Administrator, in which the Parcel contains no public improvement facilities, or dedications or easements made in favor of the public or County.
- b. A copy of the Subdivision Site Plan shall be recorded in the Official Record Books of St. Johns County within fifteen (15) days of Site Plan Subdivision approval.
- c. No Subdivision Site Plan shall be named, identified, or represented as a Plat, as defined in Chapter 177, Florida Statutes.
- d. No Development Order or Development Permit shall be issued on any Parcel or Lot, unless a metes and bounds property description is included in the Application, except for Platted Parcels or Lots.

2. Platted Subdivision Review

- a. A platted Subdivision is a Subdivision for which roads, easements for drainage, or utilities, conservation or preservation areas or easements, and/or improvement facilities may be required or proposed depending on the size and location of the Subdivision. Platting of Lots shall be required for this type of Subdivision.
- b. Platting Administrative Process and Standards
 - (1) Where proposed Development includes the Subdivision of land, by recordation of a plat pursuant to Chapter 177, F.S., the final approval of the proposal by the County Administrator shall be made contingent upon approval by the Board of County Commissioners of a plat for the Development.
 - (2) The Board of County Commissioners shall determine whether the proposed plat conforms to the requirements and standards of Florida Statutes and the approved Development Plan. A conforming plat shall be approved by the Board of County Commissioners and the County Administrator shall forthwith issue the Development Order allowing Development to proceed. The Board of County Commissioners shall return a copy of nonconforming plats to the Applicant with an explanation of deficiencies and a notice that a corrected plat may be resubmitted for approval.

PART 5.02.00 SITE PLAN

Sec. 5.02.01 Purpose

- A. Construction activity upon the land is an element in the process of community Development. Such activity impacts public utilities, facilities, Roadways and adjacent land and their use. Therefore, in the interest of the public health, safety and welfare, it is necessary that these activities be carried out in a proper and orderly fashion and in accordance with St. Johns County standards.
- B. The purpose of the Site Plan regulations is to establish procedures and standards for the review of Construction activities and site Development, except for Single Family and duplex residential Development on Lots of Record, existing on the effective date of this Code, in order to ensure the following:
 - 1. Provision of efficient and effective review, determination and compliance procedures.
 - 2. Prevention of Flooding within Developments by ensuring adequate Flood control and drainage facilities are provided.
 - 3. Traffic hazards are minimized and traffic flow is enhanced, including pedestrian traffic.
 - 4. Developments are compatible with the sites as well as adjacent Uses.
 - 5. Developments are responsive to the environment and protection of Environmentally Sensitive Areas.
 - 6. Availability and type of water and wastewater utilities serving the sites.
 - 7. Developments have adequate fire protection.
 - 8. Compliance with Chapter 163, F.S., and the St. Johns County Comprehensive Plan.

Sec. 5.02.02 General Requirements

- A. A Site Plan shall be required for all new Development to further assist St. Johns County administrative officials in assuring that Development shall be in compliance with all applicable ordinances, regulations and resolutions of this County.
- B. All land Uses, except Single Family and duplex residential Development on individual Lots with their Accessory Uses and Structures, shall be required to have a Site Plan approved by the County Administrator prior to the issuance of a Development Order or Building Permit or commencing any onsite land alteration or Construction activity.

- C. In instances where Lots have been created and Improvement facilities have been approved and constructed in accordance with the Subdivision regulations, then a Site Plan review shall be required for Development upon those Lots except as provided herein.
- D. All Development reviewed under the Site Plan regulations shall comply with the densities and intensities and other provisions established within the St. Johns County Comprehensive Plan; unless otherwise excepted therein.
- E. All Development shall meet or exceed the requirements of all Land Development Regulations as established and adopted by St. Johns County, the State of Florida and the federal government unless such requirements have been waived by those governments.
- F. The approval of a Site Plan and the issuance of a Development Order are required by St. Johns County before Building Permits may be issued for Construction.
- G. Where lands have been or are subdivided or resubdivided, but ownership is described by metes and bounds without recording a plat in the manner and form required by regulations in effect on the effective date of the Site Plan regulations, such lands may be used in accordance with the terms of the Site Plan regulations provided:
 - 1. That all necessary public facilities, services, and utilities are available to or located on such lands, or an agreement satisfactory to the Board of County Commissioners has been made and recorded whereby the deficiencies in necessary public facilities, services, or utilities will be remedied, and appropriate waivers, Variances, or exemptions have been obtained; or
 - 2. That a plat of such land be recorded in the manner and form of, and subject to, the requirements existing in regulations in effect at the time of the recording of such plat.

Sec. 5.02.03 Unified Site Plans

- A. Nothing in this Code or this Part shall be construed to prevent the submission of a unified plan for a site(s) comprised of multiple zoning districts, parent Parcels or Lots, provided the site is under unified ownership and/or control at the time of application for preliminary Site Plan approval.
- B. In no event may this authority to approve a unified Development Plan be construed to grant or extend Use privileges or to alter standards otherwise prescribed by this Code for a zoning Lot, parent Parcel or Lot (for example, commercial parking may not be extended into a portion of the site where commercial parking is not otherwise allowed).
- C. Because the unified Site Plan is optional to the Applicant(s), the County Administrator may exercise broad discretion in the review and approval of unified Site Plans, and may impose conditions upon such approval through legally enforceable instruments to assure that the intent of this Code is met, that the integrity of the unified Site Plan is maintained and that the public interest is properly protected. Such approval conditions may impose additional requirements including but not limited to certifications, reciprocal easements and/or agreements, Development Agreements, dedications, reservations, plats and other means as may be deemed appropriate.

PART 5.03.00 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

Sec. 5.03.01 Generally

- A. These districts are used for specialized purposes to allow for innovative design techniques. The application of flexible land Use regulations to the Development of land is often difficult or impossible within traditional zoning district regulations. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners, and Developers to produce Developments which may depart from the strict requirements of traditional zoning districts in return for a gain in aesthetic and functional design as compared with traditional zoning districts. Planned Unit Development districts shall be suitable in location, area, and character for the Uses and Structures proposed, and are to be planned and developed on a unified basis. Suitability of tracts for the Development proposed shall comply with the Comprehensive Plan and be located in all Future Land Use Districts except the Rural/Silviculture (R/S) and Agricultural-Intensity (A-I) Districts where the Planned Rural Development District is appropriate.
- B. Planned Unit Development districts may be utilized to encourage the orderly concentration of Development on vacant Parcels of land around and within the defined existing Development Areas in order to efficiently utilize existing and programmed public facilities.
- C. Within the standards of the Comprehensive Plan, Planned Unit Development may be used as a vehicle to permit Developments at increased densities above the zoning district within urban areas where the innovative use of buffering and modern design techniques mitigate the external impacts of Development and create a desirable physical environment. However, in no case shall the densities allowed exceed the maximum density for the Future Land Use Map designation of the Comprehensive Plan. Through the utilization of a Planned Unit Development district, the Board of County Commissioners may allow mixed Dwelling types and/or housing densities as well as provide for the safe, efficient, convenient, harmonious groupings of Structures, Uses, and facilities, for appropriate relationships of space, inside and outside Buildings, to intended Uses, and for conservation of desirable natural features and Environmentally Sensitive Areas and minimum disturbance of natural topography. With appropriate justification provided in the PUD, Uses as provided in Article II, shall be allowed within PUDs with criteria and standards that differ from the standards established in Article II, when approved with the PUD Ordinance.
- D. Planned Unit Development districts shall be related to the general Development pattern and the objectives of the Comprehensive Plan, provide for the comfort and convenience of residents, facilitate protection of the character of the surrounding neighborhoods, and reduce automotive traffic congestion by a reasonably close relationship (either in distance or time) between origins and destinations of persons living, working or visiting in such Development, with availability of major streets or mass transit. Housing, commercial and service facilities which are principal places of employment shall be so related by physical proximity, by major street networks or by mass transit as to promote these objectives.

- E. In view of the substantial public advantage of Planned Unit Development, it is the intent of these regulations to promote and encourage Development in this form where appropriate in location and character.
- F. A Planned Unit Development may include any land use allowable under the Comprehensive Plan and this Code, when approved pursuant to the PUD Ordinance.

Sec. 5.03.02 General Standards

A. Consistency With the Comprehensive Plan

All Planned Unit Development districts shall be consistent with the Comprehensive Plan.

B. Location

Planned Unit Development districts shall be located where they will facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services and surrounding land Uses will be minimized; where the Use is compatible with surrounding land Uses; where the Development will not encourage the expansion of office or commercial strip Development along adjacent streets; and where the intensity of the Project is consistent with the Use that it provides.

C. Minimum Size

No Planned Unit Development shall be approved unless the area encompassed by the Development is equal to or greater than the minimum Lot size required by the zoning district in which the Development is located.

D. Compatibility

- 1. Planned Unit Development districts shall be allowed a range of Uses, and site design features. In evaluating proposals, the following factors shall be considered:
 - a. The nature of surrounding land Uses shall be considered in order to ensure that the intensity of any proposed nonresidential Development will not create external impacts that adversely affect surrounding residential Uses.
 - b. The nature of surrounding land Uses shall be considered in order to ensure that the intensity and density of any proposed commercial Development provides, where appropriate, a transition between surrounding Uses.
 - c. The compatibility with surrounding Uses shall be established through the use of, but not limited to, transitions in density and intensity, screening and buffering, architectural finish, consistent roof lines, controlled access, Building orientation, Building mass, scale, and height, and other site planning techniques. Compatibility shall also include the placement of and location of specific Use Classifications, as provided in Article II of this Code and the

relationship of the Use on the adjacent Uses, specifically Residential Uses shall generally be separated from Highway Commercial Uses, High Intensity Commercial Uses, and Industrial Uses by the placement of Multi-Family residential and/or less intense office or commercial Uses or natural features, such as Wetlands.

- d. The maximum allowed densities of residential Development within a PUD district shall not exceed the maximum density allowed by the Future Land Use Map designation of the Comprehensive Plan. The maximum intensity and impervious surface ratio shall not exceed the maximum allowed by the Comprehensive Plan and proposed Uses within a mixed use PUD shall be compatible with the underlying Future Land Use designation of the Comprehensive Plan.
 - e. Residential densities for Developments designed for the Affordable Housing optional density bonus provisions section of this Code may be increased by twenty-five percent (25%) as provided for in that Section of this Code. The following factors will be considered: (i) whether the Development is proposed as an integral part of a mixed Use Development which provides services, goods and facilities, including health care, which could reasonably be considered directly supportive of the needs of the residents; (ii) whether the Development is within one thousand (1,000) feet of one or more locations which provide such services, as measured from the nearest residential unit and such services are easily accessible to the Development by pedestrian walkways free of pedestrian-vehicular conflicts; or (iii) whether such services are easily accessible by automobile by a non-circuitous route or such services are easily accessible by mass transit which serves the Development.
2. Available access shall be evaluated in order to ensure that the intensity and density of the proposed Development will not adversely impede the free flow of traffic on the streets serving the Project as determined in Article XI, Concurrency Management.
 3. The functional classification of streets serving the proposed Development shall be considered, for the purposes of ensuring that the intensity and density of the Project is consistent with the operating characteristics of impacted intersections.
 4. Perimeter buffers and screening at the boundary between the PUD district and adjacent Uses shall be provided according to the standards of this Code. However, buffers between Uses within the Planned Unit Development shall be required only between otherwise incompatible Uses.

E. Adequacy of Facilities

The adequacy of sewage disposal systems, water supplies, fire protection, police protection, drainage systems, transportation systems, school facilities and recreational facilities to serve the proposed Development shall be considered in order to ensure that demands generated

can be accommodated within the context of existing or planned Improvements as determined in Article XI, Concurrency Management.

F. Relation of PUD Regulations to General Zoning, Subdivisions, or Other Regulations; Modifications on Equal Satisfaction of Public Purposes

1. The Planned Unit Development regulations contained in this Code shall apply generally to the initiation and regulation of all Planned Unit Development districts. Where there are conflicts between the special PUD regulations herein and general zoning, Subdivision, or other regulations or requirements, these PUD regulations shall apply in PUD districts unless the Board of County Commissioners finds, in the particular case, that provisions herein do not serve public purposes to a degree at least equivalent to such general zoning, Subdivision, or other regulations or requirements.
2. Where actions, designs, or solutions proposed by the Applicant are not literally in accord with applicable PUD or general regulations, but the Board of County Commissioners makes a written finding, in the particular case, that public purposes are satisfied to an equivalent or greater degree, the Board may make specific modification of the regulations in the particular case. However, where floor area and similar ratios, as well as maximum allowed densities have been established by these regulations, the Board shall not act in a particular case to modify such ratios or maximums.
3. Except as indicated above, and notwithstanding procedures and requirements generally in effect, those procedures and requirements set forth in this Article shall apply in all PUD districts.

G. Master Development Plan Required

Except as otherwise allowed in this Code or by applicable law, all PUD applications shall include a Master Development Plan Text (Text) and Master Development Plan Map (Map), as provided below. The Master Development Plan Text and Map create a unified Development Plan by which the Project shall develop. The Master Development Plan Text and Map shall apply to any and all Developers, contractors, and buyers within the Project, unless modified pursuant to the requirements of this Part. The Text shall include the following minimum requirements, as appropriate:

1. Text

A written description of the intended proposed Project, including the following, as appropriate. Additional criteria may be requested, based upon the character, scope and location of the Project.

- a. The total number of acres included within the Project as requested in the application.

- b. The total number of Wetland acres included within the Project as requested in the application.
- c. The total amount of Development area, including the total number of developable acres (including filled Wetlands) for each proposed land Use and the total number of Wetland acres to be preserved for each land Use. Each developable Parcel shall be limited to one Use Classification, as provided in Article II of this Code.
- d. The total number of residential Dwelling Units and density of the Project, the projected population, and projected population of elementary and high school age children that may reside within the Project .
- e. The total square footage and intensity of non-residential Development.
- f. The residential and non-residential Structure setbacks, as measured from the property line, the minimum size of residential Lots, the number of parking spaces for residential and non-residential Uses, the use of Signs and signage to serve the Project and the maximum height of all Structures.
- g. The type and location of infrastructure needed to serve the Project, including at a minimum, drainage facilities, vehicle and pedestrian access to the Project, internal vehicle and pedestrian access within the Project, interconnectivity access points to adjacent properties, park, open space and recreation facilities, types of active recreation that will be provided, the provision of water and Sewer, fire protection, and solid waste collection. Additional infrastructure requirements may be addressed based upon the character or location of the Project.
- h. The amount of water and Sewer use, based upon the projected population, and the public Utility Providers, if applicable.
- i. The type of underlying soils and its suitability for Development of the proposed Project.
- j. The type and extent of upland forest and Wetlands on the site using the Level III classification of the Florida Land Use Cover and Classification System (FLUCCS). A map depicting the location of upland forest and Wetland vegetation shall be provided with the application submittal.
- k. The type and extent of buffering, landscaping, Tree removal and Tree protection, and buffering between adjacent Uses as needed to aesthetically screen Uses and provide privacy.
- l. The use, location and duration of temporary Uses, including Construction trailers, sales units, model homes, and temporary signage related to Construction of the Project.

- m. The use and location of Accessory Uses for residential and non-residential Structures, including Guest Houses, A/C units and related heating/cooling units, setbacks, swimming pools, fencing, and similar Uses.
- n. A phasing schedule, including at a minimum, the amount of residential and non-residential Development to be completed within a specified phase, a specific commencement date, a definition of commencement of the project, and a specific completion date. The PUD shall expire at the end of the specific completion date included in the Master Development Plan Text and no further development shall occur until the phasing schedule is extended or modified pursuant to the requirements of this Part. The PUD shall provide as part of the phasing schedule, an estimate of Uses to be developed within five (5) year phases. The estimated phases may overlap during construction; however, the phase shall be fifty percent (50%) complete, before the next phase may proceed unless modified through a PUD Minor Modification.
- o. The projected impact of the Project upon St. Johns County, an explanation of the Project's benefit to the County, as compared to existing zoning or other zoning district, and justification of the Project.
- p. A description of any waivers, Variances, or deviations from this Code included in the application and justification for such waivers, Variances, or deviations.
- q. A statement binding all successors and assigns in title to the commitments and conditions of the Master Development Plan.
- r. When the subject property is designated as more than one Future Land Use designation on the Comprehensive Plan Future Land Use Map, a map shall be provided depicting the boundaries between the designations and provide the total upland and Wetland acres for each land Use designation.

2. Map

The Master Development Plan Map shall be a detailed Site Plan, as appropriate, which is drawn to a legible scale. The Map may include more than one page, based upon scale and scope of the Project. Additional criteria may be requested, based upon the character, scope and location of the Project.

- a. The general location of all land Uses described in the text, including the general location of all residential Lots and the general location of all non-residential Structures.
- b. The general location of Wetlands, conservation/preservation areas, open space areas, commonly owned areas, golf course and parks.

- c. The general location, width, extent and type of buffers proposed to conform with the minimum buffer requirements of Section 5.03.03.A. and other standards in this Code.
- d. The general location of any Water Treatment Plant, Wastewater Treatment Plant, electrical, or other infrastructure stations and sub-stations.
- e. The general location of parking areas.
- f. The general location of all vehicle and pedestrian access to the Project, the internal vehicle and pedestrian access within the Project, and the location of internal and pedestrian connections between Uses.
- g. The general location of retention, detention and other drainage facilities that may be used in the Project; however, final engineering may be approved upon review of final Construction Plans and in accordance with Article VI of this Code.
- h. The general location of all Project identification signage.
- i. A general location of the subject property in relation to the County.
- j. The general location of future access points providing interconnectivity to adjacent properties.
- k. The general location of all temporary Uses that may be used within the Project.
- l. A map showing the location of the 100-year floodplain in relation to the Project.

H. Homeowner's Associations or Committees

Any PUD that requires homeowner's association or committee review and/or approval of an application for a Building Permit prior to issuance of a County Building Permit shall include or be presumed to include the following requirements, limitations and Appeal provisions in regard to that process:

- 1. An application for Building Permit approval by a homeowner's association or committee may be denied only upon a finding supported by competent substantial evidence that Construction of such Building would result in a violation of a valid covenant or restriction recorded in the public records of St. Johns County applicable to the land to which the Building Permit applies; and
- 2. The homeowner's association or committee shall comply with valid and applicable State laws and County ordinances that pertain to hearings, public and private notices and public records.

3. When a homeowner's association or committee fails to or refuses to approve or deny a Building Permit application within thirty (30) days after receipt, that application shall be deemed to be so approved, if the Applicant certifies under oath that the subject completed application has been pending before such association or committee for more than thirty (30) days without final action of approval or refusal to approve.
4. Any Applicant for such approval by a homeowner's association may Appeal refusal or failure of such association to give such approval within thirty (30) days after the application is submitted to the association for approval. Any homeowner's association may Appeal an approval under paragraph 3 above. Such Appeals may be made to the Board of County Commissioners, pursuant to Part 9.07.00 of this Code. In considering such appeals, the Board of County Commissioners shall waive a requirement for homeowner's association approval of a Building Permit application if it finds that (a) there is no violation of a valid and applicable covenant and restriction, (b) that such waiver is in the public interest, or (c) the homeowner's association review time allowed under paragraph 3 was exceeded. Alternatively, if there has been no homeowner's association action and there is no finding of (a), (b), or (c), then the application shall be remanded to the homeowner's association for appropriate action. If a homeowner's association or committee has properly refused to approve the application, the Board of County Commissioners may deny the Building Permit.

Sec. 5.03.03 Specific Standards

Specific standards may be modified or waived if substantial compliance is met through other means, or to meet other desirable objectives, such as to accommodate traditional neighborhood design principles, maintain the function of a vegetative community, and similar issues. Modifications and waivers shall be provided with the PUD Master Development Plan Text.

A. Natural Environment

1. Minimum of twenty-five percent (25%) open space (including recreation, buffers, common areas, Environmentally Sensitive Areas, and other conservation/preservation areas providing for Significant Natural Communities Habitat or Essential Habitat);
2. Minimum of ten percent (10%) preservation of Significant Natural Communities Habitat;
3. Minimum of five percent (5%) conservation of upland natural vegetation, not including Significant Natural Communities Habitat;
4. Ten (10) foot natural/landscaped buffer along Project property lines, except as provided in paragraph 5 below.

5. Minimum forty (40) foot natural buffer along William Bartram Scenic Highway (SR 13/CR 13).

B. Setbacks

1. Residential

- a. Fifty (50) foot setback on Arterials & Major Collectors;
- b. Seven and one-half (7.5) foot Side Yard setback (reduction in Side Yard with increase in preservation of Significant Natural Communities Habitat);
- c. Twenty-five (25) foot Front Yard setback to face of garage; and
- d. Five (5) foot setback for Accessory Structures.
- e. Residential Subdivisions with Lots adjacent to Arterials and Major Collectors shall be designed with a wall, fence, landscaping or landscaped berm, as provided in Section 6.06.04.B.6. Walls and fences shall be landscaped along the Arterial or Major Collector.

2. Commercial

Twenty (20) foot setback for Buildings, parking and/or storage areas along property lines adjacent to road right-of-way and adjacent to residential Uses.

C. Transportation

1. Internal Roadway & pedestrian connections between Uses;
2. Sidewalks along major internal Roadways; and
3. Interconnectivity with adjacent properties (where desirable).

D. Active Recreation

1. Five (5) acres of active recreation per one thousand (1,000) design population pro rata with one (1) acre minimum (except for Development Parcels less than ten (10) acres in size);
2. Sixty percent (60%) of recreational acreage shall be community park (ballfields, multi-use fields) if total recreational acreage requirement is five (5) acres or larger, unless the Applicant can demonstrate that other recreational Uses are more appropriate for the proposed Project. The Applicant shall provide this demonstration in the Master Development Plan Text; and

3. Road Rights-of-Way, Drainage/Utility Easements, or other similarly functional Easements shall not be used as recreation areas for the purposes of this Code.

Sec. 5.03.04 Review Procedures

A. Generally

Except as modified below, the procedure for amendments to Official Zoning Atlas shall be followed in the review of a proposed PUD.

B. Actions by the Board of County Commissioners

1. Actions by the Board of County Commissioners shall be as provided for amendments generally. It may grant the application in accordance with PUD and other regulations applicable, approve with modifications as provided in Section 5.03.05., and/or conditions, or may deny the application.
2. If the amendment is granted, the Board of County Commissioners shall, in its amending action, approve the Master Development Plan or indicate required modifications or conditions. Such approved plans, with any required modifications or conditions, shall be binding in determinations concerning consistency of applicable Subdivision and site Development Plans.
3. If the amendment is granted, the Development shall be required to be in accordance with applicable Subdivision and Site Plans meeting the requirements of these and other regulations, as supplemented or modified by the Board of County Commissioners in the particular case as part of the amending action, and shall conform to any time limitations established by the Board on beginning and completion of the Development as a whole or in specified phases.
4. Before Development may proceed, agreements, contracts, deed restrictions, sureties, and other instruments involved shall be in forms approved by appropriate officer(s) and agencies.

C. Applicability Of Subdivision And/or Site Plan Regulations

After a PUD district has been established, no Building Permit shall be issued therein unless and until the applicable Subdivision preliminary plat, Construction Plans, Final Plat, and related documents and Site Plans, for the Development as a whole or for phases or portions thereof deemed satisfactory in relation to total Development, have been approved in accordance with the provisions contained in this Code. Such Subdivision and site Development Plans shall be consistent with the approved Master Development Plan, all commitments made and any restrictions placed on the approved Master Development Plan, and any documents, graphic, map, or other such information provided as part of the official record for the approval of the PUD district.

Sec. 5.03.05 Changes In Approved Planned Unit Developments

Changes to approved PUD's may be made in one of three (3) ways. Small Adjustments, Minor Modifications and Major Modifications. The County Administrator is authorized to approve Small Adjustments in the approved plans of PUD districts, as long as they are in harmony with the originally approved PUD district, but shall not have the power to approve changes that constitute a Minor Modification or a Major Modification. A Minor Modification shall require approval by the Planning and Zoning Agency pursuant to the requirements of Section 9.06.04 of this Code. A Major Modification shall require approval of the Board of County Commissioners and shall be handled in the same manner as the original approval pursuant to Section 9.06.04 of this Code.

A. Small Adjustments

Small Adjustments to approved PUD's, under the authority of these provisions, may be allowed by the County Administrator, with the Office of County Attorney review and concurrence, as required, on application by the original Applicant or successors in interest, upon making a finding that all of the following conditions are met:

1. The changes are in accordance with all applicable regulations currently in effect and the PUD regulations of this Code;
2. The changes do not reduce the number of parking spaces below that which is required for the Uses within the PUD by more than two percent (2%);
3. The changes do not reduce the amount of open space/recreation area or change the location of open space/recreation area;
4. The changes do not change the location, number, or type of pedestrian or vehicular accesses;
5. The changes do not increase the Structure height;
6. The changes do not decrease any required Yards;
7. The changes do not increase the traffic generation more than two percent (2%); and
8. The changes are not determined to be a Minor Modification or Major Modification under the provisions of this Section.

B. Minor Modifications

Unless otherwise determined to be a Small Adjustment, the Planning and Zoning Agency may approve Minor Modifications to approved PUD's, under the authority of these provisions, on application by the original Applicant or successors in interest, upon making a finding that all of the following conditions are met:

1. The changes are in accordance with all applicable regulations currently in effect and the PUD regulations of this Code;

2. The changes do not reduce the number of parking spaces below that which is required by the Uses within the PUD by more than two percent (2%), unless a further reduction is demonstrated through a joint use parking study;
3. The changes do not reduce the amount of open space/recreation area by more than five percent (5%), or result in any substantial change in the location of open space/recreation area;
4. The changes do not change the location, number, or type of pedestrian or vehicular accesses;
5. The changes do not increase the density or intensity of Use by more than two thousand (2,000) square feet of usable floor area, ten (10) Dwelling Units, or five percent (5%) in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PUD. In no case shall the overall intensity or density be increased over the maximum allowed by the PUD district in the Master Development Plan or the Comprehensive Plan;
6. The changes do not increase the Structure height;
7. The changes do not decrease the required Yards by more than ten percent (10%);
8. The changes do not increase the area allocated to any land Use type, except open space/recreation area, by more than ten percent (10%);
9. The changes do not increase the traffic generation by more than five percent (5%);
10. The changes do not change the location of specific land Use(s) by more than ten percent (10%) of the total land area of the specific land Use(s); and
11. The changes are not determined to be a Major Modification under the provisions of this Section.

C. Major Modification

The Board of County Commissioners may approve Major Modifications to approved PUD's, under the authority of these provisions, on application by the original Applicant or successors in interest, upon making a finding that all of the following conditions are met:

1. The changes are in accordance with all applicable regulations currently in effect and the PUD regulations of this Code;
2. The changes will result in an increase in density or intensity of Use, greater than two thousand (2,000) square feet of usable floor area, or an increase greater than ten (10) Dwelling Units, or an increase of more than five percent (5%) in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PUD. In no case shall the overall intensity or density be increased over the maximum allowed by the Comprehensive Plan;

3. The changes will result in an increase in Structure height;
4. The changes will result in an addition or deletion of a Use from the specifically approved PUD Uses;
5. The changes will result in a decrease in required Yards by more than ten percent (10%);
6. The changes will result in an increase in the area allocated to any land Use type, except open space/recreation area, by more than five percent (5%);
7. The changes will result in a change to the location, number, or type of pedestrian or vehicular accesses;
8. The changes will result in an increase in traffic generation by more than five percent (5%);
9. The changes will result in a change in the location of specific land Use(s) by more than ten percent (10%) of the total land area of the specific land Use(s); and
10. The change is an extension of the completion date of the PUD.

D. Submittals

All requests for review of changes to Planned Unit Developments shall include the information required in the original PUD, a location drawing indicating the relationship of the portion to be revised to the entire PUD district, if the revision does not include the entire PUD district, and, such other information concerning the Lot, adjoining Lots, or other information concerning the Lot, adjoining Lots, or other matters as may be essential for determining whether the provisions of the district and this Code are being observed. In addition, at the discretion of the County Administrator, a drawing indicating the current property ownership within the entire district may be required.

- E.** All approved changes or modifications to an existing Planned Unit Development shall be recorded with the Clerk of the Circuit Court of St. Johns County. In addition, a copy of the approval shall be provided to the County Administrator and the Planning and Zoning Agency.

Sec. 5.03.06 Review Criteria

A. Generally

1. Planned Unit Development districts may hereafter be established by amendment to the Official Zoning Atlas and related amendatory action, changing the designation of a Lot or Lots from the existing classification to the Planned Unit Development districts contained in this Article, where tracts suitable in location and character for the Uses and Structures proposed are to be planned and developed on a unified basis, according to the requirements and procedures set forth herein.

2. Planned Unit Development districts may be established in appropriate locations: with respect to intended function; in conformance with the goals, policies, and objectives of the Comprehensive Plan; where compatible with the surrounding land Uses and zoning districts; where facilities and services of the County will not be adversely impacted; where a precedent will not be set for the introduction of an inappropriate Use into an area; and so as not to encourage nonresidential strip Development along streets.
3. The Planned Unit Development process may involve negotiations between Applicants, or their representatives, and representatives of St. Johns County. For the purposes of structuring the process of applying for PUD districts and any subsequent negotiations, the procedures, review criteria, and specific regulations in this Part shall be utilized.

B. Physical Characteristics Of The Site; Relation To Surrounding Property

1. The tract shall be suitable, or it shall be possible to make the tract suitable for Development in the manner proposed without hazard to persons or property, on or off the tract, outside of the Floodway, free from the probability of erosion, subsidence, or slipping of the soil or other dangers. Conditions of soil, ground water level, drainage, and topography shall all be appropriate to both type and pattern of Use intended.
2. If appropriate to the form of Planned Unit Development, lands to be included in a PUD district may be divided by streets, alleys, rights-of-way, or easements, but shall be so located, dimensioned, and arranged as to permit unified planning and Development and to meet all requirements in connection therewith, as well as to provide necessary protection against adverse relationships between Uses in the district and Uses in surrounding areas.

C. Density/Intensity

The proposed Development shall have a density or intensity in character with the surrounding land Uses and zoning, and be consistent with the density and intensity established in the Comprehensive Plan. Overall Residential density of the Development shall be determined, based on the developable portion of the Project; Wetlands shall not be used in determining the overall density. Overall intensity shall be consistent with the Comprehensive Plan for the specific land Uses.

D. Relation to Public Utilities, Facilities, and Services

Planned Unit Development districts shall be subject to the terms of the concurrency Level of Service standards relating to the provision of public services found in Article XI, Concurrency Management. Determinations concerning the adequacy and efficiency of the provision of the described public facilities shall be based upon performance standards adopted by the Board of County Commissioners.

E. Relation to Major Transportation Facilities

PUD districts, where appropriate because of the size or intensity of the proposed district, shall be so located with respect to Arterial and Collector streets, or mass transit facilities, and shall be so designed as to provide direct access to and from such districts without adversely impacting Local Roads in residential neighborhoods,

F. Compatibility

PUD districts shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise, or lights. Project control shall be accomplished through such techniques as buffering, architectural design, height limitations, and density or intensity limitations.

G. Transitions

PUD districts shall be responsive to the character of the area. When located in an area where land Use types and/or intensities or densities vary, PUD districts shall be designed in such a manner as to provide for gradual changes in intensity and/or density.

H. Internal/External Relationship

1. Access

- a. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes or traffic dividers and extra width of the approach street shall be required where existing or anticipated traffic flows indicate need.
- b. Vehicular access to streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes traffic friction, and excessive interruptions.
- c. Pedestrian access may be provided at any suitable location within the district. Where practical, it shall be separated from vehicular access points in order to reduce congestion, marginal friction, and hazards, except where signalization is used to control pedestrian and vehicular movement safety.

2. Streets, Drives, Parking, and Service Areas

Streets, drives, parking, and service areas shall provide safe and convenient access to all Buildings and general facilities. Streets shall be laid out so as to discourage outside traffic from traversing the Development on Local Roads. Commercial and office Uses shall be grouped in relation to parking areas such that after visitors arriving by automobile enter the walkway system, establishments can be visited conveniently with a minimum of internal automotive movements. Facilities and

access routes for deliveries, servicing, and maintenance shall be so located and arranged as to prevent interference with pedestrian traffic within the district. Loading zones where customers pick up goods shall be located and arranged as to prevent interference with pedestrian movement.

3. Pedestrian Systems

- a. All residential PUD districts and other PUD districts, as appropriate, shall provide internal or external walkways where pedestrian circulation requires them.
- b. The Site Plan shall provide for safe, efficient, convenient, and harmonious groupings of Structures, Uses, facilities, and open spaces in a manner facilitating pedestrian movement between major origins and destinations within and adjacent to the district with a minimum of conflict with vehicular traffic.
- c. Pedestrian systems through Buildings shall be related to a network of exterior open spaces reserved for pedestrian use and enjoyment. Interior and exterior pedestrian ways shall be scaled for anticipated traffic and form a convenient pattern connecting major concentrations of Uses within the district, and shall connect to principal access points within and outside the district.
- d. Access for pedestrians and cyclists entering or leaving the district shall be by safe and convenient routes. Where there are crossings of pedestrian ways and vehicular routes at edges of Planned Unit Developments, such crossings shall be safely located, marked, and controlled, and where such ways are exposed to substantial vehicular traffic at edges of districts, be required to prevent crossings except at designated points. Bicycle and/or pedestrian paths, if provided, shall be so related to the vehicular system that street crossings are combined.

4. Orientation

The orientation of the Development shall generally be toward internal streets and pedestrian systems and away from adjacent Local Roads and adjacent residential land Uses.

5. Reserved

6. Outdoor Lighting

Outdoor lighting shall be provided in all Developments that do not require street lights. Outdoor lighting shall be located so as to illuminate the Project as necessary to provide safe passage within the Development. The source of the light, such as the bulb or filament, of outdoor lighting fixtures shall not be directly visible from

property outside the zoning Lot on which it is located. Additionally, the maximum illumination allowed at the zoning Lot line shall be 0.20 footcandles.

7. **Underground Utilities**

PUD's shall provide for underground utilities, within its Project boundaries, including telephone, electric, and cable service lines in both public and private right-of-ways.

8. **Off-Street Parking and Loading Requirements**

Off-street parking and loading shall be as required by Part 6.05.00. Off-street parking and loading shall be provided such that location and design is appropriate to the needs of occupants and users of the district and protection of adjacent property from adverse effects. No space designated as a required off-street parking space for the general public shall be used as an off-street loading space or maneuvering room for vehicles being loaded or unloaded.

9. **Protection of Visibility at Intersections**

Protection of visibility for vehicles, cyclists and pedestrians shall be as generally provided in Section 6.02.05.C.4. of this Code.

Sec. 5.03.07 PUD Progress Report

The Applicant or its successors or assigns shall submit, to the County Administrator, a PUD Progress Report, at the end of each five (5) year phase, according to the estimated phases, as provided in Section 5.03.02.G.1.n. of this Part. The PUD Progress Report shall provide the following:

- A. The total number of Residential Lots Platted, and
- B. The total square-footage of completed non-residential Development with a percentage of each type of land Use proposed in the phasing schedule, and
- C. The total amount, in acres and percentage of the phase, of open space, and recreation areas, provided in the phase, and
- D. The total amount of Residential and non-residential development that received a Certificate of Concurrency, pursuant to Article XI of this Code and a list of improvements or schedule of improvements in order to meet the Concurrency requirements.

Sec. 5.03.08 PUDs Approved Prior to the Effective Date of this Code

PUDs that were approved prior to the effective date of this Code shall be reviewed by the County Administrator and shall be considered under the following provisions.

- A. PUDs without Final Development Plan approval for any phase or segment of the Project, shall submit a Master Development Plan for the unfinished portion of the Project. If the PUD

specified a phasing schedule, the Master Development Plan may be submitted within the phasing schedule. If any portion of the phasing schedule has expired, a Master Development Plan shall be required for the overall remaining portions.

- B. PUDs with approved Final Development Plans for portions of the Project, may proceed with Development as allowed and approved by the Final Development Plan. The remaining portions of the PUD without Final Development Plan approval shall submit a Master Development Plan for those portions of the project. If the PUD specified a phasing schedule, the Master Development Plan may be submitted within the phasing schedule. If any portion of the phasing schedule has expired, a Master Development Plan shall be required for the overall remaining portions.
- C. All existing approved Final Development Plans shall become Master Development Plans for that portion of the PUD.

PART 5.04.00 PLANNED RURAL DEVELOPMENT (PRD)

Sec. 5.04.01 Generally

The following specific regulations implement the Comprehensive Plan policies for Planned Development in the Rural/Silviculture (R/S) and Agricultural-Intensive (A-I) Future Land Use Map designations. Land Development projects shall clearly demonstrate compliance with the criteria established within the Comprehensive Plan and the following Land Development Regulations.

Sec. 5.04.02 Design Rules

Planned Rural Developments shall be developed consistent with the standards and criteria described as follows:

- A. The minimum Parcel size which may be rezoned to PRD shall be as follows:
1. Within lands designated as Agricultural-Intensive (A-I), the minimum PRD size shall be thirty-nine (39) acres; and
 2. Within lands designated as Rural/Silviculture (R/S), the minimum PRD size shall be one hundred (100) acres.
- B. Planned Rural Developments shall contain two distinct areas, the Development Area and the Reserve Area. The Development Area plus the Reserve Area shall constitute the Total PRD Parcel. The Total PRD Parcel shall be configured in such a manner as to permit continuation of any farming or silvicultural Use of the Reserve Area.
1. Development Area
The Development Area shall include that portion of the Parcel which is proposed for Development at the established density of the PRD.
 2. Reserve Area
The Reserve Area shall be designated within the PRD as permanent open space.
- C. The allowable unit density of the Development Area, and the relative size of the Development Area and Reserve Area shall be determined by the Applicant according to the following scale:

<u>Reserve Area Percentage of Total PRD Parcel</u>	<u>Allowed Density of Development Area</u>
80%	1 unit per 2.5 acres of Development Area
85%	1 unit per acre of Development Area

90%

2 units per acre of
Development Area

The maximum total density allowed to be developed within the Development Area shall be calculated as follows: acres of Development Area TIMES the chosen maximum allowable density pursuant to the above scale. For example, if the Total PRD Parcel contains one hundred (100) acres, and ninety percent (90%) is maintained as Reserve Area, the Development Area will contain ten (10) acres which may be developed at a maximum total density of two (2) units per acre and allowing for twenty (20) units.

- D. PRD's of greater than one hundred (100) residential units may include neighborhood commercial Uses within the Development Area. If neighborhood commercial Uses are included, the Development Area's allowable residential density shall be calculated as follows: subtract acres of neighborhood commercial Use from acres of Development Area. Multiply remaining acres by allowable density of Development Area pursuant to Section 5.04.02.C. above.
- E. No single PRD shall contain more than fifty percent (50%) of the Dwelling Units available for Development pursuant to policies of the Land Use Element of the St. Johns County Comprehensive Plan.
- F. The Applicant who is proposing Development of the Development Area need not own the Total PRD Area in fee simple. It shall be sufficient for the Applicant to have sufficient property rights to the Reserve Area so as to allow for restriction of the Reserve Area as permanent open space. Such rights, and evidence of such rights, shall be obtained prior to approval of any rezoning to PRD.

Sec. 5.04.03 Development Area

The allowable units of the Development Area may be located anywhere within the Development Area, subject to the conditions below. Development may include a variety of housing types, including Single Family and Multi-Family Dwellings. In referring to the example cited above, the twenty (20) units could be placed anywhere within the ten (10) acre Development area, provided all other applicable requirements of this and other state and County regulations are met.

- A. The Development Area shall be compact, contiguous, and shall not be scattered throughout the Total PRD Parcel submitted for PRD Development. It is the intent that the Development Area and Reserve Area be configured in such a manner as to permit the continued farming or Silviculture Use of the Reserve Area, or to allow maximum open space to be maintained in the Reserve Area through clustering the residential units in the Development Area.
- B. The Development Area shall be buffered from incompatible adjacent land Uses, whether such incompatible Uses are located within the adjacent PRD Reserve Area, or outside of the PRD boundary. A minimum buffer of two hundred (200) feet shall be required between such incompatible Uses, and such buffer may consist of Wetland or upland. The buffer area may be included within the Reserve Area and shall be depicted on the PRD Master

Plan map. Uses within the buffer shall be limited to those determined to be appropriate as set forth within the adopted PRD, subject to all applicable County and state regulations.

- C. Notwithstanding the buffer requirements of Section 5.04.03.B., a minimum fifty (50) foot internal buffer shall be provided around the Development Area. This perimeter buffer may consist of Wetland or upland. This buffer area shall be included within the Development Area and shall be depicted on the PRD Master Plan map. Uses within the buffer shall be limited to those determined to be appropriate as set forth within the adopted PRD, subject to all applicable County and state regulations.
- D. Wetland buffers shall be required, as provided in Section 4.01.06 and shall be depicted on the PRD Master Plan map.
- E. Primary access from the Development Area to external Roadways shall be improved in accordance with County standards unless, otherwise waived in the adopted PRD, and shall be centralized in order to minimize the number of access points to external Roadways. Access points from individual Lots within the Development Area to external Roadways shall be prohibited where sufficient land area exists to provide an internal roadway system.

Sec. 5.04.04 Reserve Area Criteria

The intended use of the Reserve Area is to provide for the continuation of farming or silvicultural activities, or the Reserve Area may remain in its natural state. Uses and Structures within the Reserve Area shall be limited to those determined to be appropriate as set forth within the adopted PRD, subject to all applicable County and state regulations. Pursuant to PRD approval, the Reserve Area shall be designated as permanent open space and such designation shall be placed in the land title records so as to advise potential future purchasers of the PRD regulations which are applicable to the property. The County may modify the requirements of a previously approved PRD Development to release a Reserve Parcel from its open space restrictions by approval of a Future Land Use Map amendment, in accordance with the requirements of the Comprehensive Plan and applicable law. The Reserve Area shall be subject to the following conditions:

- A. The Reserve Area shall, at a minimum, contain generally the same ratio of uplands to Wetlands as contained in the Total PRD Parcel. For example, if a Total PRD Parcel of one hundred (100) acres contains ninety (90) acres of Wetland and ten (10) acres of upland, at least ten (10) percent of the Reserve Area must be upland acreage.
- B. Where uplands are isolated or restricted in such a manner that an equal ratio of uplands to Wetlands (as contained in the Total PRD), cannot be designated in the Reserve Area, the amount of upland acreage in the Development Area and Reserve Area shall be generally equal, if it is found that the PRD otherwise meets the intent of this Code. For example, if the Development Area consists of approximately five (5) acres of noncontiguous upland, approximately five (5) acres of upland is required in the Reserve Area.

Sec. 5.04.05 Exemptions To PRD Requirements

A. Single Family Exemption to PRD Requirements

For land owners of platted Lots of Record as of September 14, 1990, and legally non-conforming Lots of Record legally divided as of June 19, 1978, whose property does not meet the minimum Parcel size required for PRD approval, an exemption to the PRD requirements shall apply, and land owners shall be allowed to place or construct one (1) Single-Family Dwelling Unit on each such Exempt Parcel. Development of more than one Single-Family Dwelling Unit shall be subject to the PRD requirements contained herein.

B. Family Farm and Lot Provision

In order to encourage and permit the Development of tracts of land as family farms, land owners shall be allowed to place or construct one (1) Single-Family Dwelling Unit for use as the Owner's primary residence within lands designated Agricultural-Intensive (A-I) or Rural/Silviculture (R/S). In addition, the Owner's immediate family members shall be allowed to place or construct one (1) Single-Family Dwelling Unit for use as their primary residence on the same Parcel, or subparcel thereof, as the Owner's primary residence. This provision shall be limited to a one (1) time use for each family member. For the purpose of this provision, immediate family shall include the owner's parents, step-parents or adopted parents; spouse; brothers and sisters; children, step-children or adopted children and grandchildren. Immediate family shall also include the parents, step-parents or adopted parents; children, step-children or adopted children and grandchildren of the Owner's spouse.

Where an additional residence is placed or constructed on a Parcel, or where a new subparcel is created under this provision, Development shall be subject to all other applicable County and state requirements, including those contained within this Code.

PART 5.05.00 DEVELOPMENT AGREEMENTS

Sec. 5.05.01 General Provisions

A. Short Title

This Part shall be known and may be cited as the "St. Johns County Development Agreement Regulations."

B. Purpose

It is the intent of this Part to set forth the procedures and requirements necessary for St. Johns County to consider and enter into Development Agreements. It is the further intent of this Part to encourage a strong commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for Development concurrent with the impacts of Development, encourage the efficient use of resources, and reduce the economic cost of Development.

C. Definitions

The definitions set forth in Section 163.3221, F.S., shall apply to this Part.

Sec. 5.05.02 Procedures

A. Initial Determination

1. The purpose of the Initial Determination is to avoid time being wasted on Development Agreements which clearly are not in the interests of the County. This advance review of the feasibility of entering into a Development Agreement will be based on the impacts and benefits of the Development.
2. All Developers wishing to initiate a Development Agreement shall provide the following information, prior to formal application, to enable the Initial Determination to be made:
 - a. Generalized description of Development and of the impacts and benefits of the Project.
 - b. General information such as the name and address of the owner, Applicant, and agent; site area; location; and legal description.
 - c. Any Developer commitments and anticipated special benefits or impacts of the Development.
 - d. Any anticipated approvals, waivers, Variances, exceptions or government commitments sought by the Developer.

3. Since the Initial Determination is an informal procedure, only very general information will be required and the format of the Applicant's submittal may be as simple as a letter. The analysis of the impacts of the Development on public facilities should not be detailed. The Initial Determination of capacity performed for concurrency is sufficient detail for the Initial Determination of transportation impacts, for example. The County Administrator will render an Initial Determination within ten (10) working days of submittal of an application. In unique situations where a Developer demonstrates a dire time constraint, the Initial Determination will be in five (5) working days. The determination may be positive, negative or inconclusive. If inconclusive or negative, the review will specify the basis for the determination.

B. Application

1. The Developer has the right to submit an application after the Initial Determination regardless of the conclusion of the Initial Determination.
2. Application will be made on a County Development Agreement application form to the County Administrator. It shall include a fee as established by the Board of County Commissioners. There will be no minimum or maximum size of Development for which a Development Agreement may be requested. At the time of application, a statement of ownership and authorization from the owner to proceed shall be required. A land title report shall be required prior to entering into the agreement, and may be in the form of documents which satisfy staff as to the validity of title. Documentation submitted to satisfy validity of title shall be considered acceptable for a three (3) month period and will need to be updated thereafter. Similarly, the required traffic analysis may be performed up to three (3) months prior to submittal of the application. However, if significant Development has taken place subsequent to the submitted traffic analysis, the Applicant may be called on to update the analysis. In situations where no significant Development has occurred, a traffic analysis may be acceptable beyond the three (3) month limit.
3. Only a qualified Applicant may file an application to enter into a Development Agreement. A qualified Applicant is a person who has legal or equitable interest in the real property which is the subject of the Development Agreement. If there is a question as to the sufficiency of the Applicant's interest in the subject real property with respect to entering into the agreement, the County Administrator may request and rely upon an opinion of the County Attorney's Office.

C. Staff Report

The County Administrator shall prepare and file with the Clerk to the Board of County Commissioners a staff report and recommendation within forty-five (45) days of the application's submittal. Notwithstanding the foregoing, if the County Administrator determines that an application is insufficient, the Applicant shall be provided with a statement of any additional information required within fifteen (15) days of the application's submittal, and the report and recommendation of County staff shall be due forty-five (45)

days from the receipt by the County Administrator of a sufficient submittal or written notice from the Applicant that it will not be submitting additional information.

D. Review Process

1. Where a Development is undergoing a number of simultaneous reviews (e.g. rezoning and Development Agreement review) these will, to the extent possible, be unified into one review process. Fee reductions may be considered in such instances, especially if one review is immediately subsequent to another. Material prepared for one review (e.g transportation analysis) may be filed for another, if appropriate.
2. Once an application is filed, the time frames established herein shall be followed. If the information provided by the Applicant is deficient, the Applicant shall have the right to provide additional information. The review time shall be extended accordingly.
3. The County Administrator shall review and formulate a recommendation on every Development Agreement application. The County Administrator may request review of the application by the appropriate departments or agencies.

E. Notice

1. Notice shall be provided as required in Part 9.06.00;
2. As required by Section 163.3225, F.S., the form of the notices of intention to consider adoption of a Development Agreement shall specify:
 - a. The time and place of each hearing on the application;
 - b. The location of the land subject to the Development Agreement;
 - c. The Development Uses proposed on the property, including the proposed population densities and proposed Building intensities and height; and
 - d. Instructions for obtaining further information regarding the request, including where a copy of the proposed agreement can be obtained.

F. Hearings

The Board of County Commissioners shall conduct two (2) public hearings on each application. The public hearings may take place during the regularly scheduled public hearings. At the conclusion of the second public hearing, the Board of County Commissioners shall approve, approve with modifications, or deny the application.

Sec. 5.05.03 Requirements Of A Development Agreement

A. General Information

A Development Agreement shall, at a minimum, include the following:

1. A legal description of the land subject to the agreement and the names of the legal and equitable owners;
2. The duration of the agreement;
3. A general description of the Development, the land Uses proposed for the Development including population densities, and Building intensities and height, and a description of the impacts and benefits of the Development;
4. The land Use designation of the property as designated on the Future Land Use Map of the St. Johns County Comprehensive Plan;
5. The current zoning and Future Land Use of the property and the zoning and Future Land Use of adjacent properties within three hundred (300) feet of the Project;
6. A description of public facilities that will service the Development, including who shall provide such facilities;
7. A description of any Developer commitments;
8. The date any new public facilities, if needed, will be constructed;
9. A schedule to assure public facilities are available concurrent with impacts of the Development;
10. A description of any reservations or dedications of land for public purposes;
11. A description of all local Development Permits approved or needed to be approved for the Development of the land;
12. Any anticipated approvals, waivers, Variances or exceptions sought by the developer;
13. A finding that the Development permitted or proposed is consistent with the Future Land Use Map of the St. Johns County Comprehensive Plan and this Code;
14. A statement indicating that the failure of the agreement to address a particular Permit, condition, term, or restriction shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, condition, term, or restriction;

15. Such conditions, terms, restrictions, or other requirements determined to be necessary by St. Johns County for the public health, safety, or welfare of its citizens; and
16. With respect to any public facilities to be designed and/or constructed by the Developer, design and Construction shall be in compliance with all applicable federal, state, and County standards and requirements in order to insure the progress, quality and cost effectiveness of Construction of the public facilities, to resolve in a timely manner design and Construction related problems which may occur, and to protect the safety and welfare of the public. The standards and requirements shall include, but not be limited to, guarantees of performance and quality and Project controls (including scheduling, quality controls, and quality assurance).

B. Stipulations

All Development Agreements shall contain stipulations regarding the following, where applicable:

Parties involved; notice and hearing dates; property location; approved Uses, densities, intensities and heights; duration; regulations and fees applicable; public facilities and concurrency schedule; impact fee agreement, if applicable; dedications and Permits required; consistency with Comprehensive Plan and Land Development Regulations; conditions and terms of approval, with any phasing if needed; design/construct agreement to cover Developer-provided public improvements, if required by the County; standard performance and warranty provisions on improvements to be accepted by the County; policies with regard to changes to approved Development; policies with regard to changes to the agreement; resolution for disputes; cure period for defaults; and the basis for revocation.

C. Phasing

A Development Agreement may provide that the entire Development or any phase thereof be commenced or concluded within a specific period of time.

D. Developer Commitments

With respect to Developer commitments that would be eligible for impact fee credits, nothing herein shall affect the eligibility to qualify for credits under appropriate impact fee ordinances.

Sec. 5.05.04 Post-Approval

A. Amendment and Cancellation of Agreement by Mutual Consent

A Development Agreement may be amended or canceled by mutual consent of the parties to the Agreement or by their successors in interest. Prior to amending a Development Agreement, the Board of County Commissioners shall hold two (2) public hearings on the

proposed amendment, unless the first public hearing is conducted by the Planning and Zoning Agency at the option of the Board of County Commissioners.

B. Term

The term of a Development Agreement shall not exceed ten (10) years or such time as Section 163.3220 through 163.3243, F.S., may provide. A Development Agreement may be extended by mutual consent of the Board of County Commissioners and the Developer, subject to public hearings in accordance with Section 5.05.02 of this Code. The term of any one extension shall not exceed five (5) years or such time as Section 163.3220, et. seq., F.S., may provide.

C. Recordation

Within fourteen (14) days after St. Johns County enters into the Development Agreement, the Clerk to the Board of County Commissioners shall have the agreement recorded in the public records of St. Johns County. A copy of the recorded Development Agreement shall be submitted to the Department of Community Affairs within fourteen (14) days after the Agreement is recorded. If the Agreement is amended, canceled, modified, extended, or revoked, the Clerk shall have notice of such action recorded in the public records and such recorded notice shall be submitted to the Department of Community Affairs.

D. Periodic Review

1. The County shall review the Development subject to the Development Agreement every twelve (12) months in accordance with Section 163.3235, F.S.
2. The County shall begin the review process by giving notice to the Developer that the County intends to undertake a periodic review of the Development.
3. If the County finds and determines that the Developer has complied in good faith with the terms and conditions of the Development Agreement during the period under review, the review for that period is concluded.
4. If the County makes a preliminary finding that there has been a failure to comply with the terms of the Development Agreement, the Board of County Commissioners shall conduct a public hearing at which the Developer may demonstrate good faith compliance with the terms of the Agreement. If the Board of County Commissioners finds and determines on the basis of substantial competent evidence that the Developer has not complied in good faith with the terms and conditions of the Agreement during the period under review, the Board of County Commissioners may modify or revoke the agreement.

E. Governing Laws and Policies

The laws and policies governing Development specifically approved in a Development Agreement shall be as set forth in Section 163.3233, F.S.

F. Enforcement

Enforcement of the terms of a Development Agreement shall be as set forth in Section 163.3243, F.S., and as otherwise provided in this Code.

PART 5.06.00 COMMUNITY DEVELOPMENT DISTRICTS

Sec. 5.06.01 General Provisions

A. Short Title

This Part shall be known and may be cited as the "St. Johns County Community Development District Regulations."

B. Purpose

It is the intent of this Part to set forth the procedures and requirements necessary for St. Johns County to consider and approve Community Development Districts. It is the further intent of this Part to encourage a strong commitment to capital facilities planning, management and financing to ensure the provision of adequate capital infrastructure to service projected growth without overburdening the general taxpayer.

C. St. Johns County Community Development District Processing Group

1. A St. Johns County Community Development District Processing Group is authorized for establishment by the County Administrator.
2. This Group shall be appointed by the County Administrator.
3. The purpose of this Group is to review Petitions for establishment of Community Development Districts and make reports thereon to the County Administrator and the Board of County Commissioners.

D. Community Development Districts For Land Areas of 1,000 Acres Or More In Size

1. Any person may petition to establish a District, including public entities.
2. The information in the Petition shall be set forth in Section 190.005(1)(a), F.S., and Rule 42-1, F.A.C.
3. The Petition shall be submitted, along with a non-refundable processing fee of \$15,000 to St. Johns County at least ten (10) days prior to being filed with the Florida Land and Water Adjudicatory Commission. A copy of said Petition shall be filed with the County Clerk, a copy with the County Administrator, a copy with the Office of the County Attorney and a copy with each of the members of the St. Johns County District Processing Group established by the County Administrator. A copy of said Petition shall also be submitted, on the same day as submitted to the County, to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the District. The Board of County Commissioners may amend the applicable processing fees by resolution, as may be allowed by Florida law.

4. Petitioner may confer informally with members of the District Processing Group prior to official submission of the Petition. Petitioner may informally make non-final drafts of a Petition with attachments available to the County District Processing Group prior to its formal submission and filing.
5. The County shall have forty-five (45) days, or other time period provided by law, from the date of official filing with the State to conduct its optional hearing under Section 190.005(1)(c), F.S., and Rule 42-1., F.A.C.
6. The County Administrator and representative of Petitioner shall confer no later than the date of official submission to the County on the contents of a stipulation, including procedural and substantive matters for the processing of the Petition and for the determination of the circumstances under which the County may or may not elect to notice and conduct the optional hearing.
7. The County District Processing Group shall prepare and file with the County Administrator and the Board of County Commissioners a staff report which shall include but not be limited to conclusions and recommendations. The report shall be so filed within time sufficient to allow for its consideration at the public hearing within forty-five (45) days after the official filing of the Petition with the State.

E. Community Development Districts For Land Areas Less Than One Thousand (1,000) Acres In Size

1. The information in the Petition shall be as set forth in Section 190.005(2)(a), F.S., and Rule 42-1., F.A.C.
2. The Petition to establish Community Development Districts of less than one thousand (1,000) acres in size shall be submitted to St. Johns County. The original of the Petition shall be filed with the County Clerk, a copy with the County Administrator, a copy with the Office of the County Attorney and a copy with the members of the St. Johns County District Processing Group established by the County Administrator. A copy shall also be submitted on the same day as submitted to the County to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the District.
3. When the Petition is filed with the County, the Petitioner shall pay a filing fee of fifteen thousand dollars (\$15,000) to the County. However, based on written documentation of the County having incurred expenses in excess of fifteen thousand dollars (\$15,000) for review and processing of a particular proposed Community Development District of less than one thousand (1,000) acres in size, the County Administrator may assess the cost of said expense exceeding fifteen thousand dollars (\$15,000) for payment by the Petitioner. Such assessment shall be paid prior to final County action on the Community Development District. The County may amend the initial filing fee by resolution.

4. Prior to filing, Petitioner shall coordinate with the County Administrator on time frames, procedures and substantive matters relative to the Petition, and the County and Petitioner may enter into a Stipulation governing these matters. Said Stipulation must be approved by the County Administrator and the Office of the County Attorney.
5. Petitioner may meet with the St. Johns County District Processing Group. The St. Johns County Board of County Commissioners may elect to hold a noticed workshop in regards to the Petition.
6. Notice and conduct of the public hearing on whether to grant or deny the Petition to adopt the Ordinance to establish the District shall be by the Board of County Commissioners in accordance with the requirements and proceedings of Section 190.005(2)(b), F.S.
7. The Petition shall be deemed completed if it contains responses to the matters required to be contained in the Petition by Section 190.005(1)(a), F.S. The County Administrator shall determine completeness of the Petition and notify the Petitioner of his determination no later than fifteen (15) working days after the date of filing by certified letter, return receipt requested. If the County Administrator determines the Petition to be incomplete, Petitioner shall have fifteen (15) working days from official notification thereto, to refile the petition. These procedures may be varied, and any alternative procedures may be put into effect, between the County Administrator and representatives of the Petitioner by Stipulation referenced above.
8. The Petition and its attachments shall be determined sufficient to commence the process of County consideration by the County Administrator within fifteen (15) working days from determination of completeness. Sufficiency shall mean that the responses to the contents of the Petition shall have enough information with which the County may begin the process of consideration. These matters dealing with sufficiency of the Petition and its attachments may be modified by mutual agreement between the County Administrator and representatives of the Petitioner in the Stipulation referenced above.
9. Notwithstanding any other provision in this Part, the St. Johns County Board of County Commissioners may, within ninety (90) days after a Petition has been filed, transfer the Petition to the Florida Land and Water Adjudicatory Commission for processing and approval or denial, and the County shall thereafter have no right or power to grant or deny the said Petition that has been transferred to the Florida Land and Water Adjudicatory Commission.
10. The St. Johns County District Processing Group shall have thirty (30) working days from the date of determination of sufficiency of the Petition and its attachments to prepare and file with the Board of County Commissioners, the County Administrator and Office of the County Attorney, a report which shall include conclusions and recommendations for consideration by the Board of County Commissioners by non-emergency Ordinance procedures of the relationship of its

Petition and its attachments to the factors listed in Section 190.005(1)(e), F.S. If the Petitioner wishes to submit supplementary information with regard to the factors to be considered by the Board of County Commissioners, in order to assist the St. Johns County District Processing Group in making its report, Petitioner shall submit such supplemental information no later than five (5) days after the date of official determination of sufficiency of the Petition and its attachments. Said report shall contain a conclusion with regard to each of the statutory factors in Section 190.005(1)(e), F.S. The time frames and procedures involved in consideration of the said factors, the Petition and its attachments and any supplementary information filed, may be modified by the County Administrator and Petitioner by mutual agreement in the above referenced Stipulation.

11. In any event, unless modified by the Stipulation between the County and Petitioner, the Board of County Commissioners of St. Johns County shall conduct a noticed and non-emergency hearing on whether to adopt the Ordinance to establish the District no later than four (4) weeks from the date of receipt of the report and conclusions from the St. Johns County District Processing Group.
12. At the hearing, the Board of County Commissioners of St. Johns County shall consider the information of record, including the Petition and its attachments, any supplementary information and the report and conclusions of the St. Johns County District Processing Group, in the light of the six (6) statutory factors in making its determination to grant or deny a Petition to establish a Community Development District by Ordinance to serve lands less than one thousand (1,000) acres in size. The process establishing a District by County Ordinance shall be based on the statutory factors and any other relevant or material information allowed by law.
13. The Ordinance creating a Community Development District is not a Development Order within the meaning of Chapter 380, F.S. or Chapter 163, F.S. Such District as established by Ordinance shall not have the power of local government to adopt a Comprehensive Plan, Building Code or Land Development Code and the District shall take no action which is inconsistent with applicable St. Johns County Comprehensive Plans, Ordinances or Regulations governing the use of the land in the planning, permitting and approval of the Development to be serviced by the Development District. All developmental planning, environmental and land Development laws, regulations and rules shall apply to all Development of the land to be serviced by the District. The Ordinance establishing the District shall include:
 - a. The description of the external boundaries of the District and of any real property within the external boundaries of the District which is to be excluded.
 - b. The names of five (5) persons designated in the Petition to be the initial members of the Board of Supervisors.
 - c. The name of the District and for other matters required or allowed by law or this Code.

F. County As Petitioner Or Co-Petitioner

1. The Board of County Commissioners may petition the Florida Land and Water Adjudicatory Commission to establish a Community Development District to provide systems, facilities and services for lands the size of one thousand (1,000) acres or more and shall follow the procedures in Section 190.005(1), F.S.
2. The Board of County Commissioners may also co-Petition with any other Petitioner for the establishment of a District to provide systems, facilities and services to lands of one thousand (1,000) acres or more in size.
3. The Board of County Commissioners of St. Johns County may also decide by duly noticed non-emergency Ordinance to establish a Community Development District to service land areas less than one thousand (1,000) acres in size in accordance with the provisions of Section 190.005(2), F.S.

G. Additional Requirements For All Petitions

1. In addition to the information required in the Petition and its attachments by law, the County may require the Petitioner to submit documentation providing relevant material and pertinent information necessary for the consideration of the factors referenced in Section 190.005(1)(e) or 190.005(2)(c), F.S. The purpose of such information shall be:
 - a. Establish that appropriate planning, engineering, economic, management and other expertise, as may be appropriate, has been provided and applied to the information in the particular Petition and to the statutory factors to be considered.
 - b. Establish that in the process of applying said expertise to said factors, if any unusual matter or problem has arisen, then the information from those experts has been applied to identify the problem and discuss and propose how it can be resolved.

PART 5.07.00 AFFORDABLE HOUSING DENSITY BONUS

Sec. 5.07.01 Purpose

The purpose and intent of the Affordable Housing Density Bonus is as follows:

- A. The Affordable Housing Density Bonus accommodates provisions for the Development of housing affordable to very low, low, and moderate income households in fulfillment of policies of the Future Land Use and Housing Elements of the St. Johns County Comprehensive Plan. For purposes of this Section, Affordable Housing is defined as housing for which monthly rents or monthly mortgage payments (including taxes and insurance) do not exceed thirty percent (30%) of an amount representing the percentage (very low - fifty percent (50%); low - eighty percent (80%); moderate - one hundred twenty percent (120%)) of the median income limits adjusted for family size for the households. The Development of Affordable Housing is accomplished by providing for an increase in allowable density (a density bonus) in exchange for the Construction of Affordable Housing onsite or offsite.
- B. The Affordable Housing Density Bonus addresses an equitable geographic distribution of Affordable Housing in accordance with Policies of the Housing Element of the Comprehensive Plan.
- C. The Affordable Housing Density Bonus addresses the preservation of affordability of units, designated under the program, for very low, low, and moderate income households.

Sec. 5.07.02 Applicability

In cases of conflict between this Part and other Sections of this Code, the provisions of this Part shall prevail.

A. Location

This Part may be applied to any residential Development proposed within the unincorporated areas of St. Johns County.

B. Discretionary Program

The Affordable Housing Density Bonus Program is a discretionary program in which additional density may be granted if the granting of such additional density will further the County's objective of providing housing opportunities for very low, low, and moderate income households. Nothing stated herein is intended to, and specifically is intended not to, create any property right(s) for the owner of any property.

C. Concurrent Processing

The Affordable Housing Density Bonus shall be considered and applied concurrently with an associated Development Order application. Such a Development Order shall be either a rezoning, an amendment to a Planned Unit Development, or a Special Use, all of which

require duly noticed public hearings before the Planning and Zoning Agency and the Board of County Commissioners. Such hearings are necessary due to the accommodation of a land Use intensity greater than that shown on the Future Land Use Map.

Sec. 5.07.03 General

An Applicant may request additional Dwelling Units for the provision of Affordable Housing, in accordance with the provisions of the Comprehensive Plan and in accordance with this Part.

A. Manner of Providing Units

The Affordable Housing shall be provided through Construction of units onsite, or on another site approved concurrent with the Project approval.

B. Minimum Number of Units to be Provided

The minimum number of Affordable Housing units to be accommodated shall be as follows:

1. For rental Projects, twenty percent (20%) of the "bonus" units shall be designated for very low and low income, and twenty percent (20%) for moderate income households.
2. For ownership Projects, twenty percent (20%) of the bonus units shall be designated for low income, and twenty percent (20%) for moderate income households. There shall be no obligation to provide housing for very low income households.
3. The required unit count shall be established by rounding down to the nearest whole number, with a minimum of one (1) unit.
4. In applying the Affordable Housing Density Bonus, only the number of units required pursuant to Section 5.07.03.B.1. and 2. above (minimum number of units to be provided) shall be subject to qualifications, assurances, and restrictions as set forth below.

C. Assurances of Affordability

The Developer shall provide guarantees, approved by the SHIP Administrator and the County Administrator in writing which shall be recorded with the Clerk of the Circuit Court of St. Johns County which, for a minimum period of fifteen (15) years for both rental units and ownership units, maintain the affordability for units that are required for very low, low, and moderate income households. During this period of time, no unit shall be rented or sold except to a qualified household. The guarantee must be recorded in the public records with the Clerk of Circuit Court of St. Johns County and shall run with the land as restrictions enforceable by future tenants and purchasers of the property. The proposed method and provisions regarding such assurance must be reviewed by the local SHIP Administrator or other staff charged with the responsibility of Affordable Housing, then referred to the

Planning and Zoning Agency, who shall make a recommendation to the Board of County Commissioners as to acceptability. The Board of County Commissioners shall make a final determination of acceptability at the time of consideration of the Development Order application.

Sufficient information must be provided, as a part of the Affordable Housing Density Bonus petition, to allow the Planning and Zoning Agency and the Board of County Commissioners to make a reasonable assessment of the proposal. Items which may be considered include, but are not limited to:

1. For Projects where there are other participating agencies which have affordability restrictions (e.g. state, federal) a subordinated mortgage is generally acceptable;
2. A subordinated mortgage to private institutions may be allowed when it is determined that there are significant provisions to mitigate the potential of default;
3. Restrictions on rental rate escalation;
4. Restrictions on conversion to nonresidential Use; and,
5. Other agreements which are previously reviewed and approved by the Office of the County Attorney.

D. Income Qualifications

For units required to be very low, low, and/or moderate, a Developer shall record in the public record a guarantee that the household, upon entry to the unit, shall meet the definition of a very low, low, or moderate income household. The definition of very low, low, and moderate income households is as provided in the St. Johns County Comprehensive Plan and the State Housing Initiatives Partnership Program (SHIP). The Florida Housing Finance Corporation produces annual updates to its "Rents Adjusted to Unit Size" and "Income Limits Adjusted to Family Size by Number of Persons in Household" and sends to all cities and counties participating in SHIP or other Affordable Housing programs. These charts are the standards to be used in determining maximum rents and income eligibility. The manner of guarantee must be reviewed by the Planning and Zoning Agency who shall make a recommendation to the Board of County Commissioners as to acceptability. The Board of County Commissioners shall make a final determination of acceptability at the time of consideration of the Development Order. The form of the guarantee shall be approved by the Office of the County Attorney prior to certification of the final Site Plan.

E. Limitations on Restrictions

No Affordable Housing units which are required pursuant to this program or units above the density of eight (8) units per acre shall be subject to restrictions beyond the income qualification set forth herein. This provision may be waived by the Board of County Commissioners upon consideration of the following:

1. The need for the restriction in terms of providing housing for a specific target group, e.g., disabled populations and the assurances that the target group will, indeed, have access to the new housing,
2. Whether the restriction is in line with the objective of providing housing opportunities for very low, low, and moderate income households, and,
3. The impact upon the immediate geographic area.

F. Dispersal - Internal

Units for very low, low, and moderate income households shall be distributed throughout a Development so that there is not a concentration of the Affordable Housing Density Bonus units.

1. Affordable Housing units must be distributed throughout the Development.
2. Developments that offer varied bedroom and floor area options shall include similar variations in the required Affordable Housing units.
3. When specific percentages of very low, low, and moderate income households are stated in an application, the manner in which the percentages are to be maintained shall be described by the SHIP Administrator.
4. When the Affordable Housing Density Bonus is used in conjunction with other programs (e.g. SHIP, tax credits) which require a minimum amount of Affordable Housing that is in excess of the minimum required for the Affordable Housing Density Bonus, the Affordable Housing Density Bonus petition shall address all units. If such minimums are imposed subsequent to approval of the Affordable Housing Density Bonus, it will be necessary to formally apply for a modification to the Affordable Housing Density Bonus Development Order.
5. In addition to the above, when the percentage of units targeted for Affordable Housing is at, or exceeds, fifty percent (50%) of the total Development, a Management Plan shall be a part of the application. Items to be addressed in a Management Plan include, but are not limited to: types and quantity of recreation facilities, tenant and/or ownership education services, accessibility to social service information and/or programs; onsite management, onsite day care facilities, onsite security, and, special crime prevention and crime reduction design considerations, and assurances that the Management Plan shall be implemented and maintained. Compliance shall be verified by the SHIP Administrator.

G. Dispersal - External

Insofar as possible, units for very low, low, and moderate income households shall be distributed equitably throughout St. Johns County so that there is no undue concentration associated with the implementation of the Affordable Housing Density Bonus. The baseline for an acceptable concentration of very low, low, and moderate income housing shall be forty

percent (40%) of the occupied households in the "sector." "Study sectors" which have a concentration of forty percent (40%) or less shall be considered as, generally, acceptable for receiving additional very low, low, and moderate income households. "Study sectors" which have a concentration of greater than forty percent (40%) should generally be considered as having an undue concentration of very low, low, and moderate income households. In either case, the forty percent (40%) baseline is a guideline to be considered along with other information in making the assessment of equitable dispersal and undue concentrations. The assessment of equitable distribution shall involve the following:

1. Analysis of housing and demographic data within a "study sector" which shall be delineated relative to the size and character of the proposed Development and shall include such features as schools, shopping areas, street system, civic Uses, and employment opportunities. For data purposes, the "sector" shall be adjusted to accommodate census tracts or census block groups.
2. Household income characteristics for the "study sector" shall be derived from the best available data. The income level used for the determination of households within the very low, low, and moderate income household categories shall be the most current gross income limits adjusted to family size provided annually to the SHIP office by, or available directly from, the Florida Housing Finance Corporation.
3. The above information, along with other relevant information from St. Johns County, and Developer supplied information, shall be considered by staff and the Planning and Zoning Agency in making recommendations regarding equitable geographic distribution of Affordable Housing for compliance with the Housing Element of the Comprehensive Plan.

H. Allowable Density

The density of the Development shall not exceed the allowed density outlined in the Future Land Use Element. "Allowed density" shall be determined by either: (a) the unit count allowed by density designations on the Future Land Use Map plus the density bonus, or (b) the allowable density of a previously approved Development Order for the same property.

I. Provisions of Basic Services

For Developments which have a density greater than eight (8) units per acre or which seek a density bonus equal to, or greater than, seventy percent (70%), there must be a demonstration of proximity to transportation networks and employment opportunities so that residents will be able to access employment or other destinations appropriate for the type of housing.

J. Displacement

Any person displaced as a result of Development of the Affordable Housing Density Bonus Project, shall be the subject of a relocation program initiated by the Developer in coordination with the County, which will, at a minimum, describe efforts to relocate and/or

make aware of comparable housing opportunities including the availability of housing at the subject site.

Sec. 5.07.04 Standards For Approval

An application submitted under this Part shall be reviewed for compliance with the following standards. Recommendations as to compliance shall be made by County staff and the Housing Advisory Committee as appropriate, with the final determinations being made by the Board of County Commissioners. Each of these standards must be met in order for an Affordable Housing Density Bonus award to be made.

- A. The Development must be located in the unincorporated area of St. Johns County.
- B. The resulting Development shall be deemed compatible with the surrounding land Uses. The determination of compatibility shall include:
 - 1. A standard assessment of Future Land Use Map designations, zoning designations, and actual Use of the surrounding lands,
 - 2. The impact of the proposed Development upon surrounding land Uses, both current and future, and,
 - 3. The impact of the external environment upon the suitability and success of the proposed Affordable Housing Density Bonus Development.
- C. The Development shall meet all concurrency requirements at the level of impact calculated at the bonus density.
- D. The resulting Affordable Housing units will not result in an inappropriate concentration of such housing within the proposed Development.
- E. The resulting Affordable Housing units will not result in an inappropriate concentration of such housing within a given geographic area.
- F. Adequate assurances as required in Section 5.07.03.C.3 through Section 5.07.03.C.5.
- G. Adequate provisions for displaced tenants pursuant to Section 5.07.03.J.
- H. The resulting Development shall be consistent with the goals, objectives, and policies of the Comprehensive Plan and the provisions of this Part.

Sec. 5.07.05 Review And Approval Process

A. Presubmittal Conference

Prior to submittal of a petition requesting a density bonus, the Applicant shall attend a presubmittal conference with the County Administrator, or designee, to establish the geographic area ("sector") within which the dispersal analysis is to be made. A failure to

establish the area in this manner may result in the rejection of the Development application.

B. Submission of Petition

A petition for the Affordable Housing Density Bonus shall be submitted to the County Administrator concurrent with submission of a general application for a Special Use, rezoning, or amendment to a previously approved Planned Unit Development. The Affordable Housing Density Bonus application form and required submittal materials shall be established by the County Administrator.

C. Determination of Sufficiency

The County Administrator shall determine sufficiency of the petition within five (5) working days from its receipt. If it is determined that it is not sufficient, written notice shall be sent to the Applicant specifying the deficiencies within three (3) working days of the determination. The County Administrator shall take no further action unless the deficiencies are remedied. If the deficiencies are not remedied within twenty (20) working days, the petition shall be considered withdrawn. If the petition is determined sufficient, the County Administrator will process it pursuant to the procedures and standards of Section 5.07.04.

D. Review by Housing Staff

The petition shall be reviewed by Staff after a determination of sufficiency but prior to consideration by the Housing Advisory Committee.

E. Review by the Housing Advisory Committee

The petition shall be reviewed by the Housing Advisory Committee after a determination of sufficiency but prior to the consideration by the Board of County Commissioners. The County Administrator shall present a report to the Housing Advisory Committee which describes how the proposed Development complies with the general provisions as set forth in Section 5.07.03 and with respect to compliance with each of the standards set forth in Section 5.07.04. The Housing Advisory Committee shall make a determination of compliance with each of the general provisions. The Housing Advisory Committee shall recommend approval, approval with conditions, or denial of the requested increase in density based on the standards. The Housing Advisory Committee may recommend conditions in order to assure compliance with said general provisions and/or standards. The Housing Advisory Committee's recommendation shall be forwarded to the Planning and Zoning Agency who shall consider the Housing Advisory Committee's recommendations, with the overall proposal and Comprehensive Plan and shall forward a recommendation to the Board of County Commissioners, who have the final authority with regard to compliance with Section 5.07.04.

F. Action by the Board of County Commissioners

All Affordable Housing Density Bonus petitions shall be approved, approved with conditions, or denied by the Board of County Commissioners. The Board of County Commissioners

shall then act on the associated Development Order and may approve it at the requested density or at a lesser density.

Sec. 5.07.06 Effect

Approval of an Affordable Housing Density Bonus by the Board of County Commissioners shall grant the right to increase density consistent with the terms approved in the Development Order. The density bonus shall run with the Development Order.

A. Amendments to an Affordable Housing Density Bonus

A density bonus may be amended, extended, varied or altered only pursuant to the standards and procedures established for its original approval, or as otherwise set forth in this Part.

B. Transfer of a Density Bonus

A density bonus runs with the Development Order and may be transferred to a new owner of the Development only if the new owner agrees to fulfill all the terms of the agreement made by the original owner. Density gained through the Affordable Housing Density Bonus shall not be eligible for use in any Transfer of Development Rights Program developed by the County.

C. Review

This Part shall be reviewed on an annual basis in order to ascertain its effectiveness and determine if changes are warranted. The review shall occur by a written report, prepared by the SHIP Administrator in coordination with the County Administrator, to the Board of County Commissioners. The report shall address, at a minimum, the number of applications received, the role of the Planning and Zoning Agency in the review process, the number of units approved, the number of units constructed, and the identification of any problems or concerns associated with the implementation and administration of this Part.

PART 5.08.00 WETLAND DENSITY BONUS

Sec. 5.08.01 Purpose

The purpose and intent of the Wetland Density Bonus is to encourage, through the provision of the density bonus, the inclusion of Wetland areas within Parcels proposed for Development in order to allow for review of potential impacts to adjacent Wetlands, if any, and to provide for the preservation of the Wetlands. It is not the intent of this provision to require the preservation of Wetlands absent such an election by the Owner or Developer. Proposed Development activity within Wetland areas not tendered for preservation, however, shall be subject to the requirements of this Code, and all applicable law and permitting requirements.

Sec. 5.08.02 Applicability

In cases of conflict between this Part and other Parts of the this Code, the provisions of this Part shall prevail. The Wetland Density Bonus may be applied to any Development proposed within the unincorporated areas of St. Johns County.

Sec. 5.08.03 Standards Of Approval

There shall be a density bonus allowed for the preservation of Wetlands contained within a proposed Development site as follows:

- A. Ten percent (10%) of the Wetland acreage preserved, or
- B. Ten percent (10%) of the upland acreage proposed for Development, TIMES the density allowed by the Future Land Use Map.

In the event this density bonus is exercised by an owner or Developer, preservation of the Wetland acreage which was the basis for the calculation of the Wetland Density Bonus shall be by deed restriction, conservation easement, or other written evidence acceptable to the County.

Part 5.09.00 VARIABLE DENSITY BONUS

Sec. 5.09.01 Generally

The Variable Density Bonuses, pursuant to this Part, are designed to allow and encourage creative land Development. Generally, the Variable Density Bonuses allow incentives for the developer to provide unified land Development through a PUD, and to encourage the use of central water and Sewer service.

Sec. 5.09.02 Applicability

This Part may apply to all Development within the residential designations depicted on the Future Land Use Map of the Comprehensive Plan.

Sec. 5.09.03 Standards

The standards of this Part shall be as established in the St. Johns County Comprehensive Plan.

Part 5.10.00 OPTIONAL DENSITY BONUS

Sec. 5.10.01 Generally

The Optional Density Bonuses, pursuant to this Part, are designed to allow and encourage creative land Development. Generally, the Optional Density Bonuses allow incentives for the Developer to provide the following benefits for the County: (i) to dedicate land for parks and open space, beach and water access, and land for other public purposes; (ii) to preserve and provide open space areas throughout the County by preserving uplands and Wetlands in a natural state, especially in areas where the depth of land affords a view or vista of bodies of water, marshlands and similar natural aesthetic viewing areas; (iii) to provide additional buffers, above the required buffering, between incompatible Uses; (iv) to mitigate an existing non-conforming Use or incompatible Use; and (v) to preserve open spaces along SR A1A and SR 13. In addition, the use of these Optional Density Bonuses assist the County in the control of urban sprawl, leapfrog Development, and strip Development and furthers the goals, objectives and policies of the Comprehensive Plan. Optional Density Bonuses may be utilized in all residential designations, as provided in this Part.

Sec. 5.10.02 Applicability

This Part may apply to all Development within the residential designations, as depicted on the Future Land Use Map of the Comprehensive Plan.

Sec. 5.10.03 Standards

Optional Density Bonuses are illustrated in the following table:

TABLE 5.01

OPTIONAL DENSITY BONUS	
Optional Density Based On Acres or Action Taken	Density Bonus Factor
Dedication of Land for Public Benefit	2
Preservation of Open Space West of SR 13/CR 13 (William Bartram Scenic Highway)	1
Preservation of Open Space East of A1A	1
Preservation of Uplands Adjacent to Contiguous Wetlands	1
Preservation of Uplands Adjacent to Incompatible Uses	1
Dedication of Uplands Adjacent to State Owned Navigable Waters for the Benefit of the Public with Access and Parking being Provided	4
Mitigation of an Existing Non-conforming or Incompatible Land Use	6
Dedication of Public Beach Access	2
Dedication of Beach Parking	4
Dedication of Combined Beach Access and Parking	6
Provision of Affordable Housing	Refer to Part 5.07.00

Sec. 5.10.04 Density Calculations

- A. The Optional Density Bonuses, as depicted in Table 5.02 are available with approval by the Board of County Commissioners. In requesting an Optional Density Bonus, the Applicant shall provide the Optional Density Bonus requested, the calculations in obtaining total Dwelling Units (applying the bonus), and the justification as to the public benefit. The Board of County Commissioners shall review the request and render a decision as to extent of the public benefit and may approve or deny the request. Should the Board of County Commissioners deny the request for Optional Density Bonus, the application shall not exceed the density allowed by the Comprehensive Plan.
- B. The Optional Density Bonus shall be calculated as the number of acres proposed for density bonus TIMES the density bonus factor added to the allowable number of units.
- C. Optional Density Bonuses for preservation or dedication of open space or uplands adjacent to contiguous Wetlands shall only be calculated on the amount of land area provided exceeding the minimum requirements of this Code.
- D. Optional Density Bonuses under this Part shall not be obtained on the same area within a Development Project that has obtained a Wetland Density Bonus provided in Part 5.08.00.

ARTICLE VI
DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS

PART 6.00.00 GENERALLY

This Article contains the general design standards and Improvement requirements that apply to all Development in St. Johns County. In some instances, however, the standards or requirements in this Article may be supplemented or superseded by more specific standards or requirements associated with specific Development scenarios addressed in other Articles of this Code.

PART 6.01.00 DISTRICT PERFORMANCE AND DIMENSIONAL STANDARDS

Sec. 6.01.01 Schedule Of District Area, Height, Bulk, And Placement Regulations

Except as specifically provided in this Code, regulations governing the minimum zoning Lot size, width and area per Dwelling Unit, required Front, Side and Rear Yards, maximum permitted Floor Area ratio (FAR), maximum permitted height of Structures, maximum permitted Lot coverage, maximum permitted impervious surface and related matters shall be for the districts as shown in the following Table 6.01:

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TABLE 6.01

SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT STANDARDS							
Zoning Districts	Minimum Lot Widths	Minimum Lot Area	Maximum Lot Coverage by All Buildings	Floor Area Ratio	Impervious Surface Ratio	Min. Yard Req. Front/ Side/Rear	Maximum Height of Structures
RS-E	150 feet	1 acre	20%	20%	N/A	30/20/20 feet	35 feet
RS-1	120 feet *	13,200 square feet*	25%	25%	N/A	40/10/30 feet	35 feet
RS-2	90 feet *	10,000 square feet*	30%	30%	N/A	25/8/10 feet	35 feet
RS-3	75 feet *	7,500 square feet *	35%	35%	N/A	25/8/10 feet	35 feet
RG-1 Single Family Dwellings	75 feet *	7,500 square feet *	25%	25%	N/A	25/8/10 feet	35 feet
RG-1 Multi-Family Dwellings	100 feet	6,000 square feet	25%	25%	N/A	20/10/20 feet	35 feet
RG-2 Single Family Dwellings	75 feet *	7,500 square feet *	35%	35%	N/A	25/8/10 feet	35 feet
RG-2 Multi-Family Dwellings	75 feet	6,000 square feet	Max. Height 35 feet-27% 45 feet-25% 55 feet-23%	27% 25% 23%	N/A	20/10/10 feet	35 feet * #
RMH (Manufactured/ Mobile Home Park)	100 feet @ entrance & 200 feet @ portion used for Mobile Home stands	10 acres for Mobile Home Park and 2,500 square feet for each Mobile Home stand	35%	35%	N/A	25/10/10 feet	35 feet
RMH (Manufactured/ Mobile Home Subdiv. and Mobile Home on Individual Lot)	200 feet for the Subdivision & 60 feet for individual Lots*	10 acres for the Subdivision & 6,000 square feet for each Mobile Home Lot *	35%	35%	N/A	20/8/10 feet	35 feet
RMH-S	75 feet *	7,500 square feet *	35%	35%	N/A	25/8/10 feet	35 feet
OP	N/A	N/A	N/A	50%	75%	15/5/10 feet	40 feet * # +
CN	N/A	N/A	N/A	50%	70%	20/5/10 feet	35 feet
CHT	100 feet	15,000 square feet	N/A	50%	75%	15/15/15 feet	40 feet * # +
CG	N/A	N/A	N/A	50%	70%	15/5/10 feet	40 feet * # +
CI	N/A	N/A	N/A	50%	75%	15/5/10 feet	40 feet * # +
IW	N/A	N/A	N/A	70%	75%	15/15/15 feet	None * # +
HI	N/A	N/A	N/A	70%	75%	15/15/15 feet	None * # +
PS	N/A	N/A	N/A	N/A	75%	10/10/10 feet	None * # +
OR - Single Family Dwelling or Mobile Home on indiv. Lots	100 feet	1 acre	35%	20%	N/A	25/10/10 feet	35 feet
OR - All Other Uses	100 feet	1 acre	20%	70%	75%	25/10/10 feet	None * # +
AD	N/A	N/A	N/A	70%	70%	10/5/10 feet	None * +

N/A = Not Applicable

- ✧ See Section 6.01.05. for minimum Lot size and Lot width with use of septic tank and/or private well.
- * Maximum height of Structures within Airport Development District is regulated by Federal Aviation Regulations Part 77 and height distance requirements in Airport Overlay District Part 3.04.00 and Height Regulation Part 6.07.00 of this Code.
- ◇ The Structure may exceed the prescribed maximum height. Five (5) feet additional setback shall be required for each five (5) feet of Structure height above the prescribed maximum height up to a maximum of increase of twenty (20) feet.
- # Maximum Height of Structures in the Coastal Area is limited to thirty-five (35) feet.
- + Maximum height of Structures thirty-five (35) feet unless protected with an automatic sprinkler system designed and installed in accordance with the latest edition adopted by the St. Johns County Fire Prevention Code of, NFPA 13 or equivalent standard as adopted in the St. Johns County Fire Prevention Code.

Sec. 6.01.02 Reserved

Sec. 6.01.03 Lot Width Area And Yard Requirements

A. Lots, Measurement of Width

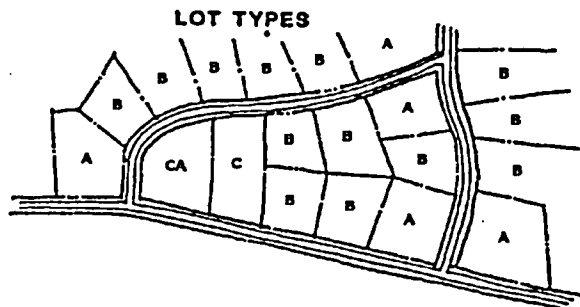
The width of a Lot shall be measured across the rear of the required Front Yard set back line. Provided, however, the width between the side Lots at their foremost points where they intersect with the Street Line shall not be less than eighty percent (80%) of the required Lot width except when a Lot fronts on a cul-de-sac or curve, the Lot width shall be a minimum of twenty-five (25) feet.

B. Lots, Types

Figure 6.01 illustrates terminology used herein with reference to Corner, Interior, and Through Lots.

FIGURE 6.01
LOT TYPES

- A - Corner lots
- B - Interior Lots
- C - Through Lots



C. Lot Frontage

1. On Interior Lots, the Front of a Lot shall be construed as the portion nearest the street.
2. On Corner Lots, the frontage of a Lot shall be construed as the shortest boundary to a street. If the Lot has equal frontage on two (2) or more streets, frontage shall be determined by the County Administrator in accordance with the prevailing Building pattern, or the prevailing lotting pattern, if a Building pattern has not been established.
3. On Through Lots, all portions adjacent to streets shall be considered as a Front Yard for regulatory purposes.

D. One Dwelling Unit Per Lot

For any district in which Single Family residential Uses are allowed, only one (1) Single Family Dwelling Unit shall be permitted per platted or legally unrecorded Lot unless otherwise permitted.

E. Lot Yards; Methods of Measurement; Special Requirements

The following rules shall apply with regard to determinations on Yards on Lots:

1. Yards Adjacent to Streets

Required Yards adjacent to streets shall be of a depth as prescribed in district regulations with the depth measured as perpendicular to the street line and the rear line of the required Yard parallel to the street Lot line.

2. Front Yards on Interior Lots

Front Yards on Interior Lots shall be construed as extending between side Lot lines across the frontage of the Lot.

3. Front Yards on Corner Lots

Front Yards on Corner Lots shall be construed as extending across the Lot from each interior side Lot line to the opposite street line. Corner Lots are considered to have two (2) Front Yards. The required Front Yard of the second frontage may be reduced by twenty percent (20%), except in Subdivisions where non-conforming Lots exist which may be reduced by forty percent (40%), provided the residence is constructed on one (1) Lot only.

4. Interior Side Yards

Interior Side Yards shall be construed as running from the rear line of the required Front Yard to the front line of the Rear Yard, if required or, if no Rear Yard is required, to the opposite Lot line. The width of a required Side Yard shall be measured perpendicular to the side Lot line and the inner line of the required Yard shall be parallel to such outer line, at the minimum distance therefrom prescribed in district regulations.

5. Interior Side Yards on Through Lots With More Than One (1) Front Yard

Interior Side Yards on Through Lots with more than one (1) Front Yard shall be construed as running to the rear lines of the Front Yards involved, and measurements and requirements shall be as for Section 6.01.03.E.4. above.

6. Interior Side Yards on Corner Lots

On Corner Lots, the Side Yard is the Yard along any Interior Lot line which intersects with a street Lot line. When a Corner Lot has four (4) sides, the two (2) sides not adjacent to the streets are both Side Yards and the Lot has no Rear Yard. If the Corner Lot has more than four (4) sides, the Yards along Interior Lot lines which do not intersect with a street Lot line shall be considered Rear Yards and must meet the district regulations for such Yards. In all cases the restrictions on maximum Lot coverage and maximum impervious area must be met.

7. Rear Yards

Rear Yards shall be construed as extending across the full width of the Lot at its rear, except as stated in Section 6.01.03.E.6. above. Required depth of Rear Yards shall be determined in the same manner as required width of interior Side Yards.

8. No Rear Yard Required on Corner Lots or Lots Providing Two (2) Front Yards

On Through Lots providing two (2) Front Yards, and on Corner Lots (except as stated in Section 6.01.03.E.6. above), there will be no required Rear Yard, and Yards other than those adjacent to streets shall be construed as Side Yards, as provided in Section 6.01.03.E.6. above.

9. Waivers for Errors in Yard Measurements or Unusual Lot Configurations

If an error is discovered in the location of a Building or Structure relative to the minimum Yard requirements or the Lot is of a configuration atypical to the Lots in the project as a whole, the property Owner, or their authorized representative, may file a request for an administrative review and waiver. The review of the request and the final decision shall be made by the County Administrator, and shall be made in conformance with the following criteria:

- a. The waiver shall not exceed more than ten percent (10%) of the required Yard.
- b. In the case of an error in Yard measurements, the corresponding opposite Yard must be larger than requested by the same distance as the waiver request (to insure that the waiver is not just an attempt to place a larger Building on the Lot) or the waiver request is an intrusion of only a small corner of the Building (such as a house too close to the front of a cul-de-sac Lot such that it violates the Side Yard requirements at the front corner but nowhere else).
- c. In the case of an atypical Lot configuration, the Lot shall be a Corner Lot, cul-de-sac Lot, Lot with an unusual number of sides or some other configuration which makes it impossible to place a house or Structure on the site which would be typically found in the Development or the area.
- d. Any waiver request which does not meet paragraphs a and b, or c above will be denied an administrative waiver and must comply with the Yard requirements or seek a Variance pursuant to Part 9.03.00.

F. Special Yards

A Special Yard, for purposes of these regulations, shall be construed as a Yard other than adjacent to a street, required to perform the same functions as a Side or Rear Yard, but adjacent to a Lot line so placed or oriented that neither the term "Side Yard" nor the term "Rear Yard," as generally determined, defined, or applied with respect to regular Lots, fits the circumstances of the case. In such instances, the Special Yard shall be considered a Rear Yard unless the County Administrator determines that Side Yard requirements for the district shall apply because of the relationship of the portion of the Lot or Lots, with due regard to the orientation of Structures and buildable areas thereon.

G. Waterfront Yards

1. Waterfront Yards are defined for purposes of this Code as Yards adjacent to waterways fifty (50) feet or more in average width adjoining the Yard. Lots having one or more such Waterfront Yards shall be considered Waterfront Lots.
2. Where a Waterfront Yard exists, the requirement shall be construed as replacing Yard requirements otherwise applicable to the portion of the Lot involved. Depth of required Waterfront Yards shall be measured perpendicular to the mean waterfront line, provided, however, that in the case of irregularities in such line, such as projections, curves or chords may be used as are reasonably necessary to achieve a regular outer boundary for the Yard, reasonable in relation to the general pattern of Waterfront Yards on adjoining Lots. Waterfront Lots bordering Conservation Areas shall provide Yards as described in Article IV (Natural Resources) and Part 6.06.00 (Landscaping). Waterfront Lots bordering water bodies other than Conservation or Preservation Areas shall provide a Waterfront

Yard that is greater or equal to the Rear Yard requirements for the zoning district in which the Parcel is located.

H. Permitted Projections Into Required Yards

1. Other architectural features, such as bay windows and projecting fire places, which may occupy a portion of a Building footprint, may project not more than three (3) feet into required Front and Rear Yards, three (3) feet into Side Yards which measure a minimum of eight (8) feet in width, and two and one-half (2.5) feet into Side Yards measuring seven and one-half (7.5) feet in width. No such intrusion is permitted into Side Yards less than seven and one-half (7.5) feet in width.
2. Mechanical equipment, such as air conditioning units, pumps, heating equipment, solar panels, and similar installations, may project into the required Side Yard(s) or Rear Yard(s) but shall not be located within five (5) feet of any Lot, and may not project into the required Front Yard(s).
3. Covered Patios and Covered Pools.
 - a. For zoning districts requiring a Rear Yard setback greater than twenty (20) feet, Covered Patios and Covered Pools, as defined in Article XII of this Code, may intrude no more than thirteen (13) feet into the required Rear Yard and shall not intrude into the required Side or Front Yards except as listed below. In no case shall the permitted intrusion of the Covered Patio or Covered Pool reduce the Yard provided to less than ten (10) feet.
 - b. For zoning districts requiring a Rear Yard setback twenty (20) feet or less, Covered Patios and Covered Pools, as defined in Article XII of this Code, may intrude no more than thirteen (13) feet into the required Rear Yard and shall not intrude into the required Side or Front Yards except as listed below. In no case shall the permitted intrusion of the Covered Patio or Covered Pool reduce the Yard provided to less than five (5) feet.
4. For Through Lots, a covered patio may intrude thirteen (13) feet into the required Front Yard which functions as a Rear Yard and has no access to a street. In no case shall the permitted intrusion of the covered patio reduce the Yard provided to less than ten (10) feet.

I. Open Space and Building Spacing in Two (2) Family and Multiple-Family Residential Districts and Other Districts in Which More than One (1) Main Use Structure is Located on a Lot.

1. Yards, courts, and other open space required herein in relation to Structures or portions of Structures containing Dwelling or lodging units are intended to perform a variety of functions. Among these (as appropriate to and required by the Uses involved and their location) are assuring adequate privacy, outlook, natural light and ventilation; access to and around service areas; space for landscaping;

spacing between Buildings and portions of Buildings for reducing potential adverse effects of noise, odor, glare, or hazards from fire; and recreation space near Buildings.

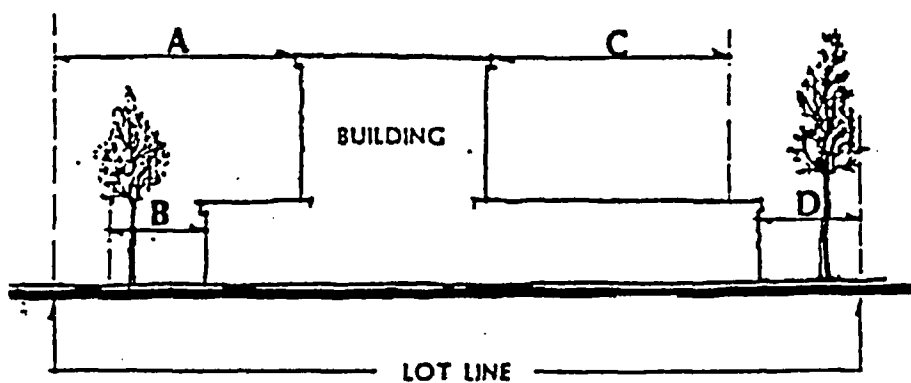
2. Spacing requirements for Buildings or portions of Buildings containing Dwelling or lodging units shall be determined as follows:

A minimum of twenty (20) feet between principal Buildings, Rear Yards at zoning Lot boundaries of fifteen (15) feet (unless a greater setback is otherwise required), and Side Yards at district boundaries of ten (10) feet shall be provided. Structures greater than twenty (20) feet in height shall be set back an additional two (2) feet at all district boundaries (added to buffer areas required elsewhere in this Code which apply) for every one (1) foot of Structure height over twenty (20) feet.

3. Yard or other open space depth between exterior Structures or portions of Structures more than thirty (30) inches above grade and adjacent Lot or Building site lines shall be measured horizontally as a level line, and perpendicularly to straight walls or radially to curved walls. Distance at all points shall be at least equal to minimum requirements set forth herein, except Yard space for two (2) walls may overlap where it does not affect the distance between two (2) Buildings.
4. Where portions of Buildings contain different numbers of stories, and different offsets, the required Yard shall be as established for the portion of the proposed Building nearest to the Lot or adjacent Building except where a portion of the proposed Building requires a greater Yard because of its greater number of stories or size. Lower portions of Buildings may extend into Yards required for upper portions, but shall provide the Yards required by their size and height.
5. Figure 6.02 illustrates these relationships for an allowable Building.

FIGURE 6.02

Yard or Open Space Depth Measurement



Yards A and C represent setbacks for the left and right sides (respectively) of the tallest portion of the depicted Building. Yard A provides the minimum required setback. Yards B and D represent required setbacks for the Building's lower portion. Such Yards may protrude into the setbacks required for the taller portion, but require their own setbacks as dictated by height, district standards, or other requirements of this Section, as applicable.

J. Minimum Average Dimension

The minimum average dimension of the buildable Lot shall not be less than the required minimum Lot width.

K. Minimum Lot Area

Minimum Lot area is the minimum square-footage required for a Lot by this Code. The minimum area shall not include submerged lands, conservation areas or preservation areas. Roadways or Rights-of-Way provided by the Owner or Developer of the Lot may be included with the zoning Lot for the purposes of calculating Density or Floor Area Ratio, but may not be included in calculating compliance with the minimum Lot area for individual Lots. If a zoning Lot includes different zoning districts, the minimum Lot area requirements for each district shall be met.

L. Area per Dwelling Unit

Area per Dwelling Unit is the minimum square footage required within a zoning Lot for each Dwelling Unit on the Lot. For Single-Family Dwelling Units the area required is the same as the minimum area. For two (2) family and Multi-Family Dwellings, the area per Dwelling Unit is equal to the minimum area divided by the maximum number of Dwelling Units permitted on the Lot or in the project (See Section 6.01.01). The same requirements for calculating the area listed for Minimum Area, above, apply when calculating Area per Dwelling Unit.

Sec. 6.01.04 Zero Lot Line Residential

A. Generally

This is a residential Lot type that is permitted in environmentally sensitive Developments, Affordable Housing Developments, and Planned Districts. No minimum Yards in the conventional sense are required, but the homes are to remain detached housing or duplex units only. There is a minimum Building spacing of ten (10) feet measured from eave to eave that shall always be maintained. Other rules vary with Lot size. Lots need not be rectangular.

B. Design Standards

1. Where the Lot is five thousand, six hundred (5,600) square feet or more in size, there shall be a minimum Front Yard of ten (10) feet, and a street facing garage or carport shall have a twenty-five (25) foot Yard from the sidewalk to the Structure.

Such units shall have a total Building coverage of no more than fifty-five (55%) percent.

2. For Lots less than five thousand, six hundred (5,600) square feet there need be no Front Yard setback. However the front entrance shall be in a courtyard that has a minimum dimension of eight (8) feet. The garage shall be at least twenty-five (25) feet from the sidewalk line. Such units shall have a total Building coverage of no more than seventy (70%) percent.
3. Roofs shall not overhang property lines without the recording of maintenance Easements of a minimum of five (5) feet. Drainage from the roof overhang shall be directed onto the zoning Lot and not discharged into the Easement.

Sec. 6.01.05 Minimum Lot Sizes By Available Utilities

A. Table of Minimum Lot Sizes Based on Utilities

In addition to the Minimum Zoning Lot Sizes specified in 6.01.01, the following regulations shall apply to all new residential Subdivisions (existing Lots of Record are exempt from these requirements). Where there is a conflict with Section 6.01.01, the greater standard shall apply.

TABLE 6.02

Minimum Lot Sizes Based on Utilities

<u>Available Utilities</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
Private Well and Private Septic Tank	43,560 square feet	100 feet
Central Water and Private Septic Tanks	21,780 square feet	100 feet
Private Wells and Central Wastewater	10,890 square feet	75 feet

B. Other Requirements

1. No multi-family Use exceeding four (4) units shall use septic tanks.
2. Farm Worker Housing is not subject to the provisions of this Section, but shall be subject to the requirements of Section 2.03.20.
3. A minimum Lot size of one (1) acre for Single-Family residential is required for the use of a septic system within the Coastal Area as shown on the St. Johns County Comprehensive Plan (existing Lots of Record are exempt from this requirement).

PART 6.02.00 SUBDIVISION DESIGN STANDARDS AND GUIDELINES

Sec. 6.02.01 Access

A. Access to Public Road Required

1. These regulations shall be in accordance and comply with roadway standards found in Part 6.04.00 Roadway, Drainage & Utilities Standards of this Code.
2. All Lots within a Subdivision shall have access to a street dedicated to public use which has been accepted for maintenance by St. Johns County, a municipality, or the Florida Department of Transportation. Where a proposed Subdivision Lot does not abut such a street, the Applicant shall provide access in accordance with the requirements set forth within these regulations.
3. Any Subdivision proposing access to a publicly owned and maintained road via an Easement or common area shall be prohibited.
4. Adequate vehicular and pedestrian access shall be provided to each Parcel. The primary function of local streets is service to abutting properties. Street widths, placement of sidewalks, pattern of streets and number of intersections are related to safety and efficiency of access to abutting lands.
5. The local street system shall be designed to minimize through-traffic movements. Through-traffic on local and collector streets increase the average speed and volume and, thus increasing the accident potential reducing residential amenities. Through-traffic should be discouraged by creating discontinuities in the local street pattern, by offsetting local street intersections and by channelizing or controlling median crossings along peripheral major streets.
6. Local street systems should be logical and comprehensible, and systems of street names and house numbers should be simple, consistent, and understandable. The pattern of local streets, their names, and the house-numbering system should be designed to satisfy the needs of visitors, delivery trucks, and emergency Vehicles as well as local residents. A reasonable repetition in street pattern, or conformance to topography can help in achieving an understandable street system. Streets which wander directionally or which turn back on themselves tend to be confusing and should be avoided.
7. Local circulation systems and land-Development patterns shall not detract from the efficiency of bordering major streets. This principal may involve control of driveway, intersection placement, and full or partial control of access. Land Development should occur so as to minimize direct access to major streets (Minor and Major Collectors and Arterials).
8. Design of residential streets should clearly reflect their local function. These streets should have an appearance commensurate with their function as local

streets. They should not be over-designed or over-built, i.e. high speed, excessive width, etc.

9. Subdivisions should be designed so as to conform to and take advantage of the topographic and other natural features of the land. Local, state, or federal laws, rules, or regulations in this Code may require the conservation of existing Trees, Wetlands, Natural Water Bodies, wildlife habitat, and other Environmentally Sensitive Areas.

B. Types of Lot Access to a Public Roadway; Standards

Listed below are the types of Lot Accessways allowed to a publicly-owned and maintained road and the standards that apply:

1. Public Roadway

All Lots within Subdivisions shall abut a Public Roadway dedicated to public use and accepted for maintenance by St. Johns County or shall meet the requirements for a Private Roadway.

2. Private Roadway

To gain access to a Public Roadway, Lots within Subdivisions may abut a Private Roadway privately owned and maintained. When privately owned and maintained Rights-of-Way are proposed, the plat shall show the Rights-of-Way for the use of Lot Owners and to be maintained by the Lot Owners consistent with Private Roadways as defined.

3. Easements for Access

- a. Easements for access to Public Roadways shall only be permitted in Subdivisions zoned multi-family or commercial. In addition, no Easement shall provide access to more than two (2) Lots.

- b. Width Requirements

The Easement shall meet the requirements of Section 5.04.07.B.2.

- c. Other Standards

- (1) The Easement shall provide for sufficient ingress and egress and support capacity for fire trucks, ambulances, police cars and emergency Vehicles.
- (2) The Easement shall be legally sufficient to prevent the Lot or Parcel from being land locked.

C. Access to Beachfront or Riverfront Lands

Whenever a Subdivision is developed on beachfront or riverfront land, such Development shall be carried out so as to provide public access to said beach or river in accordance with Section 161.55(6), F.S., if applicable.

D. Access to Existing or Proposed Adjoining Roadway System

1. Arrangement of Roadways

The arrangement of Roadways in new Subdivisions shall make provisions for the continuation of existing Arterial and Collector Roadways from adjoining areas, or for their projection where adjoining land is not subdivided. Where the Subdivision is adjacent to another Subdivision, property owned by the St. Johns County School Board (currently, or planned as, a school site), or commercial areas, direct access shall be provided for non-motorized traffic where feasible. Residential neighborhoods shall be designed to include an efficient system of internal circulation and Roadway stub-outs to connect into adjacent Developments to link neighborhoods together.

2. Access to Arterial or Collector Roadways

Unless otherwise approved by the County Administrator for good cause, residential Lots in Subdivisions shall not have direct access to an Arterial or Collector Roadway. Residential Lots in Subdivisions that abut an Arterial or Collector Roadway shall not front on said Roadway and access shall be blocked by a non-access buffer. In addition, the Lots shall be provided a minimum ten (10) foot vegetative buffer, wall, or other suitable buffer.

3. Access to Local Roads

Residential Lots in Subdivisions shall front on and have direct access to interior Local Roads only. Local Roads shall be arranged and designed so as to restrict their Use by through and high speed traffic.

Sec. 6.02.02 Medians, And Islands Within Subdivision Plats

A. Allowed

Medians and islands within the road Rights-of-Way are allowed when warranted by traffic conditions and are in conformance with the requirements of the Roadway design requirements of the County.

B. Designation as Park or Recreation Area Prohibited

Medians, islands, and islands in cul-de-sacs shall not be designated as park or recreation areas.

C. Landscaping

Landscaping of medians, islands, and islands in cul-de-sacs shall be in compliance with the Landscaping requirements of the County.

D. Maintenance

Medians and islands shall be shown as separate Parcels/Tracts on the plat and annotated in one of the following ways:

1. "Parcel/Tract _____ is private property of _____ and is to be maintained by that Owner."
2. "Parcel/Tract _____ is dedicated to and will be maintained by the Homeowners Association"

Sec. 6.02.03 Street Names

New streets which are extensions of existing streets shall bear the name of the existing street. All others shall be named in the following manner:

<u>Direction</u>	<u>Over 1,000 Feet</u>	<u>1,000 Feet or Less</u>
East and West	Streets	Places
North and South	Avenues	Courts
Diagonal	Roads	Ways
Curvilinear	Drives	Lanes or Circles

In no case shall a name for a proposed street duplicate an existing street name, even if the street is further described as an avenue, place, court, etc.

Sec. 6.02.04 Natural Resources And Landscaping

The Subdivision shall be designed in compliance with the applicable standards of Article IV Natural Resources and Section 6.06.00 Landscaping Regulations.

Sec. 6.02.05 Roadway Layout

A. Local Roads

1. The maximum length of a block shall be one thousand (1,000) feet, unless otherwise approved.
2. Loop roads, cul-de-sac and curvilinear designs are encouraged.

3. The use of "T" intersections (with a minimum offset of two hundred fifty (250) feet between intersections) are desirable.

B. Subdivision Collector Roads

Curvilinear roads are encouraged.

C. Right-of-Way

1. Right-of-Way design standards and other regulations shall be in accordance and comply with Right-of-Way regulations in Part 6.04.00 Roadways, Drainage & Utilities Standards.

2. Right-of-way for Future Collector and Arterial Roads

Right-of-way (ROW) shall be reserved or dedicated for future Collector and Arterial Roads and expansion of ROW for existing Collector and Arterial Roads as provided in the Transportation Element of the St. Johns County Comprehensive Plan. Future ROW widths for these County roads shall be set aside as provided by the Transportation Element. Any deviations from these required ROW widths must be approved by the Board of County Commissioners.

3. Existing Roads

Additional right-of-way adjacent to existing St. Johns County and State Roads shall be dedicated to St. Johns County or the Florida Department of Transportation where needed to provide such sidewalks, ditches, auxiliary lanes, storage lanes, and other such Improvements necessitated by the Development.

4. Intersections

Sight distance shall be provided at all intersections by either providing rounded right-of-way lines or straight corner cuts (sight distance triangles). Right-of-way at Subdivision intersections shall be rounded with a minimum twenty-five (25) foot radius, or as otherwise required by traffic conditions or geometric requirements. Corner cuts shall meet or exceed the limits of the twenty-five (25) foot radius. The engineer shall consider sight distance requirements in determining the amount of right-of-way to provide at Roadway intersections.

5. Dead-end Streets

The maximum length for a dead-end street shall be eighteen hundred (1,800) feet. A cul-de-sac shall be constructed at the end of a dead-end street and shall be in accordance with Part 6.04.00 Roadway, Drainage, & Utilities Standards. Where a street is to be continued, or during phased Construction, a "T" type turnaround will be required when a street is one hundred (150) feet or more in length as

measured from the nearest intersection. The "T" type turnaround will be in accordance with Part 6.04.00 Roadway, Drainage, & Utilities Standards.

6. Buffer Walls

Buffer walls shall be constructed along all Arterial and Major Collector Roadways abutting residential, land Uses. As an alternative to masonry buffer walls, vegetated earthen berms shall be allowed meeting the provisions of the buffer/screening requirements of Section 6.06.04. For Subdivision projects along designated Scenic Roadways, refer to Part 6.06.00 Landscaping Regulations for requirements in lieu of these provisions.

Sec. 6.02.06 Sidewalks

A. General

Design requirements and standards shall be in compliance with Part 6.04.07(G) Roadway, Drainage, & Utilities Standards.

B. Types

1. External (Outside The Proposed Site)

External sidewalks shall be located on streets adjacent to a Subdivision. Sidewalks shall be constructed on the Subdivision side of an existing street or streets from boundary to boundary of the Subdivision and shall extend to the edge of the adjacent Roadways. In the event that the County has Roadway Improvements scheduled within two (2) years adjacent to the proposed Subdivision, the County shall not require Construction of sidewalks within its Right-of-Way. However, the Developer shall be required to provide funds for the cost of sidewalk Construction to the County. The sidewalks shall be constructed prior to final acceptance of the Improvement Facilities. The Developer shall be responsible for the Construction of sidewalks.

2. Internal (Within The Proposed Site)

The Developer shall be responsible for the Construction of sidewalks prior to Certificate of Completion and release of Bond, unless a separate bond for completion of sidewalks has been provided.

3. Internal (Other)

Sidewalks along unbuildable Lots, common areas, and Stormwater ponds shall be constructed prior to final acceptance of the Improvement Facilities. The Developer shall be responsible for the Construction of sidewalks.

Sec. 6.02.07 Reserved

Sec. 6.02.08 Lots

A. Minimum Dimensions

Lots shall conform to the standards set forth in this Code.

B. Municipal Limits and Lot Lines

Lots shall be designed so that municipal boundary lines do not divide them, except where unavoidable and upon approval of the County Administrator.

Sec. 6.02.09 Stormwater Management

Subdivisions shall comply with requirements of the St. Johns River Water Management District (SJRWMD) and Part 6.04.00 Roadway, Drainage, & Utilities.

Sec. 6.02.10 Water, Wastewater, Reclaimed Water Utilities

A. Standards and regulations shall be in compliance with Part 6.04.00 Roadway, Drainage, & Utilities Standards.

B. All new Subdivisions shall be required to install Water Lines, Wastewater Lines and provide a lift station site with a wetwell within the Subdivision with the following exceptions:

1. Subdivisions containing less than twenty (20) Lots.
2. Subdivisions where all Lot sizes are greater than or equal to one (1) acre in size.

Where service with a Central Utility Provider is not immediately available, these Water and Wastewater lines shall be installed as dry lines in compliance with the standards contained in Part 6.04.00 of this Code for future connection to the Central Utility Provider when it becomes available.

C. Subdivisions containing golf courses shall be required to install lines for reclaimed water for use as irrigation for the golf course. Where service with a Central Utility Provider for reclaimed water is not immediately available, these lines shall be installed as dry lines in accordance with standards contained in Part 6.04.00 of this Code.

Sec. 6.02.11 Fire Protection

A. All Developments shall be protected in accordance with 1998 edition of NFPA 1141 *Standard for Fire Protection in Planned Building Groups* and the fire protection flows listed below. All Developments that do not meet the scope of NFPA 1141 shall be protected in accordance with the regulations listed below.

B. Hydrants

1. For all Developments with four (4) or less Single Family or Two Family Dwellings, fire hydrants shall be installed within five hundred (500) feet of all Lots. The required fire hydrants shall be connected with a Central Utility Provider. In areas where a Central Utility Provider is not located within thirteen hundred twenty (1,320) feet, fire hydrants shall be installed in accordance with the 1995 Edition of NFPA 24 *Installation of Private Fire Service Mains and Their Appurtenances*. The required fire hydrants may be deleted if all homes are protected with a residential sprinkler system designed and installed in accordance with, the latest edition adopted by the St. Johns County Fire Prevention Code of, NFPA 13D *Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes* or equivalent standard as adopted in the St. Johns County Fire Prevention Code.
2. For all Developments with five (5) to ten (10) Single Family or Two Family Dwellings, fire hydrants located a maximum of six hundred sixty (660) feet vehicle travel distance apart shall be connected with a Central Utility Provider. If a Central Utility Provider is not available within thirteen hundred twenty (1,320) feet of the Development, then fire hydrants located a maximum of six hundred sixty (660) feet vehicle travel distance apart installed in accordance with the 1995 edition of NFPA 24 *Installation of Private Fire Service Mains and Their Appurtenances* shall be provided. Alternative water sources and hydrants installed within five hundred (500) feet of all Lots in accordance with NFPA 1231 *Standard on Water Supplies for Suburban and Rural Firefighting* may be used if all homes are protected with a residential sprinkler system designed and installed in accordance with, the latest edition adopted by the St. Johns County Fire Prevention Code of, NFPA 13D *Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes* or equivalent standard as adopted in the St. Johns County Fire Prevention Code.
3. For all Developments with eleven (11) or more Single Family or Two Family Dwellings, fire hydrants located a maximum of six hundred sixty (660) feet Vehicle travel distance apart shall be connected to a Central Utility Provider. If a Central Utility Provider is not located within thirteen hundred twenty (1,320) feet, then hydrants located a maximum of six hundred sixty (660) feet Vehicle travel distance apart shall be installed in accordance with the 1995 edition of NFPA 24 *Installation of Private Fire Service Mains and Their Appurtenances*.
4. For Developments other than Single Family and Two Family Dwellings and their appurtenances with four (4) or less Structures not required to be protected with an automatic sprinkler system or more than thirteen hundred twenty (1,320) feet from a Central Utility Provider shall install hydrants within five hundred (500) feet of all Structures, or one (1) hydrant for every seven hundred fifty (750) feet of exterior wall accessible to vehicular traffic in accordance with the 1993 edition of NFPA 1231 *Standard on Water Supplies for Suburban and Rural Firefighting*.
5. For Developments other than Single Family and Two Family Dwellings and their appurtenances with five (5) or more Structures or Developments other than Single

Family and two family Dwellings and their appurtenances required to be protected with an automatic sprinkler system, hydrants shall be installed within three hundred (300) feet of all Structures and within two hundred (200) feet of all exterior walls that are accessible to Vehicles. The required hydrants shall be connected with a Central Utility Provider if provided within thirteen hundred twenty (1,320) feet or in accordance with the 1995 edition of NFPA 24 *Installation of Private Fire Service Mains and Their Appurtenances*.

6. All required hydrants in Single Family and Two Family Dwelling residential areas shall be capable of delivering five hundred (500) g.p.m. for two hours at twenty (20) psi residual pressure. If non fire retardant wooden shingles are used on Structures, then a minimum of one thousand five hundred (1,500) g.p.m. for two (2) hours at twenty (20) psi residual pressure shall be provided. If these flows cannot be met, then a minimum of five hundred (500) g.p.m. for two (2) hours at twenty (20) psi residual pressure shall be provided and all Structures shall be protected with an automatic sprinkler system designed and installed in accordance with, the latest edition adopted by the St. Johns County Fire Prevention Code of, NFPA 13 or equivalent standard as adopted in the St. Johns County Fire Prevention Code. All required fire flows shall be in addition to maximum daily consumption.
 7. All required hydrants in Developments other than Single Family and Two Family Dwellings and their appurtenances shall be capable of delivering one thousand five hundred (1,500) g.p.m. for two hours at twenty (20) psi residual pressure. If these flows cannot be met, then a minimum of five hundred (500) g.p.m. for two (2) hours at twenty (20) psi residual pressure shall be provided and all Structures shall be protected with an automatic sprinkler system designed and installed in accordance with, the latest edition adopted by the St. Johns County Fire Prevention Code of, NFPA 13 or equivalent standard as adopted in the St. Johns County Fire Prevention Code. If non fire retardant wooden shingles are used on Structures, then a minimum of two thousand five hundred (2,500) g.p.m. for two (2) hours at twenty (20) psi residual pressure shall be provided. If these flows cannot be met, then a minimum of one thousand five hundred (1,500) g.p.m. for two (2) hours at twenty (20) psi residual pressure shall be provided and all Structures shall be protected with an automatic sprinkler system designed and installed in accordance with, the latest edition adopted by the St. Johns County Fire Prevention Code of, NFPA 13 or equivalent standard as adopted in the St. Johns County Fire Prevention Code. All required fire flows shall be in addition to maximum daily consumption.
- C. All fire hydrants connected to a municipal Utility Provider shall be painted chrome yellow with white caps. All fire hydrants connected to a private Utility Provider installed in accordance with NFPA 24 shall be painted red with white caps. The County Administrator may, at its discretion, color code the caps of all fire hydrants in accordance with the color code system listed in section 3-2.1 of the 1995 edition of the NFPA 291 *Recommended Practice for Fire Flow Testing and Marking of Hydrants*, as updated. All paint used to paint

hydrants shall be of a reflective type paint for rapid identification at night. There shall also be a reflective road marker placed in the center of the road in front of the fire hydrant.

- D. All privately owned fire hydrants shall be continuously maintained by the homeowners association, the Developer, or other entity approved by the County and designated in the Construction application. Failure to adequately maintain the system shall be in violation of this Code.
- E. Any Development required to install dry Water and Wastewater Lines in accordance with Section 6.02.10 of this Code shall install fire hydrant connections throughout the Development on these dry lines and shall install fire hydrants throughout the Development on these lines when the lines are connected with a Central Utility Provider . A fire protection system in accordance with the requirements listed above shall be installed for the period of time prior to the connection with a Central Utility Provider.
- F. All Structures shall have a minimum separation of ten (10) feet eave to eave or edge of overhang to edge of overhang. If this separation cannot be maintained, then all Structures must be protected with a sprinkler system designed and installed in accordance with NFPA 13 or the required fire hydrants shall be capable of providing an additional one thousand (1,000) g.p.m. for two (2) hours.
- G. Access to all Developments shall be by roads designed with an impervious material capable of supporting the largest piece of fire equipment.
- H. Fire lanes shall be required in accordance with the 1998 edition of NFPA 1141 *Standard for Fire Protection in Planned Building Groups* and the 1998 edition of NFPA 1 *Fire Prevention Code*. All fire lanes shall be constructed with an impervious material capable of supporting a minimum of eighty thousand (80,000) pounds.

Sec. 6.02.12 Underground Utility Service

When underground electric service is proposed, the pad mounted transformers shall not be located within the street Right-of-Way, unless authorized by the County Administrator. New Utility lines to serve the Project in the Coastal High Hazard Area and in all PUD's shall be located underground. The placement of these Utility lines shall be subject to all other restrictions of the Coastal/Conservation Element of the St. Johns County Comprehensive Plan.

PART 6.03.00 (Reserved)

PART 6.04.00 ROADWAYS, DRAINAGE, & UTILITIES STANDARDS

It is hereby declared that it is St. Johns County policy that both individual Owners, Developers and the County be required to meet essentially the same requirements in constructing new Roadways, drainage, and utilities Improvements in the unincorporated areas of St. Johns County, Florida.

Sec. 6.04.01 Data Submittals

A. General

1. Signed and sealed Construction Plans and drainage calculations shall be prepared by an Engineer and submitted to the County Administrator under the St. Johns County Development Review Process Procedures to demonstrate compliance with this Part.
2. The County Administrator shall establish submittal checklists relating to the contents of all Development review submittals. The checklists shall establish minimum requirements for the contents of Construction Plans and design documents to assure requirements herein have been met. Additional information may be requested if the County Administrator believes the information is reasonably necessary for support of the drainage analysis including maps, charts, graphs, tables, photographs, narrative descriptions, calculations, explanations, and citations to supporting references as appropriate to communicate the required information for responsible evaluation of the site.

B. Commencement of Construction

Prior to commencement of Land Clearing, site preparation, or Construction of any Roadway and drainage Improvements the following shall be obtained:

1. Applicable local, state and federal Permits referenced in Section 6.04.02 of this Part which are required by the appropriate permitting authorities for the particular portion of Development to proceed with the Land Clearing, site preparation, or Construction.
2. A Land Clearing Permit if required by this Section and any revisions or updates thereof.
3. Approval of Construction Plans and related documents required for the proposed Land Clearing, site preparation, or Construction through the St. Johns County Development Review Process.
4. Compliance with other appropriate land Use and Development regulations of St. Johns County.

It is the intent of this Section to require documentation of necessary Permits and approvals appropriate to the stage of Construction and for the portion of the

Development under Construction. It is not the intent of this Section to prohibit incremental Development and Construction.

5. Work requiring a Development Permit shall not commence until the Permit holder or his agent posts the Permit placard in a conspicuous place on the premises. The Permit shall be protected from the weather and be maintained in such position by the Permit holder until the Certificate of Occupancy or Certificate of Completion is issued.

C. Completion of Construction

1. The following documentation is required upon completion of the Construction Project and prior to issuance of any Building Certificates of Occupancy, excluding a temporary certificate.
 - a. An "As-Built" Survey meeting the requirements contained in the St. Johns County As-Built checklist.
 - b. Engineer's Certification of Completion (see S&D Manual).
 - c. Any other documents which are necessary to comply with the requirements of other permitting agencies and are required by St. Johns County as a condition to issuance of Certificates of Occupancy.
2. A Certificate of Occupancy may be issued for a model home constructed under the provisions of Part 2.02.00 of this Code.
3. In addition to the requirements of Section 6.04.01.C.1. above, the following documentation is required to be submitted to the County Administrator prior to Construction Bond release:
 - a. Documentation from the responsible Utility company approving Water and Wastewater installations and acceptance of same.
 - b. Surveyor's Certification (see S&D Manual).
 - c. A Construction Bond, securing the completion of sidewalks, if applicable.
 - d. Test reports prepared by a licensed testing laboratory as required by Section 6.04.07.
 - e. Documentation from the Florida Department of Environmental Protection verifying acceptance of Certification of Completion of the Wastewater and/or Water System.
 - f. If roads and related drainage Improvements are dedicated to the County, a Maintenance Bond meeting the requirements of Section 6.04.08.

- g. A copy of Recorded Covenants and Restrictions and/or other publicly recorded or filed documentation which establish the Property Owners' Association.

Sec. 6.04.02 Permits

A. Right-of-Way Permits procedures shall be as provided in Part 9.01.05 of this Code.

B. Development Permits

1. A "Development Permit" issued through the St. Johns County Development Review Process shall be obtained prior to commencement of construction for all residential, commercial, industrial, and institutional projects meeting review requirements established by the St. Johns County Development Plan Review and Approval Procedures. The "Development Permit" shall be valid for a specified period not to exceed five (5) years but no less than three (3) years. The designated duration for the "Development Permit" will be dependent on the facts and circumstances of each situation, including but not limited to: the size of the projects and the anticipated amount of time required to complete the project. Commencement of construction shall be made during the designated permit time period.
2. Plan review comments will be valid six (6) months from the date of review comment letter. Upon expiration a new submittal will be required including all appropriate fees. Plans that have received final approval must be claimed within sixty (60) days of approval date. Upon expiration, a complete set of plans will be required and a ten (10) day review period will be required prior to approval.
3. The permit shall be posted in a conspicuous and visible place at the front of the property. The Permit shall be protected from the weather and be located in such position by the applicant promptly after issuance, during, and for a period not less than one (1) month after construction or until a building permit is issued whichever comes first. It is the responsibility of the permit applicant to maintain the permit, or to promptly obtain a replacement copy from the County if necessary.
4. The "Development Permit" shall expire unless construction has commenced and continued in good faith on the three (3) year anniversary of approval for projects less than or equal to fifty acres. For projects greater than fifty (50) acres, the "Development Permit" shall expire based on the three (3) year anniversary period plus one (1) year for each additional ten (10) acres or portion thereof up to a maximum of five (5) years. Prior to expiration, a "Development Permit" may be granted one (1) extension upon demonstration of significant progress toward start of construction of the development through a written request from the Owner/Applicant to the Development Services Department.
5. Once a "Development Permit" has expired, renewal can only be made by resubmittal through the St. Johns County Development Review Process.

Resubmittals shall be subject to the then current land development regulations of St. Johns County including all applicable review fees.

6. The Owner/Applicant and their agents are responsible for constructing the site improvements in accordance with the approved construction drawings under the authority of the "Development Permit". Any substantial deviations shall be reviewed by the Engineer of Record and with concurrent review through the St. Johns County Development Review Process prior to field changes being made. If approval is granted for the construction deviations, revised construction drawings and related documents showing compliance with St. Johns County land development regulations may be required.
7. Development Permit procedures shall be as provided in Part 9.01.00 of this Code.

C. State and Federal Permits

Copies of applicable Permits, including Permit conditions, from all agencies having jurisdiction over Construction Projects shall be provided to the County Administrator prior to issuance of the "Development Permit". Construction Plans may be conditionally approved subject to Permits being received by the County Administrator from other regulatory agencies prior to commencement of Construction. These Permits include, but are not limited to: work in or near Wetland areas, Stormwater Management Systems, Special Flood Hazard Areas, coastal Construction and Roadway Construction. The burden of obtaining these Permits, if required, will be the sole responsibility of the Applicant including any work to upgrade existing Public or Private Roadway and drainage facilities which will be unreasonably impacted by the project. Agencies which may have jurisdiction over the proposed work include, but are not limited to, the following:

1. St. Johns River Water Management District
2. Florida Department of Environmental Protection
3. Florida Department of Transportation
4. United States Army Corps of Engineers
5. United States Environmental Protection Agency
6. Federal Emergency Management Agency

Sec. 6.04.03 Notification And Inspections

A. Authorization for Inspection

1. The County Administrator shall have the right to inspect any project that has been issued a "Development Permit" to ensure that all Roadway and drainage

Improvements are constructed in accordance with the approved Construction drawings and related specifications.

2. The County Administrator shall have the right to enter upon and inspect land where Construction activities have commenced in violation of St. Johns County Land Development Regulations, regardless of whether or not an application for "Development Permit" has been made to St. Johns County.

3. Notification

Notification requirements shall be as provided in Part 9.01.05 Right-of-Way Permits.

4. Testing

The County Administrator shall have the right to require adequate testing during Construction of on-site and off-site related Improvements to ensure that work is performed and completed as specified on the Construction drawings and related documents. All Roadway and drainage projects, public or private, which serve or provide services to the citizens of St. Johns County shall meet the Construction and testing requirements as contained within this Code.

5. Final Inspection

- a. All Roadway and drainage Improvements shall be completed including, if applicable, installation of street name Signs, directional Signs, and traffic control Signs prior to scheduling for Final Inspection.
- b. Unless otherwise approved by the County Administrator, an "As-Built" Survey shall be submitted at the time of scheduling for Final Inspection.
- c. The Final Inspection shall be a joint inspection consisting of at least a representative of the County Administrator, the General Contractor, and the Engineer of Record.
- d. Upon completion of the Final Inspection and review of the "As-Built" Survey, the County Administrator shall notify the Applicant of the results of the Final Inspection and "As-Built" review including any remedial action which may be necessary to bring the on-site and related off-site Roadway and drainage Improvements or "As-Built" survey into compliance with the approved Construction drawings and related specifications and requirements of Part 6.04.00.

Sec. 6.04.04 Construction Within Right-Of-Way

A. General

1. This Section is established to regulate Construction or installation of any Utility or placement of any temporary or permanent Structure within any Right-of-Way owned by St. Johns County. In addition, and in the interests of public health, safety and welfare, this Section should be used as a guide for Construction, installation or placement of the same in private road Right-of-Way. Failure to meet these guidelines may jeopardize future acceptance of any private facility by St. Johns County.
2. The presence of existing above-ground and under-ground Utility facilities within County Right-of-Way will be presumed to be properly permitted in accordance with the existing guidelines in effect at the time of their installations whether or not documentation to that effect exists. The Utility Agency/Owner shall relocate or adjust those existing above-ground and under-ground Utility facilities to comply with current Utility accommodation standards when Roadway Improvement projects are planned or traffic accident statistics indicate a hazard exists, providing the relocation does not conflict with other standards, codes or regulations that provide for public health and safety or will be economically unfeasible for the benefit desired.

B. Application For Right-of-Way Permit

1. Unless exempted herein, or otherwise approved by the County Administrator, any Construction, installation, or placement of any above-ground or under-ground temporary or permanent Structure or Utility within County Right-of-Way is prohibited unless an "Application for Right-of-Way Permit" has been submitted and approved by the County Administrator.
2. Temporary or permanent Structures shall include but not be limited to: driveway connections, Signs, posts, fences, landscaping, drainage connections, above-ground and under-ground Utility installations, cross drains, side drains, ditches, swales, and mailboxes.
3. The County Administrator shall have the right to revoke any "Right-of-Way Permit" where it is found that the permitted activity is not being performed in accordance with Permit conditions, where there has been a misrepresentation of a material fact in the Permit application, or where the activity is detrimental to the health, safety, and welfare of the public.

C. Maintenance of Traffic

1. Whenever Construction or Construction-related activities within County Right-of-Way will affect the movement of traffic or traffic safety, the activities shall comply with applicable traffic control standards contained in the Manual of Uniform Traffic

Control Devices (Part VI) and the FDOT Standards for Traffic Control through Work Zones.

2. Temporary closure of one or more travel lanes shall require flaggers to control vehicular traffic. Total closure of a Roadway for more than five (5) minutes shall require prior approval of the County Administrator.
3. The County Administrator shall require that a Maintenance of Traffic Plan be submitted with the "Application for Right-of-Way Permit" prior to commencement of any work within County Right-of-Way on all Major and Minor Collectors, and on other Local Roads where such work could obstruct traffic or threaten the health, safety and welfare of the public.

D. Mailboxes

1. The location and Construction of mailboxes within County Right-of-Way shall conform to the rules and regulations of the United States Postal Service as modified within this Part.
2. Concrete, block, brick, stone or other rigid foundation Structure or encasement is considered a Roadway hazard and are not permitted on collector roads within the "Clear Zone" of any County Right-of-Way. The Roadway "Clear Zone" for each Roadway type shall be as established in the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. Use of these type Structures in any case shall require submittal of an "Application for Right-of-Way Permit" and approval by the County Administrator prior to placement within County Right-of-Way.
3. Mailbox support posts consisting of four (4) inch by four (4) inch wood, two (2) inch diameter schedule forty (40) steel pipe, or flanged channel meeting the material requirements of the FDOT Roadway and Traffic Design Standards Index 532 will not require submittal and approval of an "Application for Right-of-Way Permit" unless placement within County Right-of-Way is in conflict with "Mailbox Placement within Road Right-of-Way" criteria set forth in the S&D Manual.

E. Construction Standards

1. All underground Utility installations, excavations, and backfill within County Right-of-Way shall be installed to the following standards:
 - a. Utility locations within County Right-of-Way shall conform to the S & D Manual for Utility placement within County Right-of-Way unless otherwise approved by the County Administrator.
 - b. For minimum depths of under-ground utilities refer to S&D Manual.

- c. The minimum depth shall be based on the vertical distance from the top of the Utility to the design cross-section of the Roadway. Actual depth as in the Right-of-Way Permit conditions may be greater depending on the existing field conditions. Maximum depths of water mains and wastewater force mains shall be thirty-six (36) inches outside pavement and forty-two (42) inches under pavement unless otherwise approved by the County Administrator.
 - d. All activity under pavement or other stabilized surface within eight (8) feet of edge of pavement on paved roads, or within fifteen (15) feet of the centerline of unpaved roads, should have backfill material placed in no greater than twelve (12) inch lifts, except for the top two (2) feet which should be placed in no greater than eight (8) inch lifts. Backfill material shall be compacted to a density of not less than ninety-five percent (95%) of the maximum density obtained using the Modified Proctor Method.
 - e. All activity under pavement or other stabilized surface more than eight (8) feet from the edge of pavement on paved roads, or more than fifteen (15) feet from the centerline of unpaved roads, should have backfill material placed in no greater than twelve (12) inch lifts, and compacted to a density not less than ninety percent (90%) of the maximum density obtained using the Modified Proctor Method.
2. "Jacking and boring" or "directional boring" of utilities under existing paved Roadways are the preferred methods for all underground Utility installations crossing County paved Roadways. Standards pertaining to these methods shall be the guidelines contained in the then current FDOT Utilities Accommodation Manual.
 3. Jetting of utilities under any Roadway is prohibited. Where a Utility is found to be illegally jetted under an existing Roadway, the Roadway section shall be removed to a depth and width as directed by the County Administrator and the Roadway section reconstructed in conformance to the design for "Open Roadway Cuts" contained in the S&D Manual.
 4. Open cutting of existing pavement and side roads under the jurisdiction of St. Johns County generally will not be allowed. Under certain conditions, such as subsurface obstructions, limited space for jacking, high water table, or substandard Roadway surface, open cutting may be allowed with approval of the County Administrator. The applicant shall provide written justification for approval of open Roadway cuts. Primary consideration will be given to the age and condition of the existing Roadway pavement and safety and convenience to the public. Where open Roadway cuts are permitted, replacement of fill, base and surface course shall be in conformance with the design for "Open Roadway Cuts" contained in the S&D Manual. "Flowable Fill" or an equivalent material is the preferred method for reconstruction of open Roadway cuts.

5. All areas disturbed by Construction activities within County Right-of-Way shall be restored to the standards specified for new Construction, or restored to a condition equal to conditions prior to the disturbance if the prior conditions exceeded new Construction standards.
6. Drainage shall be maintained throughout the Construction or installation process and shall not be blocked, restricted, or inhibited unless otherwise approved by the County Administrator. All Roadway swales shall be returned to design grade within thirty (30) days of completion of the Utility installation. See Section 6.04.05 F. for limits of driveway.

F. Right-of-Way Improvements and Owner Responsibilities

1. No fencing, shrubs, Trees or Construction other than grassing shall be placed in the Right-of-Way without prior County approval or Permit.
2. Construction and maintenance of any driveway connection or other access across public and private Right-of-Way or drainage facilities is the responsibility of the individual Owner. No person shall block or impede the flow of water through any county or private drainage facility, nor shall leaves, trash or other materials be placed in or burned within the aforementioned facilities.
3. All driveway and/or drainage connections to and/or across public Right-of-Way shall require a Permit. The pipe size and invert depth of all side drains/driveway culverts shall be approved by the County Administrator and set to the County specified grades. In cases where the driveway connection does not require a pipe, the driveway should be constructed with a minimum of four (4) inches of reinforced concrete (3,000 psi) to conform with the existing flow line of the roadside swale, or as established by the County Administrator.
4. Any connection to Public Roadways found to be installed incorrectly or without Permit shall be subject to enforcement procedures, fines, and/or removal of the facility by the County Administrator. The Applicant has the option to replace the facility at the Applicant's expense upon approval of the County Administrator.
5. All privately owned facilities shall be continuously maintained by the Owner, a Property Owners' Association, the Developer, or other entity approved by the County and designated in the Construction application. Failure to adequately maintain the facilities shall be a violation of this Part.

G. Intersection Sight Distance Requirements

1. For the purpose of this section, "defined intersection" is any intersection that has a County owned or maintained road, street, or any other type of Roadway as one of the Roadways comprising the intersection; except, any such intersection where there is a required stop condition (multi-way stop Sign, traffic signal, or continual flashing red signal indication) for each Roadway traffic lane entering the intersection.

2. To ensure adequate visibility at defined intersections, the Owner or Owners of private real property shall not:
 - a. plant or permit the growth of shrubbery or any other vegetation above the height of thirty (30) inches from the surrounding general ground level;
 - b. allow Tree branches to extend below the height of ten (10) feet from the surrounding general ground level; or
 - c. allow any berm, fence, wall, or any other Structure to be erected, placed or exist, which will obstruct a driver's view of approaching traffic on a through road or street. Clear sight distance shall be in accordance with criteria established in the applicable sections of the current State of Florida Department of Transportation Roadway and Traffic Design Standards and the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.
3. A visual obstruction as described in Section 6.04.04.G.2. above shall be considered a non-conforming Use if before the effective date of this Code it was either complete and in existence or it was both (a) formally permitted by St. Johns County and (b) substantial investment was made on its completion or erection of the obstruction which investment would be lost by compliance with this Part 6.04.00. Such non-conforming Use may continue to exist but shall not be altered, expanded, replaced, renewed, or enhanced after the effective date of this Code without full compliance with the terms of this Part 6.04.00. No visual obstruction as described Section 6.04.04.G.A. and b. above shall be permitted or allowed to exist as a non-conforming Use after the effective date of this Code.

H. Right-of-Way Protection and Acquisition

1. No Development activity (Buildings, parking areas, water retention, etc.) shall be permitted within proposed future right-of-way corridors, as established in the Transportation Element of the St. Johns County Comprehensive Plan.
2. Prior to the Development of land contiguous to public transportation corridors, right-of-way shall be reserved or dedicated to the appropriate governmental jurisdiction in accordance with the Transportation Element of the St. Johns County Comprehensive Plan. No Development activity shall be permitted within the existing or proposed Right-of-Way for the designated transportation corridors.

Sec. 6.04.05 Access Management

A. General

St. Johns County has the authority to establish, control, and limit points of ingress and egress from County Roadways to ensure the safety and efficiency of its Roadway system.

These standards are intended to implement Florida law. Consequently, this Code shall be consistent with the Florida Department of Transportation (FDOT) "Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways" (Green Book), FDOT "Roadway and Traffic Design Standards" (Standards), and the United States Department of Transportation "Manual on Uniform Traffic Control Devices" (MUTCD) unless specifically revised by this Code or the S&D Manual. References will be made to the FDOT "Standard Specifications for Road and Bridge Construction" (Specifications). No facilities for ingress or egress to County Roadways shall be constructed unless they comply with the standards set forth in this Part 6.04.00.

B. Location of Connections

1. Commercial driveway connections shall align with other driveways on the opposite side of an undivided Roadway or shall be offset a minimum of one hundred (100) feet. Offset requirements may be increased where auxiliary lanes are required.
2. The location of the driveway should be compatible with the internal movement of traffic and the planned parking layout. The location of the driveway connection shall never allow Vehicles to back across the throat of a driveway or back into the "through" travel lane. Developments with thirty thousand (30,000) square feet gross Floor Area or more shall have a minimum of seventy-five (75) feet of storage lane at the entrance to avoid obstructing through traffic. The throat length shall be computed from the end of the radius point and extend seventy-five (75) feet into the site.
3. Residential driveway connections shall be restricted to Local Roads unless otherwise approved by the County Administrator. Planned Developments shall incorporate design of the Roadway systems to alleviate residential driveway connections to Arterials and Major and Minor Collectors.

C. Driveway Design

2. Driveway widths, spacing, radii, and minimum angles for residential and commercial driveways shall be based on the following guidelines (See Table 6.03 and Figure 6.03 for a depiction of the measurement criteria):
3. The maximum number of driveways allowed for projects other than single-family residential units shall be as follows:
 - a. Property with two hundred (200) frontage feet or less - one (1) driveway
 - b. Property with more than two hundred (200) frontage feet - two (2) driveways

Developments shall not be allowed more than two (2) driveways on a single frontage without approval of the County Administrator. Two (2) one-way connections shall equate to one (1) driveway for the purposes of this requirement.

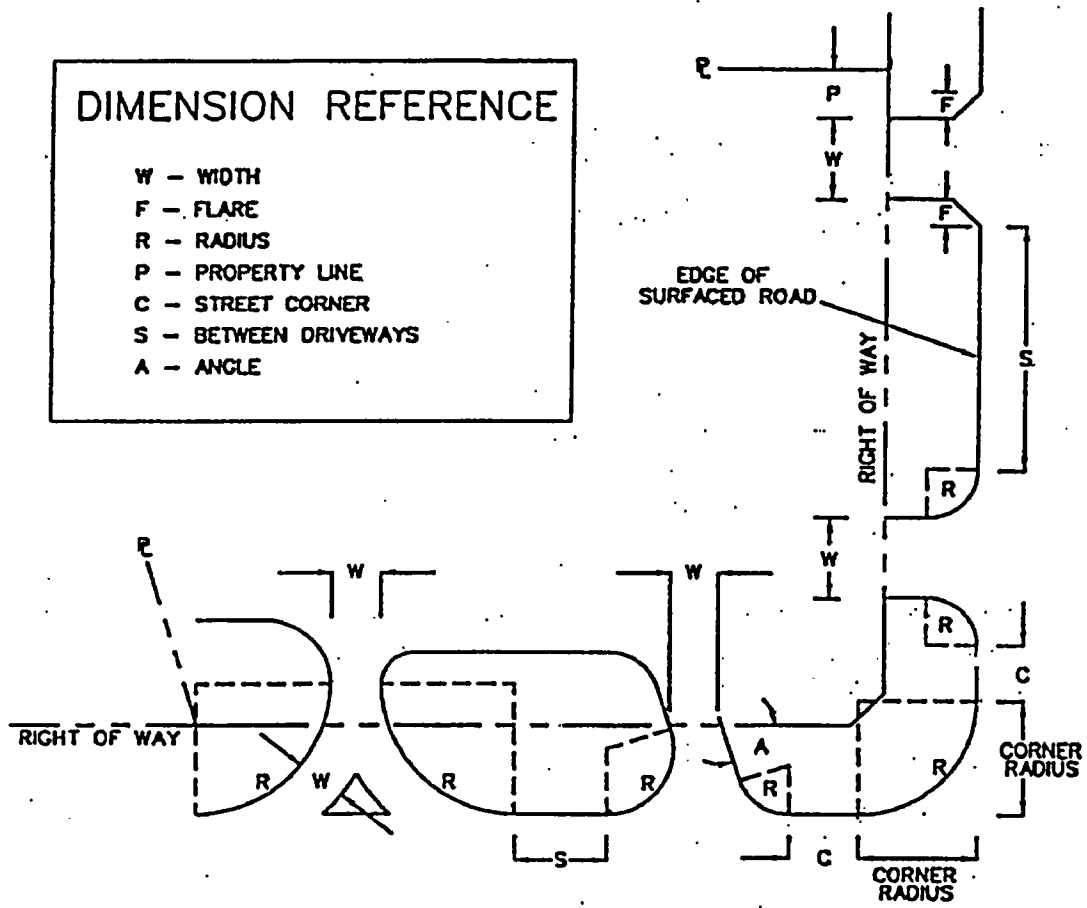
3. Single-family residential units shall generally be limited to one (1) driveway. Circular driveways with two connections shall be permitted with adequate frontage to meet the criteria of this Section (see Table 6.03 and Figure 6.03)

TABLE 6.03

RESIDENTIAL DRIVEWAYS	LOCAL ROADS	MINOR COLLECTORS	MAJOR COLLECTORS
Nominal Width			
Single Residence (W)	12-18 feet	12-18 feet	14-18 feet
Two or Three Residences (W)	20-24 feet	20-24 feet	22-26 feet
Minimum Flare (F)	5 feet	5 feet	10 feet
Minimum Spacing			
From Property Line (P)	5 feet	5 feet	15 feet
From Street Corner (C)	10 feet	10 feet	20 feet
Between Driveways (S)	0 feet	0 feet	10 feet
Minimum Angle (A)	80 degrees	80 degrees	80 degrees

COMMERCIAL DRIVEWAYS	LOCAL ROADS	MINOR COLLECTORS	MAJOR COLLECTORS
Nominal Width			
One-Way (W)	16 feet	16 feet	16-20 feet
Two-Way (W)	24-30 feet	24-36 feet	24-36 feet
Minimum Radius (R)	25 feet	30 feet	35 feet
Minimum Spacing			
From Property Line (P)	25 feet	30 feet	35 feet
From Street Corner (C)	25 feet	50 feet	100 feet
Between Driveways (S)	10 feet	20 feet	30 feet
Minimum Angle (A)	80 degrees	80 degrees	80 degrees

FIGURE 6.03



DRIVEWAY CONNECTION DIAGRAM

D. Driveway Grades

Figure 6.04 establishes maximum grade changes for driveways from the three classes of Roadways. For the values shown, no vertical curve connecting the tangents is necessary. For grade changes more abrupt than those in Figure 6.04, vertical curves at least ten (10) feet in length shall be used to connect tangents.

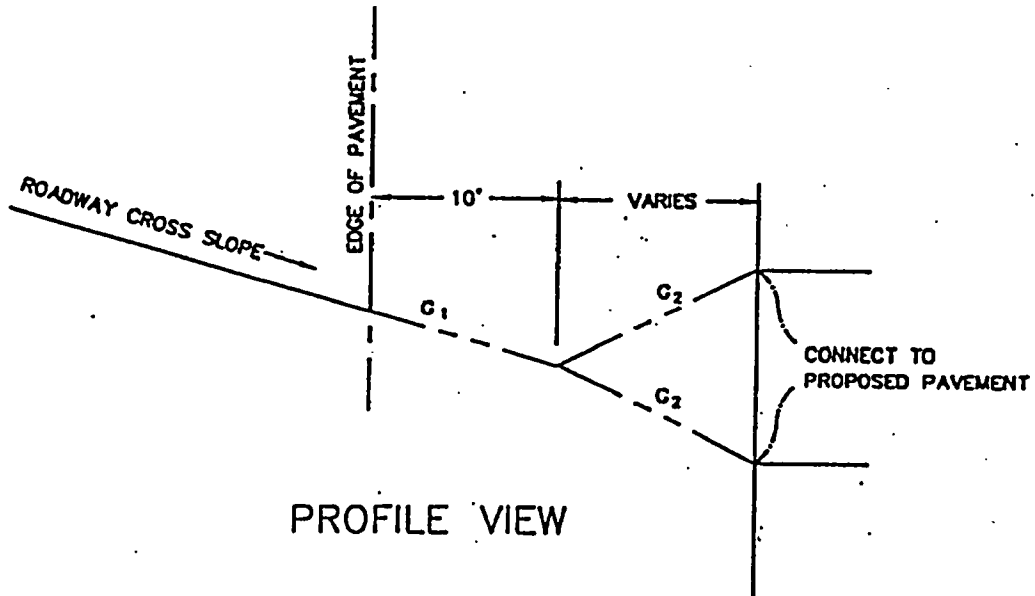
E. Connection Design

1. The plans submitted for review shall depict the proposed improvements for driveway connections and driveway approaches. The plans shall provide the driveway size, width, return radii, angle to the Roadway, approach taper length, existing and proposed pavement marking, existing and proposed drainage pipes or other drains (including pipe size and type of material), and existing and proposed grades (including pavement design).
2. Proposed connections shall have no fences, walls, hedges, or other obstacles that will obstruct vision between a height of two and a half (2.5) feet and ten (10) feet above the centerline grade of the intersecting driveway, per FDOT Standards, Index No. 546.
3. All connections to paved Roadways shall be permanent type pavement, including Portland Cement Concrete or asphaltic concrete. Gravel, bituminous surface treatments, and other materials without a permanent surface are prohibited.
4. Pavement design requirements of commercial driveway connections, for the extent of permanent pavement required in Section 6.04.05.F. below, including stabilized subgrade, base course, and surface course, shall equal or exceed the requirements of the adjacent Roadway travel lane. Pavement design requirements of residential driveway connections, for the extent of permanent pavement required in Section 6.04.05.F. below, shall equal or exceed the requirements for Local Roads, with the exception of Portland Cement Concrete driveways which shall have a minimum pavement thickness of four (4) inches.

F. Connection Limits

Permanent pavement for commercial driveways shall extend at least to the end of the driveway curb radius, or to the Right-of-Way line, whichever is greater. Permanent pavement for residential driveways shall extend a minimum of five (5) feet from the edge of travel lane.

FIGURE 6.04



MAXIMUM GRADE CHANGE FOR DRIVEWAY CONNECTIONS	
LOCAL ROADS	8.0%
MINOR COLLECTOR	4.0%
MAJOR COLLECTOR	3.0%
MAXIMUM GRADE CHANGE (D) = G_1 - G_2	

G. Temporary Driveway Connections

1. Temporary driveway connections shall be permitted for activities which do not require a permanent driveway connection. Examples of activities that may obtain a temporary driveway connection may include, but are not limited to:
 - a. Temporary Construction driveways;
 - b. Silviculture operations;
 - c. Agricultural activities;
 - d. Borrow pit and mining activities.
2. Right-of-Way Permits shall be obtained for all temporary driveway connections and shall meet the requirements of Section 6.04.04 of Part 6.04.00. Right-of-Way Permits for temporary connections shall expire after a six (6) month period and may be extended for additional six (6) month periods upon payment of the applicable Right-of-Way renewal fee.
3. Temporary driveway connections shall be stabilized with limerock or other suitable material for a minimum of twenty-five (25) feet, or to the Right-of-Way, whichever is greater. Connections shall be paved for a minimum of five (5) feet from the edge of the travel lane or paved shoulder. If a roadside ditch or swale is present, a side drain is required which meets the requirements of Section 6.04.07.K.3. The temporary driveway connection shall be constructed to ensure that erosion will not occur that could affect the Roadway drainage system. The Applicant shall ensure that dirt or debris is not tracked into the Roadway travel lanes from the driveway connection or shall make provisions for its immediate removal. The location, width, turning radii, and other design elements of the driveway connection shall be consistent with all other provisions of this Code for a permanent driveway connection.
4. Upon expiration of the temporary driveway connection Permit, the driveway connection shall be removed and the Right-of-Way shall be restored to its original condition. Any damage to the edges of pavement, shoulder, swale or any other feature within the Right-of-Way caused by the Construction, Use, or removal of the temporary driveway connection shall be repaired or restored to its original condition at no expense to the County within thirty (30) calendar days after written notice to the Applicant.

H. Auxiliary Lanes

1. Auxiliary turn lanes shall be required where safety and capacity considerations warrant their use for Vehicle deceleration and storage. The provision of auxiliary lanes shall be required under the following conditions unless an engineering study can demonstrate that safety hazards or capacity deficiencies will not exist.

Auxiliary turn lanes shall be required at connections to all Major and Minor Collectors under the following criteria:

a. Collector Roads With Posted Speed Limits of thirty-five (35) mph or Greater:

(1) Right Turn Lane

- Development will generate two hundred fifty (250) Vehicles per day (VPD) on the intersecting Roadway or driveway connection; or,
- Gross Floor Area of non-residential Development is twenty-five thousand (25,000) square feet; or,
- Development will generate five (5) semitrailer truck (WB-40 or larger) trips per day.

(2) Left Turn Lane

- Development will generate five hundred (500) VPD on the intersecting Roadway or driveway connection; or,
- Gross Floor Area of non-residential Development is fifty thousand (50,000) square feet; or,
- Development will generate ten (10) semitrailer truck (WB-40 or larger) trips per day.

b. Collector Roads With Posted Speed Limits of thirty (30) mph or Less:

(1) Right Turn Lane

- Development will generate five hundred (500) VPD on the intersecting Roadway or driveway connection; or,
- Gross Floor Area of non-residential Development is fifty thousand (50,000) square feet; or,
- Development will generate five (5) semitrailer truck (WB-40 or larger) trips per day.

(2) Left Turn Lane

- Development will generate one thousand (1,000) VPD on the intersecting Roadway or driveway connection; or,
- Gross Floor Area of non-residential Development is one hundred thousand (100,000) square feet; or,

- Development will generate ten (10) semitrailer truck (WB-40 or larger) trips per day.
2. The geometric design of the auxiliary lanes shall be in accordance with FDOT Standards. The Construction of auxiliary lanes shall meet other provisions of this Code. Pavement design requirements of the auxiliary lanes, including stabilized subgrade, base course, and surface course, shall be the same as the requirements of the adjacent Roadway travel lane. The entire width of the road surface must be overlaid for the total length of the auxiliary lanes with a surface course of similar type as the adjacent Roadway sections.

I. Parking and Loading Requirements

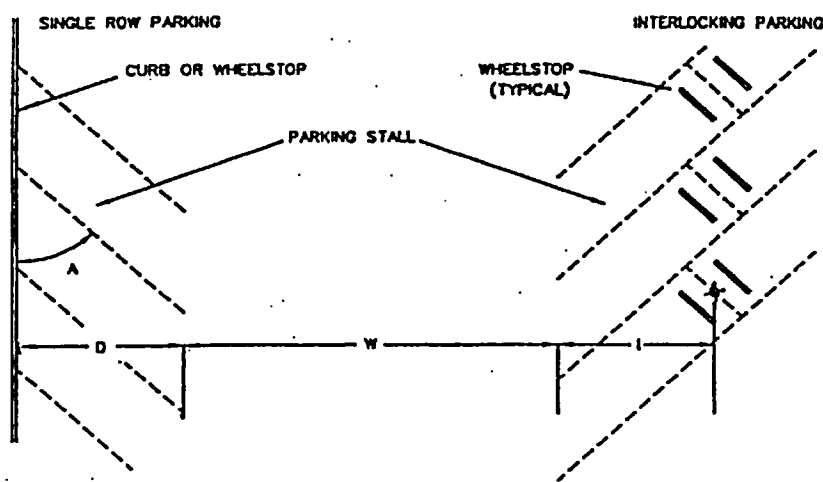
1. All parking lots, loading areas and vehicular use areas shall have durable surfaces with adequate drainage and Stormwater management provisions as required by Section 6.04.08. Use of non-permanent surfaces will require demonstration that off-site impacts will not occur and shall require a Special Use Permit as provided in Section 2.03.14.
2. All off-street Parking Spaces shall be directly accessible from an aisle or driveway. Access to parking areas shall be designed so as not to obstruct free flow of traffic. Improvements shall be provided as necessary to prevent ingress and egress to parking areas at any point other than designated driveways.
3. Parking Spaces at the perimeter of parking lots shall be provided with curbing, wheel stops, or other similar physical barrier to ensure that parked Vehicles do not come into contact with sidewalks, landscaping, walls, fences or Buildings. If a raised sidewalk is located immediately adjacent to the front overhang of the Parking Spaces, the parking stall depths may be decreased by two (2) feet, provided the four (4) foot sidewalk width is increased by the corresponding two (2) feet.
4. All paved Parking Spaces, except handicap accessible spaces, shall be marked with white paint four (4) inches in width or other striping material approved by the County Administrator. Marking and signing of handicapped accessible spaces shall be governed by provisions required by the Florida Accessibility Code for Building Construction, latest edition.
5. All Parking Spaces, except handicap accessible spaces and small car spaces, shall be a minimum of nine (9) feet in width. Other stall and aisle dimensions shall be based on the following standards (see Table 6.04 and Figure 6.05 for a depiction of the measurement criteria):

TABLE 6.04

ANGLE (DEGREES)	STALL DEPTH TO WALL (D)	STALL DEPTH TO INTERLOCK (I)	AISLE WIDTH (W) *
90 (2-WAY)	17.5 feet	17.5 feet	26.0 feet
60 (2-WAY)	18.0 feet	16.5 feet	26.0 feet
75 (1-WAY)	18.5 feet	17.5 feet	22.0 feet
60 (1-WAY)	18.0 feet	16.5 feet	18.0 feet
45 (1-WAY)	16.5 feet	14.5 feet	15.0 feet

* Aisle width may be decreased by two (2) feet for one-sided parking modules where four (4) feet of clear, unobstructed area is provided adjacent to the parking aisle opposite the Parking Spaces.

FIGURE 6.05



PARKING DIMENSION REFERENCES

- A = PARKING ANGLE
- D = STALL DEPTH TO WALL
- I = STALL DEPTH TO INTERLOCK
- W = AISLE WIDTH

6. Small car Parking Spaces shall be permitted in low turnover parking areas such as employee lots and residential parking sites. The small car Parking Spaces shall not exceed thirty percent (30%) of the total required spaces and shall be clearly designated with Signs. Small Parking Spaces shall be a minimum of eight (8) feet in width with stall depths a minimum of sixteen (16) feet. Small car spaces shall be considered only for ninety (90) degree layout.
7. Parking stall dimensions, access aisles, and curb ramps for handicap accessible spaces shall be designed to meet the standards of the Florida Accessibility Code for Building Construction.
8. Commercial facilities with drive-through windows shall provide adequate Vehicle storage area for queuing outside the road Right-of-Way.
9. Off-street loading facilities and maneuvering areas shall be separated from required off-street parking areas; however, access aisles may serve both parking and loading facilities. All loading facilities shall be designed with adequate maneuvering area for the expected size of truck using the loading facility and shall meet the requirements of Section 6.05.02.K. and Section 6.05.02.L of this Code. Corner radii at driveway connections, end aisles, and other areas within the vehicular path of the truck access to the loading facilities shall be adequate for the expected truck size.

J. Access Along Acceleration/Deceleration Lanes

A driveway shall not be constructed along acceleration or deceleration tapers connecting to interchange ramp terminals, intersecting Roadways, bus bays or other driveways unless access would be unreasonably denied and the driveway can be made to function properly (i.e., safe and efficient traffic operation).

K. Accessway Requirements

Minimum pavement widths

- a. Two-way traffic - Twenty-four (24) feet.
- b. One-way traffic - Sixteen (16) feet.

L. Miscellaneous

Signing and Pavement Marking, Traffic Signal, and Maintenance of Traffic criteria and specifications are provided in Section 6.04.07 Roadway Design.

Sec. 6.04.06 Stormwater Management

A. Objectives

1. This section shall govern the design and Construction or alteration of all drainage systems, natural or man-made, within the unincorporated areas of St. Johns County. The following objectives are hereby established in order to protect, maintain and enhance both the immediate and the long term health, safety, and welfare of the citizens of St. Johns County, while allowing landowners reasonable use of their property:
 - a. To prevent loss of life and property due to Flooding;
 - b. To reduce the capital expenditures associated with Flood control and the installation and maintenance of storm drainage systems;
 - c. To minimize the adverse impact of land Development and related Construction activities on property, environmentally sensitive areas, water and other natural resources.

2. Legally the Applicant shall respect the rights of other landowners with regard to volume, rate, and quality of Stormwater runoff leaving a project site; and, shall mitigate in accordance with the requirements of this Code, the predicted impacts of the proposed activity on other lands through the use of a properly designed, constructed and maintained Stormwater Management System. In mitigating impacts the following shall be addressed:
 - a. Impacts to adjacent and downstream collection, storage, and conveyance systems due to increased volume and rate of Stormwater runoff leaving a project site;
 - b. Impacts to adjacent and upstream runoff contributing areas which may be hydrologically or hydraulically connected to the project;
 - c. Impacts to adjacent and downstream property due to sediments and other pollutants carried by Stormwater runoff during and after Construction of the project;
 - d. Impacts to "Special Flood Hazard Areas" due to earthwork activities associated with the project which may result in reduced Flood storage or conveyance capacity;
 - e. Impacts to "Volume Sensitive" areas which are Flood prone due to being land-locked or closed areas having either no drainage outlet or limited outlet capacity.

3. St. Johns County acknowledges that under certain circumstances, it may not be possible or practical to meet all of the objectives of Section 6.04.06.A. above. Projects will be evaluated to determine the methods by which the Applicant proposes to mitigate undesirable effects resulting from an inability to meet all the objectives herein. A project that meets all of the minimum design standards and permitting requirements established by this section shall be presumed to adequately mitigate, for Stormwater runoff impacts identified above.
4. Compliance with Part 6.04.00 shall not, by itself, relieve the designer, the contractor, or the Owner of his or her liability to others affected by the drainage work.

B. Activities Requiring A Permit

1. Unless exempted under Section 6.04.06.C. below, the following activities will require prior approval through the St. Johns County Development Review Process:
 - a. Alteration, restriction, or removal of existing natural drainage collection, storage and conveyance systems;
 - b. Alteration, restriction, removal, reconstruction, or abandonment of existing man-made collection, storage, and conveyance systems;
 - c. Any activity which alters or disrupts the natural flow patterns of Stormwater runoff, or would result in an increase in Stormwater discharge volume and/or rate. These activities include, but are not limited to: Land Clearing, draining, compacting, filling, excavating, diverting or otherwise altering the natural flow patterns of Stormwater runoff;
 - d. Changing the Use of land and/or the Construction of a Structure or change in the size of one or more Structures;
 - e. The Development of recorded and unrecorded Subdivisions or the replatting of recorded Subdivisions, residential or non-residential.

C. Exemptions

1. Except as noted, the following projects shall be exempted from the Stormwater permitting requirements of this Code:
 - a. Agricultural activities (silvicultural activities shall meet requirements of Section 6.04.09.C);
 - b. Maintenance work performed on existing mosquito control drainage canals;

- c. Maintenance work performed on existing Stormwater Management Systems provided that such maintenance work does not alter the purpose and intent of the system as constructed;
 - d. Maintenance or renewal of existing pavement or Buildings;
 - e. Single Family Dwelling Units and two family Dwelling Units which are not a part of a larger common plan of Development or sale;
2. Projects meeting the provisions of Section 6.04.06. C.1.e. above shall be subject to the requirements of Section 6.04.06.F., "Special Flood Hazard Areas and Flood Prone Areas", and Section 6.04.06.H., "Finished Floor Elevations and Lot Grading Plans".
3. The following projects shall be considered minor in nature and shall be exempted from the Stormwater discharge requirements of Section 6.04.06.F.3.a. only. However, depending on soil types and hydrologic conditions, projects exempted under this provision shall at a minimum provide retention of Stormwater runoff generated from the first one inch of rainfall resulting from the developed or redeveloped area. In cases where soil types and groundwater table conditions are not conducive to retention systems, a Stormwater detention system shall be provided with the above required Stormwater volume released over a period of twenty-four (24) to seventy-two (72) hours following the storm event.
- a. Single triplexes and quadraplexes provided that Lot coverage including the Building, driveways, and parking area does not exceed thirty-five percent (35%) of the total developable Lot area and the Lot is not part of a larger common plan of Development or sale.
 - b. Expansions or modifications to existing projects provided that all of the following requirements are met:
 - (1) The site is currently served by an existing and maintained Stormwater Management System;
 - (2) The existing site Improvements plus the proposed expansion does not exceed seventy percent (70%) total site impervious coverage;
 - (3) The expansion consists of no more than two thousand, eight hundred (2800) square feet of Building, sidewalks, and associated parking area. This requirement is based on a one-time only expansion or a cumulative expansion up to the two thousand, eight hundred (2800) square feet. Any further expansions shall be non-exempt and shall meet all the Stormwater management requirements of this Section;

- (4) The existing Stormwater Management System can be enlarged to collect and retain or detain, as required above, Stormwater runoff from the developed or redeveloped area;
 - (5) The proposed Improvements and alterations to the project site will not cause unreasonable impacts to adjacent properties;
 - (6) All other applicable Land Development Regulations have been met.
- c. New projects which are less than or equal to thirty-five percent (35%) impervious Lot coverage up to a maximum of nine thousand (9,000) square feet of impervious Lot coverage including Building, sidewalks, driveway, and parking area and provided that all of the following are met:
- (1) No more than fifteen thousand (15,000) square feet of the project site is altered, including clearing and earthwork;
 - (2) Retention or detention of Stormwater runoff as required above can be provided;
 - (3) The proposed Improvements and alterations to the project site will not cause unreasonable drainage impacts to adjacent properties;
 - (4) All other applicable Land Development Regulations have been met.
4. Projects meeting the requirements of Section 6.04.06.C.3.c.(3) above shall be required to submit a drainage plan meeting the requirements referenced in Section 6.04.06.G. below and are subject to "As-Built" inspection and certification.
5. The County Administrator shall have the right to exempt any project from the drainage requirements herein, where, in the judgement of the County Administrator, the proposed Improvements will result in less than a five percent (5%) increase in volume and/or rate of Stormwater runoff from the project site; impacts to adjacent and downstream properties are negligible; and, there is no history of Flooding problems.
6. Exemption of any project under the provisions of Section 6.04.06.C. does not relieve the Applicant from obtaining Permits from other local, state or federal agencies which may have jurisdiction over the project or from meeting all other applicable Land Development Regulations.

D. Certifications

1. Professional Certification

- a. All Construction drawings and related design documents pertaining to Stormwater management shall be prepared by a Florida Registered

Engineer or other professional allowed under state law, who is competent in the fields of hydrology; drainage and Flood control; erosion and sediment control; and, Stormwater pollution control. All final drawings, specifications, plans, reports, or documents prepared or issued by the registered professional shall be signed, dated, and sealed in accordance with Florida Statutes. Each sheet or page of the final drawings of record shall bear the signature, date and embossed seal of the registered professional. All drawings of record shall clearly identify in a legible manner the name and registration number of the registered professional.

- b. The registered professional shall certify to St. Johns County, either on the drainage plan or by separate document, that the drainage facilities shown on the final drawings of record were designed in conformance with the St. Johns County Land Development Code. A standard form meeting this requirement is provided in the S&D Manual.
- c. The drainage calculations shall be submitted in a report form, and shall include a summary section which will address all the requirements of this section specifically Section 6.04.06.F.
- d. All survey plans, (including but not limited to: boundary, topographic, as-built, wetland, mean high water, specific purpose and associated reports) shall be prepared by a Florida Registered Professional Surveyor and Mapper (PSM). All survey plans and related reports prepared or issued by the PMS shall be signed, dated and sealed in accordance with Florida Statutes. Each sheet on page submitted by the PMS shall bear the signature date and embossed seal of that registered professional.

2. Operation and Maintenance

Projects which do not otherwise require establishment of operation and maintenance responsibility in public records shall be required to designate the entity responsible for operation and maintenance prior to approval for Construction. A standard form meeting this requirement is provided in the S&D Manual.

3. Maintenance of Drainage Facilities after Construction

All privately owned drainage facilities shall be continuously maintained by the homeowners association, the Developer, or other entity approved by the County and designated in the Construction application. Failure to adequately maintain the facilities shall be in violation of this Code.

4. As-Built Certification

"As-Built" survey requirements and related certification shall be provided in accordance with the requirements of Section 6.04.01. A standard form meeting this requirement is provided in the S&D Manual.

E. Legal Positive Outfall

1. All Stormwater discharges from a project shall be directed to a point of Legal Positive Outfall from the point of discharge to the receiving body of water without unreasonably impacting Flood levels of any upstream, downstream, or adjacent property relative to the minimum design standards of Section 6.04.06.F. and the design considerations for mitigating unreasonable impacts set forth in Section 6.04.06.A.2. No diversions of surface waters will be permitted if properties downstream of the diversion would be unreasonably impacted by such diversion for storm events up to and including the one hundred (100) year storm. Any Improvements or increase in capacity of downstream facilities necessary to serve the project shall be the responsibility of the Applicant and shall be constructed in conjunction and prior to the project Construction unless otherwise approved or provided by the County Administrator. Financial assurances meeting the requirements of Section 6.04.08 may be required prior to approval by St. Johns County.
2. County approval of a project does not result in the grant of any Easements or property rights or authorize encroachment upon or use of the property by others. As a result, the County will assume that the Applicant and the Project Engineer have verified the existence of a legal right to discharge Stormwater from the project outfall. However, in the event St Johns County has substantial doubts concerning such legal rights, the County may require additional information be submitted to verify the legal right to discharge prior to commencement of Construction.

F. Minimum Design Standards

1. General

- a. In meeting the objectives of Section 6.04.06. A. above, storage of Stormwater runoff shall be provided to meet the minimum design standards below. Required storage shall meet the volume requirements for water quality and attenuation of peak discharge rate and/or volume (for volume sensitive areas), whichever is greater. In the event another local, state, or federal regulation is more restrictive, the more restrictive standards shall prevail.
- b. Projects which are to be constructed in phases shall provide drainage Improvements meeting the minimum design standards for each phase. No phase shall be dependent upon the ultimate installation of a future phase.

2. Geotechnical Evaluation

The United States Department of Agriculture (USDA), Soil Conservation Service "Soil Survey of St. Johns County, Florida" shall be used as a planning guide only. Soil profiles using the USDA soil classification method shall be performed on sufficient areas throughout the site to verify soil types and hydrological conditions.

- a. A geotechnical report from a licensed engineer or other professional authorized under Florida Statutes to do such work shall be submitted for any Stormwater storage facility, system or open channel (swale, ditch or canal) proposed as a "dry" facility; designed to contain standing or flowing water for less than seventy-two (72) hours after a rainfall event or which uses infiltration for sizing of the facility. The report shall include soil boring logs, estimated seasonal high water table, locations of confining layers, results of hydraulic conductivity tests, and any other parameters which may affect the design or recovery of the facility. Soil borings shall extend a sufficient distance below the proposed bottom elevation of the Stormwater storage facility to identify any constraints that may affect the design or recovery of the system. Guidelines pertaining to the depth and number of borings and hydraulic conductivity tests may be obtained from the County Administrator. In areas where it is evident that a seasonal high water table or a confining or impermeable soil layer is within four (4) feet of the bottom elevation of the proposed retention area, a "mounding analysis" is required to substantiate the design and recovery of the system.

b. Soil Investigation - Roadways

A soil investigation report shall be submitted with the Construction Plans and shall include:

- (1) Test borings to a depth (minimum four (4) feet below proposed edge of pavement) and spacing maximum five hundred (500) feet along centerline) showing existing water table and estimated water table during periods of normal rainfall and without drainage Improvements that may lower the groundwater.
- (2) In special cases additional borings to determine the soil classifications predominant to the area may be required by the County Administrator.
- (3) Soil borings for pond designs shall be in accordance with Section 6.04.06. F.2.a. below.

c. Soil Investigation - Ponds

- (1) Soil borings shall be made to a depth which equal to the design low water, seasonal high water table, or the pond bottom if dry.
- (2) Soil types, estimated seasonal high water table elevation to be included and illustrated as a part of the detailed lake Construction Plans.

- (3) No less than one (1) boring per acre or fraction thereof of lake water surface at design low water elevation, or as specified by the County Administrator.
- (4) If the analysis of the basin utilizes infiltration to achieve either peak flow attenuation or recovery time, a double ring infiltrometer test shall be performed at the bottom of the proposed basin.

3. Specific Design and Performance Criteria

- a. Except for those projects which are exempted under Section 6.04.06.C. above, allowable Stormwater discharge rate and discharge volume from a project shall be based on the following design and performance criteria unless otherwise indicated below:
 - (1) Projects which discharge or contribute runoff to downstream areas which are not Volume Sensitive and have adequate capacity to accept and convey Stormwater runoff from the project site without increasing Flood levels shall limit peak rates of discharge for developed conditions to pre-developed or existing conditions for the five (5) and twenty-five (25) year design storm event.
 - (2) Projects which discharge or contribute runoff to downstream areas which are volume sensitive and/or do not have adequate capacity to accept and convey Stormwater runoff from the project site without increasing Flood levels shall provide detention of the twenty-five (25) year discharge volume for developed conditions such that the volume released from the project during the critical time period is no greater than the volume released under pre-developed or existing conditions during the same time period. For the purposes of this requirement the critical time period shall be the storm duration as indicated in Section 6.04.06.F.3.g. below unless a detailed hydrologic study of the contributing watershed demonstrates otherwise.
 - (3) Unless exempt, all projects shall meet state water quality discharge standards as regulated by the St. Johns River Water Management District. The County Administrator shall presume that this requirement is met upon submittal of a copy of a valid St. Johns River Water Management District Permit.
- b. The County Administrator shall have the right to exempt any project from the discharge requirements of Section 6.04.06.F.3.a.(1) which borders on and discharges directly into the St Johns River, the Intracoastal Waterway, or the Atlantic Ocean.

- c. Stormwater discharge analysis shall consist of generating pre-Development and post-Development runoff hydrographs; routing the post-Development runoff hydrographs through the Stormwater storage system; and, sizing the storage system and discharge control Structure(s) to limit post-Development discharge rate and/or volume to pre-Development or existing conditions for the storm events indicated in Section 6.04.06.F.3.a. above. Stormwater discharge computations shall include the storm frequency, storm duration, rainfall amount, rainfall distribution, hydrologic soil conditions, surface storage, changes in land Use cover and slope conditions, off-site runoff contributing areas, time of concentration, tailwater conditions, and any other changes in topographic and hydrologic characteristics. Where applicable, projects will be divided into sub-basins according to the drainage divides to allow for more accurate hydrologic simulations. Interconnected pond systems shall be modeled as such.
- d. Depending on soil types and hydrologic conditions, infiltration may be utilized in conjunction with Flood routing procedures to satisfy the requirements of Section 6.04.06.F.3.a.(1) and 6.04.06.F.3.a.(2) where soil and groundwater table conditions are conducive to such practices, such as SCS Hydrologic Group "A" soils.
- e. All Stormwater storage facilities shall be designed to recover sufficient volume to satisfy state water quality discharge standards with total volume recovery within seven (7) to fourteen (14) days following the design storm event.
- f. Rainfall data shall be based on the twenty-four (24) hour precipitation amounts contained in the SJRWMD Technical Publication SJ 91-3 entitled "24-Hour Rainfall Distributions for Surface Water Basins Within the St. Johns River Water Management District, Northeast Florida". (Refer to S&D Manual)
- g. Rainfall distributions shall be based on the twenty-four (24) hour duration rainfall event utilizing the SCS Type II Florida Modified rainfall distribution or an applicable basin specific storm frequency distribution contained in the SJRWMD Technical Publication SJ 91-3 entitled "24-Hour Rainfall Distributions for Surface Water Basins Within the St. Johns River Water Management District, Northeast Florida".
- h. Except as indicated in Section 6.04.06.F.3.i., hydrographs for Flood routing procedures shall use the U.S. Department of Agriculture, Soil Conservation Service (SCS) runoff curve number method. Ultimate land usage shall be utilized for post-Development design and analysis using average antecedent moisture conditions (AMC II). Selection of appropriate runoff curve numbers shall be based on values contained in the latest edition of the SCS Technical Release 55 entitled, "Urban Hydrology for Small Watersheds". With prior approval of the Public Works Department, other

methods may be accepted based on applicability to site conditions, soil and hydrologic conditions, and demonstration that results are comparable to the SCS runoff curve number method.

i. The following methods are accepted for generating runoff hydrographs for Flood routing procedures:

- (1) SCS Unit Hydrograph Method
- (2) Santa Barbara Urban Hydrograph Method
- (3) Modified Rational Method *

*Use of the Modified Rational Method for Flood routing procedures shall be limited to small projects less than five (5) acres.

4. Collection and Conveyance Facilities

Unless otherwise approved by the County Administrator, the following standards shall apply to all collection, storage, and conveyance facilities:

- a. Temporary Roadway Flooding for the storm events indicated below may be permissible during the design storm event only if full recovery and use of the Roadway is available at the end of the design storm event. Flood routing analysis shall show that Flood elevations at no time will exceed the following:
 - (1) Exceed an elevation that would permit Flood water encroachment of more than one-half of a travel lane at the lowest elevation on the centerline profile of a Roadway for a twenty-five (25) year storm event;
 - (2) Exceed a depth of one (1.0) foot (12 inches) above the lowest elevation on the centerline profile of a Roadway located within a Special Flood Hazard Area or exceed the finished floor elevation of any Structure within the project for the one hundred (100) year storm event whether located in a Special Flood Hazard Area or not.
- b. Roadway Stormwater systems shall be designed to transport Stormwater runoff resulting from a five (5) year frequency storm event using the FDOT Zone 5 intensity-duration-frequency curves. Time of concentration shall be based on standard accepted engineering practice and should consider, where applicable, overland sheet flow, shallow concentrated flow, open channel flow, or a combination of these conditions. For systems with time of concentrations less than ten (10) minutes, the minimum time of concentration of ten (10) minutes may be used.

- c. Stormwater systems serving parking lots or other non-residential projects shall be designed to collect and handle all Stormwater flows into and through the system without creating unreasonable impacts to adjacent properties. Temporary ponding in parking lots is permissible if of shallow depth and if full recovery and use of the parking area is available at the end of the storm event. At a minimum, the Stormwater system shall be designed to convey the five (5) year storm event using the FDOT Zone 5 intensity-duration-frequency curves.
- d. Friction losses shall be considered in the computation of the design hydraulic gradient for all Stormwater systems. Energy losses associated with special pollution control Structures (weirs, baffles, etc.) and losses due to Utility conflict Structures shall also be included when present in the system. When hydraulic calculations do not consider all minor energy losses, the elevation of the hydraulic gradient for design storm conditions shall be at least one (1.0) foot below the gutter elevation. If all energy losses are calculated, the hydraulic gradient shall be allowed to reach the Roadway gutter elevation. Minor energy losses shall include those losses associated with entrance, exit, expansion, contraction, bends, and junction/manhole losses.
- e. Determination of hydraulic gradient and sizing of the Stormwater system shall be based on the highest tailwater which can be reasonably expected to occur coincident with the applicable design storm event. Standard design tailwater conditions for the design of Stormwater systems are as follows:
 - (1) Systems which discharge into ponds, lakes, and other wet facilities shall use the stage occurring at peak flow conditions for the design storm event used. Where no outlet exists, the seasonal high water elevation shall be used at the beginning of the storm event;
 - (2) Systems discharging into tidal areas such as the Atlantic Ocean, the Intracoastal Waterway, and the St. Johns River shall use the Mean High Tide elevation plus twelve (12) inches;
 - (3) Systems discharging into Regulatory Floodways shall use a tailwater elevation derived by use of the Federal Emergency Management Agency (FEMA) Flood profile data contained in the FEMA Flood Insurance Rate Study or other approved water surface profile study;
 - (4) Systems discharging into ditches shall use the normal depth flow in the ditch or if downstream control exists, the greater of the normal depth flow or the stage due to backwater from the downstream control;

- (5) Systems which connect to existing Stormwater systems shall use the hydraulic grade line of the existing system at the connection.
- f. All manual calculations shall be submitted in standard FDOT stormwater tabulation format. Printouts from commercially available computer software developed specifically for analysis and design of Stormwater systems is permissible.
- g. The minimum design velocity for Stormwater systems shall be two and one-half (2.5) feet per second. Energy dissipation will be required at the point of discharge for velocities greater than six (6) feet per second. Submergence of the pipe outlet by at least two-thirds (2/3) of the pipe diameter below normal water level may be considered as energy dissipation.
- h. Unless otherwise approved by the County Administrator, the minimum allowable pipe size for Stormwater systems, within Roadway Right-of-Way, shall be fifteen (15) inches. The maximum pipe lengths without maintenance access Structures shall be based on the following:

TABLE 6.05

PIPE SIZE	MAXIMUM PIPE LENGTH
15 inches	200 feet
18 inches	300 feet
24 inches to 36 inches	400 feet
42 inches and larger	500 feet
Box Culverts	500 feet

- i. Open channels (swales, ditches and canals) shall be designed to convey, without damage, Stormwater flow from design storm frequencies as follows:
 - (1) Outfall ditches and canals - twenty-five (25) year
 - (2) Collector Road swales and ditches - ten (10) year
 - (3) Local Road swales and ditches - five (5) year
- j. Unless site specific factors warrant the use of larger design storm events, Local Road cross-drains shall be designed to convey, without damage, the five (5) year storm event based on open channel flow conditions and the ten (10) year storm event utilizing available head at the entrance. Collector road cross-drains shall be designed to convey, without damage, the ten (10) year storm event based on open channel flow conditions and the twenty-five (25) year storm event utilizing available head at the entrance.

- k. Unless site specific factors warrant the use of larger design storm events, Roadway side drains shall be designed to convey, without damage, the five (5) year storm event.

5. Erosion and Sediment Control

- a. Erosion and sediment control best management practices shall be used as required during Construction to retain sediment on-site. These management practices shall be designed according to Minimum FDOT standards and shall be shown and noted on the "Grading and Drainage Plan" or on a separate "Erosion and Sediment Control Plan". Information pertaining to the Construction, operation and maintenance of the erosion and sediment control practice shall be included. Sediment accumulations in the system from Construction activities shall be removed to prevent loss of storage volume. Sedimentation occurring to off-site areas shall be halted and the area immediately restored to conditions prior to sedimentation.
- b. All side slopes and other areas disturbed by Construction shall be stabilized by sodding, hydro-mulching or other appropriate vegetative or non-vegetative erosion control measures. Grass shall be fully established prior to scheduling for final inspection of the project and/or acceptance by the County Administrator.

6. Public Safety

Normally dry basins designed to impound more than two (2) feet of water or permanently wet basins shall be designed with side slopes no steeper than four (4) feet horizontal to one (1) foot vertical (4:1) out to a depth of two (2) feet below the surface control elevation. As an alternative, the basins may be fenced or otherwise restricted from public access if the slopes must be steeper due to space limitations or other constraints. A fence shall be a minimum four (4) foot high and prevent passage of a four (4) inch sphere.

7. Access and Maintenance Easements

- a. Stormwater storage, collection and conveyance facilities shall be designed and constructed to permit adequate equipment access. Facilities designed and constructed to serve more than one property Owner, such as residential and non-residential Subdivisions shall provide an access and maintenance area contained within a dedicated tract or Easement designated for the Stormwater storage facility adequate to provide for future maintenance. Except where existing septic systems or wells are present on adjacent property, an access and maintenance Easement of width meeting the requirements below shall be provided landward of the top of bank elevation of all Stormwater storage, collection and conveyance facilities. Where existing septic systems or wells are present on the adjacent property, a buffer of sufficient width to meet separation

requirements between the Stormwater storage facility and the well or septic system shall be provided as approved by the State Health Department or, in the case of public water wells, as approved by the St. Johns River Water Management District. Minimum Easement widths shall be based on the following unless the Applicant can demonstrate lesser widths will be adequate to provide maintenance of the Stormwater storage, collection and conveyance, facility:

TABLE 6.06

STORAGE FACILITY SIZE	MINIMUM EASEMENT WIDTH
Less than 1/4 acre 1/4 acre or greater	5 feet 8 feet
MAXIMUM SLOPE 10 feet horizontal to 1 foot vertical (10:1)	

- b. Building and Accessory Structures such as, but not limited to, swimming pools, decks, concrete pads, mechanical equipment and AC units must be a minimum of five (5) feet from side and rear property lines.
- c. Minimum drainage Easement widths for conveyance facilities other than those within a road Right-of-Way shall be based on the following:
 - (1) Piped Systems

Fifteen (15) feet or the pipe width plus two (2) times the average depth to the pipe invert rounded up to the nearest five (5) foot increment, whichever is greater.
 - (2) Open Channels

Thirty (30) feet or the width to convey the required design flows plus twenty (20) feet unobstructed area for access and maintenance measured from the top of the bank.

Lesser widths may be approved for minor conveyance systems such as Rear Yard or Side Yard swales upon demonstration that these minor systems are adequate to convey the design flows from the contributing drainage area; are capable of being effectively maintained by the property Owner; and, are not crucial to the master Stormwater conveyance system.
- d. Unless otherwise approved by the County Administrator, no permanent Structure shall be allowed within any public or private drainage Easement. For the purpose of this Code, examples of permanent Structures shall

include, but are not limited to: Buildings, footings, decks, screened enclosures, patios, swimming pools, and swimming pool decks.

- e. The County Administrator may require a "Drainage Right-of-Way" in lieu of a drainage Easement where necessitated by maintenance requirements and functional importance to the contributing drainage basin. The width of the drainage Right-of-Way shall be based on the same requirements as drainage Easements. No Structures, whether temporary or permanent, shall be allowed within an area designated as a drainage Right-of-Way.

8. Special Flood Hazard Areas and Flood Prone Areas (A Zones) and Regulatory Floodways

- a. Construction occurring in "Special Flood Hazard Areas" as identified by the Flood Insurance Rate Maps and/or the Flood Hazard Boundary Maps shall meet the requirements of the Federal Emergency Management Agency National Flood Insurance Program as referenced in section 3.04.00.
- b. Filling of "Flood Prone Areas" will be prohibited unless the Applicant can mitigate for the lost storage volume by providing other drainage Improvements to compensate for the lost storage volume elsewhere within the Flood prone area. Other drainage Improvements shall include compensating storage, downstream conveyance Improvements, or, a combination of compensating storage and downstream conveyance Improvements. No filling shall be allowed within land-locked or closed type basins unless the Engineer can demonstrate that the filling activities will not adversely impact other properties within the Flood prone area. Raised drainfields are not to be considered fill areas.

G. Submittal Requirements

The Applicant is responsible for including in the Stormwater management review submittal sufficient information for the County Administrator to evaluate the environmental characteristics of the affected areas, the potential and predicted adverse impacts of the proposed activity on other lands, and the effectiveness of reducing adverse impacts. The County Administrator will establish submittal criteria relating to the contents of all Development review submittals. The criteria for submittals shall establish minimum requirements for the contents of Construction Plans and related design documents to assure requirements herein have been met. Other information may be requested if the County Administrator believes the information is reasonably necessary for support of the drainage analysis including maps, charts, graphs, tables, photographs, narrative descriptions, calculations, explanations, and citations to supporting references as appropriate to communicate the required information for responsible evaluation of the site.

H. Finished Floor Elevations and Lot Grading Plans

1. Finished floor elevations shall be constructed at a minimum one (1) foot above the FEMA one hundred (100) year minimum elevations in any Special Flood Hazard Area, as referenced in Section 6.04.06.F.8.a. above. In addition, on any sites developed under County approved Subdivision Lot Grading plans, the minimum floor elevations shall be as specified in those plans.
2. All Buildings except those on one acre or more of upland area will require a Lot Grading Plan (Note: For any lot over one (1) acre that proposes to add fill within ten (10) feet of any property line will not be exempted). The design shall meet the County approved master drainage plan if applicable or meet the HUD "A", "B" or "C" Lot grading configuration type (see S&D Manual). Such plans shall be approved prior to any Lot grading. On all sites, the Yard slope shall be at least one foot per hundred feet from the perimeter of the new Structure downward to the point of site drainage discharge (edge of pavement or top of swale) on paved Roadways or two feet per hundred feet for sites on unpaved roads. Floor elevations above the Yard elevation at the Building perimeter shall be no less than as required by adopted county Building codes, in addition to any aforesaid minimum specific elevations. At a minimum, the Lot Grading Plan shall be drawn to a scale of one (1) inch equals fifty (50) feet or larger and shall include the following information:
 - a. Property boundary lines;
 - b. Existing drainage patterns on the site including points of entry of off-site drainage contributing areas, points of exit of Stormwater runoff and if necessary, existing elevations and/or elevation contours;
 - c. Proposed limits of filling or grading of the site including fill depth, slopes, finished floor elevations, and if necessary, final elevations and/or elevation contours of the site;
 - d. Location of swales and drains to convey Stormwater runoff from the site and any off-site contributing drainage areas to an appropriate point of disposal without adversely impacting adjacent and downstream properties;
 - e. Any other pertinent information as may be required by the County Administrator as appropriate for responsible evaluation of the grading plan.
 - f. In addition, the Lot Grading Plan shall demonstrate that the fill will not block natural flow of Stormwater runoff from adjacent properties and will not divert or direct additional Stormwater runoff onto adjacent properties. Any additional Stormwater runoff shall be directed to the Roadway drainage system or other approved drainage facility.

3. The County Administrator may require Construction of retaining walls, roof gutters, underdrains, swales, or any other facility deemed necessary to provide adequate drainage.
4. The Building contractor shall submit a signed Lot Grading Certification certifying that the minimum floor elevation and lot grading was constructed as shown on the approved County Plans (See S&D Manual) and shall be verified by the County prior to issuance of building certificate of occupancy.

Sec. 6.04.07 Roadway Design

A. General

1. All new Roadways shall be paved in accordance with approved design and Construction Plans prepared to equal or exceed the design standards established in this Section.
2. The design and specifications for Major and Minor Collectors shall comply, at a minimum, with the Florida Department of Transportation (FDOT) "Roadway and Traffic Design Standards" (Standards), "Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways" (Green Book), and the "Manual of Uniform Traffic Control Devices" (MUTCD), unless specifically revised by this Code or the S&D Manual. Material specifications and Construction procedures shall comply to the FDOT "Standard Specifications for Road and Bridge Construction" (Specifications). Certain FDOT details may be required to be incorporated into the Construction Plans at the request of the County Administrator.
3. The Standards and Detail (S&D) Manual graphically depict the Roadway and drainage design details for Construction within unincorporated St. Johns County and are consistent with the objectives and standards contained within this Code. The County Administrator shall be authorized to amend the S&D Manual from time to time when necessary for the benefit of the citizens of St. Johns County. Variations to the S&D Manual shall be permitted consistent with the provisions of the Code. The S&D Manual shall not be incorporated into Construction Plans by reference.

B. Right-of-Way Requirements

1. Minimum Right-of-Way Widths shall be as listed in Table 6.07. These minimum widths may be increased to allow sufficient width for drainage facilities, utilities, sidewalks, bicycle paths, or other appurtenances within the Right-of-Way.
2. A recorded Easement thirty (30) feet in width may be permitted for driveways serving up to two (2) residential units. A thirty (30) foot Easement shall not be permitted for access in a recorded Subdivision or for platted Right-of-Way.

a. Driveway Standards

- (1) Minimum of twenty (20) foot wide, stabilized drive with minimum thirty-five (35) foot turnaround.
- (2) Must meet the requirements of Section 6.04.06.H.
- (3) Provide a recorded maintenance entry by the Owner(s).

TABLE 6.07

MINIMUM RIGHT-OF-WAY WIDTHS				
ROADWAY CLASSIFICATION	CURB/GUTTER		SWALE SECTION	
	2-LANE	4-LANE	2-LANE	4-LANE
LOCAL ROADS	60 feet *	N/A	N/A	N/A
MINOR COLLECTORS	80 feet	110 feet	80 feet	130 feet
MAJOR COLLECTORS	80 feet	130 feet	100 feet	150 feet

* *Right-of-Way Widths for Local Road curb and gutter sections may be reduced to fifty (50) feet upon demonstration that an electric Utility Easement five (5) feet in width or greater is provided outside of the Right-of-Way on each side.*

3. If pavement within a Roadway is divided, or if the centerline of the Roadway deviates from the centerline of the Right-of-Way, such as to allow for preservation of Trees within the Right-of-Way, the width for the remaining portion of the Right-of-Way outside of the travel lanes shall comply with the Roadway Typical Section for the designated Roadway classification. Design of the Roadway must be adequate to assure that the Tree root system will not adversely affect the integrity of the Roadway in the future or impact the proper location of the Utility placement. Utility installation must be in accordance with the S&D Manual.
4. All intersecting Roadways shall require additional Right-of-Way at the corners. The corner clip shall connect the two points which are twenty (20) feet from the intersecting Right-of-Way lines or a twenty-five (25) foot radius return (refer to the S&D Manual).
5. Reduction of the minimum Right-of-Way Widths listed in Section 6.04.07.B. above may be permitted if documentation demonstrates sufficient width to safely accommodate all planned or required drainage facilities, utilities, sidewalks, bicycle paths, or other appurtenances within the Right-of-Way or separate Easements. Requirements of this Code shall not prohibit the County from undertaking, or permitting, expansion of existing travel lanes within Right-of-Way not meeting the minimum widths in Section 6.04.07.B. above if environmental, legal, or physical constraints prevent expansion of such right-way to the minimum widths so long as public safety is not jeopardized.

C. Minimum Lane & Shoulder Widths

1. Minimum travel lane widths shall be as follows:

TABLE 6.08

ROADWAY CLASSIFICATION	MINIMUM LANE WIDTHS	
	VEHICLE	BICYCLE
LOCAL ROADS	10'	0'
MINOR COLLECTORS	12'	4'
MAJOR COLLECTORS	12'	5'

Note: See Section 6.04.05, ACCESS MANAGEMENT for details on driveway connections.

2. If pavement within a Roadway is divided, such as to allow for preservation of Trees, the minimum pavement width shall be sixteen (16) feet. The minimum pavement width of sixteen (16) feet shall be measured from the edge of pavement. Right-of-Way Widths for the divided section shall be in accordance with Section 6.04.05.B. above.

D. Cul-de-Sacs

1. All Roadways without a paved outlet shall be terminated with a cul-de-sac (see S&D Manual).
2. The minimum Right-of-Way Width for a cul-de-sac bulb with curb and gutter sections shall be a fifty (50) foot radius. For a swale section, the minimum Right-of-Way Width shall be a fifty-five (55) foot radius. These widths may be increased to allow sufficient width for drainage facilities, utilities, sidewalks, bicycle paths, or other appurtenances within the Right-of-Way.
3. The minimum pavement radii for cul-de-sacs shall be thirty-five (35) feet with the pavement design for the cul-de-sac bulb consistent with the Roadway.
4. Other variation or shapes of cul-de-sacs may be allowed if the Right-of-Way is available and the design conforms to American Association of State Highway and Transportation Officials (AASHTO) criteria contained in "A Policy on Geometric Design of Highways and Streets".
5. Any Local Road which exceeds one thousand, eight hundred (1800) feet shall have an intersecting street, cul-de-sac or eyebrow designed turn around.

E. Pavement Design

1. Stabilized Subgrade

- a. All Roadway and driveway subgrades shall have a minimum width as shown in the Roadway Typical Sections. Minimum depth and bearing values shall be as follows:

TABLE 6.09

ROADWAY CLASSIFICATION	STABILIZED DEPTH	LIMEROCK BEARING RATIO (L.B.R.)
LOCAL ROADS	8 inches	40
MINOR COLLECTORS	12 inches	40
MAJOR COLLECTORS	12 inches	40

- b. Where the existing soils to be used in the Roadway subgrade have the required bearing value, no additional stabilizing material will be required. The stabilizing material, if required, shall be high-bearing value soil, sand-clay, limerock, shell or other materials which meet the standards established in the FDOT Specifications.
- c. The Construction of the stabilized roadbed shall meet the criteria as set forth in the FDOT Specifications. Minimum density shall be ninety-five percent (95%) (Modified Proctor Method).
- d. Tests for the subgrade bearing capacity shall be located no more than five hundred (500) feet apart or every soil change, and tests for compaction shall be located no more than three hundred (300) feet apart. Tests shall be staggered to the left, right, and on the centerline of the Roadway with no less than two (2) tests conducted per Roadway section. When conditions warrant, in the judgement of the County Administrator, additional tests may be required to assure compliance with FDOT Specifications. The Contractor/Project Engineer will be advised in writing that additional tests will be required and the extent of such additional tests. Special attention shall be given to the need for any compaction retests in subgrade areas disturbed by underground utilities or other Construction, specially under curb areas.

2. Base Course

- a. Base course materials shall be limerock or material with an equivalent structural value. The minimum thickness and density for limerock shall be as follows:

TABLE 6.10

ROADWAY CLASSIFICATION	MINIMUM THICKNESS	LIMEROCK BEARING RATIO (L.B.R.)
LOCAL ROADS	6 inches	100
MINOR COLLECTORS	6 inches	100
MAJOR COLLECTORS	8 inches	100

- b. The base course width shall be a minimum of twelve (12) inches greater than the finished surface course (see Roadway Typical Sections in the S&D Manual). Limerock and coquina shell shall conform to FDOT Specifications for base course material and Construction methods. Under special conditions where base material may be subjected to greater than normal moisture, soil cement or asphaltic base may be used after approval by the County Administrator. In such instances, the applicant shall submit the justification, test data to be used to determine mix, the Contractor's experience record, and quality control procedures. The Engineer of Record shall state whether a fabric or other method will be used in the system to minimize surface cracking.
- c. All bases shall be primed in accordance with the Specifications. A tack coat will not be required on primed bases except on areas which have become excessively dirty and cannot be cleaned, or in areas where the prime has cured and lost all bonding effect. Tack coat material and Construction methods shall conform to FDOT Specifications.
- d. The Construction of the base shall meet the criteria as set forth in the FDOT Specifications. Minimum density shall be ninety-eight percent (98%) (Modified Proctor Method).
- e. Testing for the base thickness and compaction shall be located no more than three hundred (300) feet apart and staggered to the left, right, and on the centerline of the Roadway with no less than two (2) tests conducted per Roadway section. When conditions warrant, in the judgement of the County Administrator, additional testing may be required to assure compliance with FDOT Specifications, the Contractor/Project Engineer will be advised in writing that additional tests will be required and the extent of such additional tests.

3. Asphaltic Concrete Surface Course

Surface courses for flexible pavements shall meet the following minimum thickness requirements:

TABLE 6.11

ROADWAY CLASSIFICATION	STRUCTURAL COURSE		SURFACE COURSE	
	MINIMUM THICKNESS	TYPE	MINIMUM THICKNESS	TYPE
LOCAL ROADS	N/A	N/A	1-1/4 inches	S-I *
MINOR COLLECTORS	N/A	N/A	1-1/2 inches	S-I *
MAJOR COLLECTORS	1-1/4 inches	S-I	3/4 inches	S-III

* S-III or other suitable substitute with an equivalent structural value shall be permitted.

- a. Asphaltic concrete types or equivalent structural courses shall conform to the FDOT Standards and Specifications for design, materials, and method of Construction.
 - b. Asphalt cores for thickness shall be located no more than two hundred (200) feet apart and staggered to the left, right, and on the centerline of the Roadway with no less than two (2) cores taken per Roadway section.
4. Portland Cement Concrete Pavement
- a. Stabilized subgrade requirements for Portland Cement Concrete Pavements shall be the same as those for flexible pavements.
 - b. Minimum pavement thickness requirements shall be as follows:

TABLE 6.12

ROADWAY CLASSIFICATION	MINIMUM THICKNESS
LOCAL ROADS	8 inches
MINOR COLLECTORS	8 inches
MAJOR COLLECTORS	10 inches

- c. Portland Cement Concrete Pavement, including joints, shall conform to FDOT Specifications for materials and method of Construction.

F. Roadway Alignment

Roadways shall be designed with the following minimum radii for the centerline of curves:

TABLE 6.13

ROADWAY CLASSIFICATION	MINIMUM CENTERLINE RADIUS
LOCAL ROADS	100 feet
MINOR COLLECTORS	325 feet *
MAJOR COLLECTORS	500 feet *

* Minimum centerline radius may be increased based upon design speed of Roadway.

G. Sidewalks

1. Sidewalks shall be required on all roads that are classified as Major or Minor Collectors. Sidewalks shall be constructed on each side of the Roadway to be developed unless otherwise provided through an approved pedestrian circulation plan on all new roads, sidewalks will be required on both sides.
2. Sidewalks shall be designed and constructed in accordance with FDOT Standards except as modified herein. The finished grade of sidewalk shall be constructed to conform to the master drainage plan, if applicable, to prevent ponding.
3. The minimum sidewalk width shall be five (5) feet on Major and Minor Collectors, with six (6) feet provided in areas of high pedestrian travel such as near schools, parking facilities, shopping centers, and transportation facilities. Sidewalks provided on Local Roads shall be a minimum of four (4) feet in width and shall be placed three (3) feet inside the Right-of-Way line. Handicap ramps, meeting Florida Accessibility Code specifications, are required on all curb and gutter sections. If an obstruction is unavoidable, the sidewalk shall be widened to compensate for the obstruction.
4. Sidewalks should be placed as far as possible from the Roadway travel lane as practical. If Right-of-Way constraints require the sidewalk to abut curb and gutter, the minimum sidewalk width shall be six (6) feet. Utility strips should be considered in determining the location of the sidewalk to better serve the needs of the pedestrian traffic as well as the Utility companies and to increase Roadway safety. Location of Roadway Signs and signal poles should also be a consideration in establishing sidewalk location.

H. Shoulder Treatment

1. Construction areas within County Right-of-Way and Easements shall be treated with seed and mulch, at a minimum, to protect the Right-of-Way against erosion, siltation and rivulets caused by surface run-off.
2. All Roadway work shall require a minimum of sixteen (16) inches of sod adjacent to the edge of pavement (see Roadway Typical Sections in the S&D Manual). Grasses shall be Argentine Bahia or an approved alternative. Winter Rye and/or Millet may be mixed for protection until germination. Grasses shall be fully established and free

of disease and damaging insects prior to County approval of the project. All soil preparation, grassing, mulching, sod and watering shall meet FDOT Specifications for material and method of Construction.

I. Signing and Pavement Marking

1. All Roadways shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) for signing and pavement markings. Signing and pavement marking plans shall be submitted on all Development Plans and shall require approval from the County Administrator. All traffic control Signs and pavement markings for new Developments shall be furnished and installed at no cost to the County.
2. County Roads shall require Thermoplastic material be used for all pavement markings, including turn lanes, stop bars, crosswalks, and other areas as designated by the County Administrator. New asphalt shall be allowed a thirty (30) day curing period before placement of thermoplastic materials. Temporary pavement markings shall be applied where necessary to control traffic on existing Roadways during the curing period.
3. All Major and Minor Collectors shall be delineated with Roadway pavement markings according to FDOT Standards and Specifications. The approach leg of a Local Road with a Major or Minor Collector shall be delineated with a stop bar and a double yellow centerline for a minimum length of one hundred (100) feet from the stop bar.
4. All Major and Minor Collectors shall be delineated with Reflective Pavement Markers (RPM) according to FDOT Standards and Specifications. Variances may be granted for roads where highway lighting exists, or when, in the judgement of the County Administrator, the need for Reflective Pavement Markers does not exist.
5. All Signs installed shall conform to the criteria in the MUTCD and FOOT Standards and Specifications. When access is to a Major Collector, the stop Sign shall be thirty-six (36) inches wide. The back side of each Sign is required to have the date of installation stenciled on it (month/year), in one (1) inch figures using a long lasting flat black paint or decal.
6. Street name Signs on Public Roadways shall have white lettering on green background. Street name Signs on Private Roadways shall have white lettering on blue background. All street name Signs shall conform to County specifications for size, shape, lettering style, and other requirements.
7. All Signs shall be manufactured with high-intensity sheeting material unless otherwise specified by the County Administrator.

J. Traffic Signals

Traffic signals may be required if justified based upon traffic signal warrants contained in the MUTCD and the signal location is approved by the County Administrator. All expenses, including signal warrant study, design, materials, and installation shall be the responsibility of the applicant at no cost to the County. Traffic signals shall be designed to comply with the MUTCD and FOOT Standards and Specifications, and the signal equipment shall meet County Specifications. The traffic signal shall become the property of St. Johns County upon acceptance by the County of the signal installation following a ninety (90) day burn-in time period to ensure that all equipment is functioning properly.

K. Roadway Drainage

1. Open Channels

- a. The design of open channels shall be based on design and performance criteria contained in Section 6.04.06.F.4., entitled "Collection and Conveyance Facilities".
- b. The design of open channels shall consider the need for channel linings. Standard treatment for roadside swales shall be grass with mulch and/or hydro-mulching where flow velocities are less than velocities permitted for bare soil conditions. Sodding shall be used when the design flow velocity exceeds values permitted for bare soil conditions, but do not exceed four (4) feet per second or where side slopes exceed a steepness of three (3) feet horizontal to one (1) foot vertical (3:1). Sodding shall be staggered, to avoid continuous seams in the direction of flow. For flow velocities greater than four (4) feet per second, flexible or rigid linings shall be used. Flexible linings may include use of geotextile grids, rock rip-rap, and interlocking concrete grids. Rigid linings shall include concrete pavement. The following table sets forth guidelines for lining types based on various design factors which include open channel gradient, side slopes, and velocity ranges. Subject to applicability to site conditions, manufacturer's recommendations and approval from the County Administrator alternative channel linings may be acceptable.

TABLE 6.14

GRADIENT (%)	SIDE SLOPES	VELOCITY RANGE (fps)	PROTECTIVE LINING
0.75% and Less	Flatter than 3:1	Less than 2.0	Grass with Mulch
0.75% to 2.00%	3:1 to 2:1	2.0 to 4.0	Sod
Greater than 2.00%	Steeper than 2:1	Greater than 4.0	Flexible/Rigid Lining

Note: Channel velocities greater than 6 feet per second shall require energy dissipation.

- c. For open channels where positive flow conditions are required, a minimum physical slope of 0.1 foot per 100 feet (0.1 percent) or the slope to provide for conveyance of the design flow, whichever is greater, shall be used.
- d. The design of all open channels and roadside swales shall consider ease of maintenance and accessibility. Side slopes for roadside swales shall be in general conformance with the Roadway Typical Sections. Side slopes for other facilities requiring regular maintenance shall not be greater than three (3) feet horizontal to one (1) foot vertical (3:1).

2. Cross-Drains

- a. Cross-drains shall be sized based on design and performance criteria contained in Section 6.04.06.F.4., entitled "Collection and Conveyance Facilities".
- b. The minimum allowable pipe diameter for cross drains shall be fifteen (15) inches or the equivalent section for arch or elliptical pipe.
- c. The minimum length of pipe to be used, including the end treatment, shall be the length necessary to provide for the required Roadway shoulder width and adequate clear zone requirements.
- d. Unless otherwise approved, minimum pipe cover shall be twelve (12) inches measured from the outside top of pipe to the top of the Roadway base at any point in the Roadway cross-section.
- f. Culverts under intersecting side roads shall be considered as cross drains and shall be designed using cross drain criteria.
- g. Cross-drains shall be installed with County approved end treatments. End treatments shall include mitered ends and "U" type mitered end walls. Headwalls may be allowed where placement meets clear zone requirements. Mitered ends shall be required on all Roadways with speed limits greater than thirty (30) miles per hour.

3. Side-Drains (Driveway Culverts)

- a. Side-drains shall be sized based on design and performance criteria contained in Section 6.04.06.F.4, entitled "Collection and Conveyance Facilities".
- b. Unless otherwise approved by the County Administrator, the minimum allowable pipe diameter for side drains shall be fifteen (15) inches or the equivalent section for arch or elliptical pipe.

- c. All Construction drawings submitted for review shall include a schedule showing the size, type, and invert elevation of the side-drain needed to provide access to each subdivided Lot.
- d. Side-drains shall be installed with County approved end treatments. End treatments shall include mitered ends and "U" type mitered end walls. Headwalls may be allowed where placement meets clear zone requirements. Mitered ends shall be required on all Roadways with speed limits greater than thirty (30) miles per hour.
- e. Pipe length including shoulder for side-drains shall be based on the following:

TABLE 6.15

DRIVEWAY TYPE	MAXIMUM PIPE LENGTH *	MINIMUM PIPE LENGTH*
Residential Driveways	Driveway Width plus 4 feet each side	Driveway width PLUS 2 feet each side
Non-Residential Driveways	Driveway Width plus 8 feet each side	Driveway width PLUS 4 feet each side

* *Pipe length does not include the length of end treatment*

4. Curb, Gutter and Inlets

- a. The FOOT Standards shall be used as a guideline for selection of drainage Structure types and hydraulic capacities.
- b. Selection of curb, gutter, and inlet type, location, and spacing shall consider Roadway geometry; width of spread (flow); inlet geometry and intake capacity; maximum pipe length without maintenance access; potential for Flooding of off-site property; and pedestrian and bicycle safety. Maximum spacing for curb inlets shall be based on the width of spread. Width of spread shall not exceed one-half of the travel lane adjacent to the gutter for a rainfall intensity of four (4) inches per hour. In general, maximum spacing for inlets shall be five (500) feet. Longer spacings may be allowed upon demonstration that the width of spread meets requirements set forth above.
- c. Inlets shall be placed at all low points in the gutter grade, and as appropriate at intersections, median breaks, and on side streets where drainage could adversely affect the safety of vehicular or pedestrian movements within the Roadway intersection.
- d. Curb inlets shall not be located within drop curb locations.

- e. The minimum allowable gutter grade shall be 0.3 percent.
5. Pipe Material and Specifications
- a. The Florida Department of Transportation Standard Specifications for Road and Bridge Construction shall be used as a guideline for specifications on pipe material, placement, bedding, and backfill requirements.
 - b. Pipe material shall be selected based on durability, structural capacity, and hydraulic capacity. The design service life of the facility shall be based on the following:

TABLE 6.16

FACILITY TYPE	SERVICE LIFE
Stormwater Systems	50 or 100 years
Cross-Drains	25 or 50 years
Side-Drains	25 years

Note: Where more than one service life is given, the lower value shall be used for locations on local and Minor Collector Roadways, and the higher value shall be used for locations on Major Collectors and in urban areas.

- c. In estimating the projected durability of a material, consideration shall be given to actual performance of the material in nearby similar environmental conditions, its theoretical corrosion rate, the potential for abrasion, and other appropriate site factors. To avoid unnecessary site specific testing, generalized soil maps such as the SCS Soil Survey for St Johns County may be used to delete unsuitable materials from consideration. In the event testing is necessary, tests shall be based on FOOT approved test procedures. The potential for future land Use changes which may change soil and water corrosion indicators shall also be considered to the extent practical. Backfill material shall not be more corrosive than that which is required to provide the design service life.
- d. All gravity flow pipe installations shall have a soil tight joint performance unless site specific factors warrant watertight joint performance.
- e. The following pipe materials and cross-sections may be accepted for use by the County Administrator:

TABLE 6.17

PIPE MATERIAL
Corrugated Steel Pipe or Arch Bituminous Coated Corrugated Steel Pipe or Arch Reinforced Concrete Pipe Reinforced Concrete Elliptical Pipe Concrete Box Culvert Aluminum Pipe * Corrugated Polyethylene Pipe Polyvinyl-Chloride Pipe

* *Prior to any aluminum pipe installation, test reports on the soil pH shall be submitted with a certification that the material furnished will provide sufficient resistance to corrosion to maintain the design service life.*

6. Other Drainage Structures

- a. The Florida Department of Transportation Roadway and Traffic Design Standards shall be used as a guideline for selection and Construction of all drainage Structures, including but not limited to: manholes, inlets, pipe end treatment, and box culverts.
- b. Bridges shall be designed and constructed in accordance with the Florida Department of Transportation Standards and Specifications, Florida Department of Transportation Structures Design Guidelines, and American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications for Highway Bridges.
- c. Bulkhead and/or retaining walls will be designed by a Registered Engineer.

L. Existing Facilities

Improvements and upgrading of existing Roadways are to conform with standards for new Roadways of the same access class. Exception to these standards shall be allowed only where physically impossible for the Applicant to comply or otherwise upgrade existing site conditions. All such exceptions shall be approved by the County Administrator. Where driveways are constructed within the limits of existing curb and gutter Construction, the existing curb and gutter shall be removed either to the nearest joints or to the extent that no remaining section is less than five (5) feet long. If the curb is not removed to the nearest joint, the curb will be cleanly cut with a concrete saw. Driveways materials type should conform to the original Construction on a section unless otherwise specifically provided on the Permit.

Sec. 6.04.08 Bonding

A. General

1. Bonds shall be required for all Roadway, drainage, and water and wastewater Construction within a platted Subdivision or any Subdivision of more than two (2) Lots, for all Roadway and drainage Construction outside a Development's project boundaries, and for all Construction within county or municipal service district rights-of-way.
2. The bonds referred to in this section may be in the form of a certified or cashier's check, irrevocable letter of credit, escrow agreement, surety bond or three (3) party agreement under which an institutional lender providing Construction financing to the Owner binds itself to the County, the forms of which shall be subject to approval by St. Johns County.
3. Surety bonds referred to in this section shall be payable to the order of St. Johns County Board of County Commissioners on a form acceptable to the County. Each bond shall include language covering all Improvements constructed on private or public Easements and Right-of-Way within the platted area, and any off-site Improvements if required.

B. Construction Bond

1. No clearing or Construction of Roadway, drainage, underground utilities or any Improvements within County rights-of-way is authorized until such time as the Construction Bond is submitted to the County Administrator for approval and acceptance by the Clerk of the Circuit Court. The Clerk, upon acceptance of the Construction Bond shall forthwith provide a copy to the County Administrator.
2. A Construction Bond shall be approved and on file or the Subdivision Improvements must be completed in accordance with the requirements for release of the Construction Bond as stipulated in Section 6.04.01.C., prior to the time the Subdivision plat is accepted by the Clerk of the Court for recording. The bond amount shall be adequate to secure Construction of the approved Roadway, drainage, and water and wastewater Improvements.
3. All Construction shall be completed by the Applicant and approved or accepted by the County prior to recording of the plat or, if a Construction Bond is provided, within one (1) year after the date the bond is received and approved by the Clerk of the Circuit Court. The bond shall be payable to the County in a sum equal to one hundred fifteen percent (115%) of the cost of constructing the Roadway, drainage, and water and wastewater Improvements as estimated by the Applicant's engineer and as approved by the County Administrator. The bond shall remain in force for a term of at least fourteen (14) months from date of approval. This bond requirement may be waived only by the Board of County Commissioners.

4. If at the end of one (1) year following receipt and acceptance of the Construction Bond by the Clerk, the Developer has not completed the Improvements required and furnished a good and sufficient Maintenance Bond to the County (if applicable), the County shall give ten (10) days notice to the Developer and his surety of the intent to begin procedures to cause forfeiture of the Construction Bond. The County Administrator may, after a recommendation from the County Administrator, accept an extension to the Construction Bond or proceed with the forfeiture. The County may give the notice described above prior to the end of said year if it appears to the County Administrator that the bonded Improvements will not be constructed within the year.
5. If an extension is granted, the Developer shall cause the Construction Bond to be renewed for a minimum of six (6) months beyond the new completion date. All requests for extension must be accompanied by certification that the amount of the renewed bond is equal to one hundred fifteen percent (115%) of the cost to complete the project or cause same to be increased.
6. At the discretion of the County Administrator, a Construction Bond may not be required for minor work authorized by a Right-of-Way Permit or Construction Plans approved through the County Administrator.

C. Release of Construction Bond

1. Upon completion of the Roadway, drainage, and water and wastewater Improvements, the Applicant's engineer shall submit to the County Administrator, a request to the County Administrator that the Construction Bond be released. This request must be accompanied by those items as required in Section 6.04.01.C.
2. Upon review and approval of the request, a letter will be forwarded by the County Administrator to the Clerk confirming that the Improvements have been constructed as required by this Part. The Construction Bond may be released upon receipt and acceptance by the Clerk of a Maintenance Bond in the amount required by Section 6.04.08.D. below for all facilities dedicated to St. Johns County or located within public rights-of-way.

D. Maintenance Bond

1. When the request is made for acceptance of the bonded Improvements or for release of the Construction Bond, the person, firm or corporation seeking such acceptance or release shall first furnish a good and sufficient bond acceptable to the Clerk in an amount equal to fifteen percent (15%) of the total of all Construction contracts issued for Construction of Roadway, drainage, and water and wastewater Improvements.
2. The Maintenance Bond is to be furnished to secure the timely maintenance of the roads and Improvements as a guarantee against faulty workmanship, Construction and materials. Said bond shall be submitted by the Applicant to the County

Administrator for approval and forwarding to the Clerk and shall remain in force until released as stipulated in Subsection E. below, but in no case for less than twenty-six (26) months. If the County elects to repair and take remedial action to correct deficiencies during the warranty period, the cost will be drawn from the bond.

E. Release of Maintenance Bond

At least two (2) months prior to the expiration date of the Maintenance Bond, the Developer shall submit a request to the County Administrator for release of the Maintenance Bond. The County Administrator shall again inspect the Improvements covered by the bond and shall notify the Applicant and his surety of any required remedial actions. The Applicant shall complete all required repairs three (3) weeks prior to the scheduled termination date of the Maintenance Bond and notify the County upon completion thereof, provide evidence to the County that the bond has been extended and continues in force for an additional ninety (90) days, or forfeit the bond in the amount equal to the total cost of repairs. Authorization for bond extension must be approved by the County Administrator. The County shall again inspect the Improvements and notify the Applicant of the acceptability of the repairs. If repairs are satisfactory, the bond will be released by written authorization of the County Administrator. In the event the Applicant does not complete the required repairs three (3) weeks prior to the termination date of the Maintenance Bond, the Applicant must provide the County evidence that the bond continues in force for an additional ninety (90) days, or show cause why the bond should not be presented for collection.

Sec. 6.04.09 Mining, Borrow Pit and Silvicultural Operations

A. General

In addition to the requirements of the Special Use provisions in Section 2.03.09, the requirements of this Section shall apply to all mining, borrow pit, and Silviculture Use activities. The following activities are exempt from the requirements of this Section:

1. Agricultural activities which involve standard agricultural practices;
2. Maintenance dredging of canals, lakes, and Stormwater ponds, provided Permit requirements from other local, state, and federal agencies are met;
3. Work included in an approved Construction Project permitted through other provisions of Part 6.04.00.

B. Plan Requirements For Mining, and Borrow Pit Operations

1. A Site Plan for mining and borrow pit operations shall be prepared and submitted to the County Administrator by a Florida Registered Engineer or other professional allowed under state law which shall describe at a minimum:
 - a. Property boundary

- b. Existing and proposed contours
 - c. Typical cross-section
 - d. Existing and proposed surface water drainage patterns
 - e. Erosion and sediment control measures
 - f. Plans for any dewatering activities which discharge water off-site
 - g. Access to the project
 - h. Hours of operation
 - i. Fence detail, if side slopes are less than four (4) feet horizontal to one (1) foot vertical (4:1) down to two (2) feet below normal water level.
 - j. The engineer shall submit as-builds as required in section 6.04.01 C. and certify that the project will not adversely affect the adjacent property.
2. The Applicant is required to obtain Permits from the St. Johns River Water Management District (SJRWMD) for projects which exceed thresholds for Management and Storage of Surface Waters and Consumptive Use Permits. The Applicant is responsible for determining requirements of the SJRWMD.

C. Requirements for Silviculture Activities

- 1. The following standards shall be met.
 - a. Silviculture activities must meet all the guidelines of "Silviculture Best Management Practices, 1993", as updated, Florida Department of Agriculture and Consumer Services, Division of Forestry.
 - b. Shall comply with the requirements of Chapter 373 and 403, F.S. and Section 404 of the "Clean Water Act."
 - c. Shall comply with the SJRWMD Silviculture Rule, Chapter 40C-400.500, F.A.C.
 - d. Ensure that all proposed silviculture activity will not adversely impact adjacent property owners by meeting all applicable requirement of Section 6.04.06.A.

Sec. 6.04.10 Special Exception

Previously platted roads which have not been constructed are subject to the requirements of Part 6.04.00, unless Bonds have been received and accepted on Construction of such roads.

Sec. 6.04.11 Connections With Central Water & Wastewater System Required With Certain Exceptions

- A. The Owner of each new Improvement within the County that has, is required to have (under this Land Development Code, the County Comprehensive Plan or any other County Regulation), or uses potable water shall connect, or cause such Improvement to be connected to an approved Central Water System. Such Improvements shall use the Central Water System within ninety (90) days following notification to do so by the County Administrator or by any other person or County office that may from time to time be designated by the County Administrator to provide such notice. No connection shall be required under this paragraph A for water service where the nearest Central Water Line is more than two hundred (200) feet from the property line on which the Improvement is located, or where the total length of the service line providing the connection (water main to main Structure exceeds three hundred (300) feet with the following exceptions:
1. All new Subdivisions that are platted and recorded in the official public records of the County after the effective date of this Code, all new Planned Unit Developments (PUD) and Planned Rural Developments (PRD) which are approved by the Board after the effective date of this Code and any platted Subdivision having no horizontal Construction prior to the effective date of this Code shall have each Subdivision Lot or PUD/PRD Parcel connected to, or prepared for connection to any Water Line located within one thousand, three hundred-twenty (1320) feet (1/4 mile) that is either:
 2. Existing or scheduled to be completed on the date of plat approval or PUD/PRD approval; or
 3. Scheduled to be constructed and operated by the County or other Franchised Utility Provider within one (1) year after submission of plans for Construction Permit review.
- B. The Applicant of each Improvement within the County that is currently using or required to use, Wastewater Systems, or from which wastewater is discharged, shall connect, or cause such Improvement to be connected to Central Wastewater Systems when such Improvement meets any of the following criteria:
1. The property line on which the Improvement is located is within one hundred (100) feet of a gravity line and the Improvement can be served by gravity flow; or
 2. Has a Water and Wastewater flow as determined by Chapter 64E-6, F.A.C., of five hundred (500) gallons per day or greater or the property line of such Improvement is within two hundred (200) feet of a County operated Wastewater Line (Gravity or Force Main); or
 3. Is located within a new Subdivision that is platted and recorded in the official public records of the County after the effective date of this Code and all new Planned Unit Developments (PUD) and Planned Rural Developments (PRD) which are approved by the Board of County Commissioners after the effective date of this Code and any

platted Subdivision having no horizontal Construction prior to the effective date of this Code shall have a Lot within each Subdivision or PUD/PRD Parcel connected to, or prepared for Connection to any Wastewater Line located within one thousand, three hundred-twenty (1320) feet (1/4 mile) that is either:

- a. Existing or scheduled to be completed on the date of plat approval or PUD/PRD approval; or
- b. Scheduled to be constructed and operated by the County or other Franchised Utility Provider within one (1) year after submission of plans for Construction Permit review.

Such Improvements shall use such Central Wastewater System within ninety (90) days following notification to do so by the County Administrator or by any other person or County office that may from time to time be designated by the County Administrator to provide such notice.

C. Notwithstanding Section 6.04.11.A and 6.04.11.B. above, unless required by the then current Comprehensive Plan, other Land Development Regulations, or by Rule 64E-6, F.A.C., there is no mandatory requirement that an existing Improvement connect to the a Central Water and/or Wastewater System when, as part of its normal operations, such existing Improvement has been and is regularly operating, maintaining and using its own Water and/or Wastewater System immediately prior to the:

1. Installation or operation of Water and/or Wastewater Lines capable of serving such Improvement, and
2. Making Central Water and/or Wastewater service available to such existing Improvement.

Should an existing well casing require repair or replacement where a Permit is required for the work to be done and there is a Water Line within two hundred (200) feet from the property line, there shall be a mandatory connection required to the Central Water System. Should a septic tank or other onsite Wastewater System require repair or replacement where a Permit is required for the work to be done and there is a gravity Wastewater Line within one hundred (100) feet from the property line, there shall be a mandatory connection required to the Central Wastewater System. In addition, existing Improvements must be demonstrated to be performing in accordance with Florida Department of Environmental Protection (FDEP) and St. Johns River Water Management District (SJRWMD) regulations, with no violations.

D. This Code shall not be construed to require or entitle any person to cross the private property of another to make any Water or Wastewater Connection.

Sec. 6.04.12 Regulation Of Water and Wastewater Connections for Improvements; Water Meters Required

- A. Each Improvement whether occupying one (1) or more Lots and whether occupying any Lot or Parcel jointly with any other Improvement shall be considered a separate unit for the payment of the monthly user rates fixed by the Utility Provider, and separate connections and meters will be required for each such unit. Nothing herein shall be deemed to prevent the Utility Provider from establishing and charging wastewater rates based upon water consumption monitored by water meters.
- B. Every connection shall be made in accordance with the Water and Wastewater Design Standards and Specifications (W&WW Manual) adopted by the Board of County Commissioners.
- C. All service from a Central Water main on County Right-of-Way/utilities Easement to the property line must be installed by the Utility Provider or by a Utility contractor licensed to operate within the State of Florida, in accordance with the W&WW Manual, at the expense of the Applicant.
- D. All persons and entities using a Central Water and/or Wastewater System shall use water meters to monitor all water entering any Improvement using potable water and/or from which wastewater is discharged.
- E. Unauthorized usage prohibited

It shall be unlawful for any Person to disturb, use, alter, or make connection to a Central Water or Wastewater System without prior written permission from the County Administrator or his designee for County owned systems, or the authorized agent for other Central Utility Providers.

- F. Application and fees

The Applicant shall make application to the Utility Provider prior to making a connection to a Central Water or Wastewater System. The application shall be supplemented by such plans, specifications, and other information considered pertinent by the Utility Provider. The appropriate fees shall be paid to the Utility Provider before such connection is approved.

- G. Applicant's responsibilities.

All costs and expense incident to the installations and connection of a Building Wastewater shall be borne by the Applicant. The Applicant's onsite Building Wastewater installation shall be subject to inspection and approval by the St. Johns County Building Department. The Development Services Department and/or an inspector from the Utility Provider shall inspect the off-site portion of the connection.

H. **Separate Wastewater required**

A separate and independent Building Wastewater shall be provided for every Building, except where one Building stands at the rear of another on an Interior Lot and no private Wastewater is available or can be constructed to the rear Building through an adjoining alley, court, Yard, Easement, or driveway. In that case, the Building Wastewater from the front Building may be extended to the rear Building and the whole considered as one Building Wastewater.

I. **Design and construction**

The size, slope, alignment, and Construction materials of a Building Wastewater, and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench, shall conform to the manual of Design Standards and Specifications, Water and Wastewater (W&WW Manual) of St. Johns County.

J. **Runoff connections prohibited.**

It shall be unlawful for any person to connect roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a Building Wastewater or Building drain which in turn is connected directly or indirectly to a Central Wastewater System.

K. **Interceptors required**

Grease, oil, and sand interceptors shall be provided for the proper handling of liquid wastes containing excessive amounts of grease, flammable substances, sand or other harmful ingredients, except that such interceptors shall not be required for Single Family residences, Multi-Family residences, travel trailers, or Manufactured/Mobile Homes. All interceptors shall be of a type and capacity specified by the W&WW Manual and shall be regularly cleaned and maintained for adequate performance.

L. **Connection requirements**

The connection of the Building Wastewater to a Central Wastewater System shall conform to the requirements of the Building and plumbing code and other applicable rules and regulations adopted by St. Johns County.

M. **Public safety and property**

All excavations for Building Wastewater installation shall be adequately guarded with barricades and lights in order to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the County Administrator or his designee.

Sec. 6.04.13 Unlawful Connections & Interfering with Hydrants or Water or Wastewater Service are Prohibited

- A. It shall be unlawful for any person to connect to any Central Water or Wastewater Line except as authorized by this Code. Once so connected, such person shall not connect, or allow to be connected, to a Water Line any other Water Lines or sources of water consumption without the prior written consent of the Utility Provider. It shall be unlawful for any person to discharge sewage or Wastewater into a Central Wastewater System from a private Wastewater line that serves additional Improvements unless such person has the prior written consent of the Utility Provider and unless an approved water meter has been installed that monitors the water entering each Improvement that generates such sewage or Wastewater.
- B. It is unlawful for any person to interfere, or in any way tamper with any central Utility owned fire hydrants, wells, reservoirs, basins, or with the water in the same, or with the water mains, pipes, plugs, meters or Connections, or to make any Connection therewith by tapping any of the pipes mains or firelines without the knowledge or written consent of the Utility Provider or to make any Connection in violation of the provisions of this Code, or to knowingly permit such Connection or tapping to be made on his or her premises, in his or her ownership, possession or control , or to knowingly use water from such unauthorized Connection, unless he or she has received written consent to do so by the Utility Provider and after approval of plans and specifications in accordance with the W&WW Manual.

Sec. 6.04.14 Maintenance of Plumbing Systems

- A. The Owner of every Improvement, Lot or Parcel connected to a Central Water and/or Wastewater System shall be responsible for maintaining and keeping clear and in good repair the Water and Wastewater pipes connecting the plumbing of Improvements thereon with the lines of the Central System, and for maintaining and keeping the meter site accessible to Utility personnel and free of debris, shrubbery, and overgrowth. Failure by the Owner to keep the meter site(s), pipe(s) and line(s) leading from the Owner's plumbing system to the Central line(s) clean and maintained in a proper manner will give the Utility Provider the right to close or disconnect the Central Water Connection to the Owner's meter site, pipe(s) and/or line(s), which shall not be reconnected or reopened until the Owner's meter site, pipe(s) and/or line(s) are cleaned and maintained properly.
- B. In addition, the Owner is responsible for unstopping Central Wastewater service Lines from the Improvement to the main line. Upon request from a licensed plumber, the Utility Provider will make necessary repairs to a Wastewater service Line on public Right-of-Way or recorded Utility Easement.
- C. In those instances where the Owner has a private water supply, but uses a Central Wastewater System, the Utility Provider shall have the right to close or disconnect the Owner's sewage pipe Connection to the County Wastewater System, and the Owner shall have no right to reconnect until the Wastewater pipe or Line leading from the Owner's plumbing system to the central line has been maintained and cleaned and is in proper condition. Any violation of this section by reconnecting the Owner's Water Line(s) or Wastewater fine(s), before such Water and/or Wastewater pipes and Lines are cleaned

and maintained properly, shall be considered a violation of Part 6.04.00, punishable as provided in Part 10.06.00.

Sec. 6.04.15 Right of Entry for Purpose of Making Inspection

The County Administrator and authorized representatives of St. Johns County or authorized agent of other Central Utility Providers, shall have the right to enter upon any property for the purposes of inspection, observation, measurement, sampling, testing review and/or photocopying of records, or investigation as are necessary or appropriate in the enforcement of this Code or any Wastewater discharge Permit or order issued hereunder. Entry shall be made during daylight or operating hours unless abnormal circumstances require otherwise. Notwithstanding the above, in the absence of abnormal circumstances, a one (1) hour notice shall be provided prior to entry.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the County Administrator will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The County Administrator shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The County Administrator may require the user to install monitoring equipment as necessary. facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated every two (2) years to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the County Administrator and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the County Administrator access to the user's premises shall be deemed a violation of this Code.
- F. If the County Administrator has been refused access to a Building, Structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Code, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the County designed to verify compliance with this Code or any Permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the County Administrator may seek issuance of a search warrant from a court of competent jurisdiction.

Sec. 6.04.16 Regulation of Septic Tanks

Installation of septic tanks within the County is regulated by the State of Florida Department of Health and Rehabilitative Services and shall be in accordance with Rule 64E-6, F.A.C., Section 3, paragraphs B and C, describe the county connection requirements.

Sec. 6.04.17 Reserved

Sec. 6.04.18 Cross Connections Between Water Systems Prohibited; Installation of and Standards for Backflow Prevention Devices

- A. Cross connections between the Central Water System and other water sources, systems, or equipment (including private wells) are hereby prohibited except as provided in paragraph B below. As used herein, prohibited cross connection shall mean:
1. A physical connection through which a supply of potable water could be contaminated or polluted; or
 2. A connection between a supervised potable water supply and an unsupervised water supply of unknown potability.
- B. The Central Utility Provider may, however, permit interconnection of a Central Water System by other suppliers if:
1. Such other system is regularly examined as to its quality; and evidence is presented to the County Administrator or Utility Provider, on such schedule as may be reasonably required, that the water in its bacteriological and chemical quality conforms with all requirements of the Central Water System, the FDEP and the U.S. Environmental Protection Agency;
 2. The interconnected systems meet all FDEP requirements; and
 3. Suitable protective devices, as hereinafter described, and installed in agreement with and under the supervision of the Utility Provider at the account holder's meter or at the property line of the Account Holder when a meter is not utilized or at a location designated by the Utility Provider. Suitable backflow protection devices consist of reduced pressure backflow preventers or devices approved by the Utility Provider, provided the device meets the specific design criteria of the Florida Administrative Code and has received the approval of the County Administrator.
- C. Backflow prevention devices must meet design and performance standards of the ASSE and/or AWWA and be approved by the Utility Provider and shall be installed on all multi-family, commercial and industrial water service lines, and any potential source of contamination that receives central potable water. Backflow preventers shall be installed between the meter and before any branch lines and shall be installed in the manner required by the W&WW Manual and Florida Administrative Code and shall also meet the requirements of the Standard Plumbing Code. There will be a valve at the Account Holder's

side of the backflow prevention device. Installation and maintenance of the backflow preventer and valve are the responsibility of the property Owner. Backflow prevention devices are required to be tested and certified to meet minimum standards, in order to protect public health. The test shall be accomplished by a certified backflow technician approved by the Utility Provider. The device shall be tested at least annually and a written report submitted to the County Administrator. The Utility Department may test or have tested the device at the Owner's requires at a cost of labor, equipment and material plus twenty-five percent (25%) which shall be added to the Owner's water bill. In addition to the other penalties provided by this Code, failure of the Account Holder to comply with this section, including the annual testing and reporting requirements, may result in termination of service after ten (10) days notice tagged to the front door, unless the backflow is determined to be a hazardous situation, then disconnection will be made immediately.

- D. Upon discovery of a prohibited cross-connection, the account holder shall eliminate the cross-connection by installation of an appropriate backflow prevention device acceptable to the Utility Provider.
- E. Any customer utilizing an irrigation system, or reuse water, must install a Utility Provider approved backflow preventer.
- F. Installation, testing, and inspection standards must comply with the W&WW Manual.

Sec. 6.04.19 Water and Wastewater Lines

All Water and Wastewater Lines installed by the Developer and deeded to the Central Utility Provider must meet the requirements outlined in the W&WW Manual. Deeds transferring Water and/or Wastewater Lines to the Utility Provider shall be recorded in the County's official public records at the Developer's expense.

Sec. 6.04.20 Reserved

Sec. 6.04.21 Reserved

Sec. 6.04.22 Construction or Alteration of Wastewater Collection System Connected to the County Wastewater System

No Person shall construct a new Wastewater collection system that is to be connected to the County Wastewater System or substantially alter or improve any Wastewater collection system that is connected to the County Wastewater System, until the County Administrator has first determined such Construction to be in conformance with this Code, the W&WW Manual, and is compatible with any long-range County Wastewater System infrastructure plans that have been approved by the Board of St. Johns County.

Sec. 6.04.23 Pretreatment Measures

A. Pretreatment of Wastewater

Users shall provide Wastewater treatment as necessary to comply with this Code and shall achieve compliance with all categorical pretreatment standards and local limits within the time limitations specified by EPA, the State, or the County Administrator, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the County Administrator for review, and shall be acceptable to the County Administrator before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the County under the provisions of this Code.

B. Additional Pretreatment Measures

Whenever it is deemed necessary, the County Administrator may require users to implement additional pretreatment measures such as:

1. The County Administrator may require any person discharging into the POTW to install and maintain, on the person's property and at his or her expense, a suitable storage and flow-control facility to ensure equalization of flow. A Wastewater Discharge Permit may be issued solely for flow equalization.
2. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Sec. 6.04.24 Industrial Wastewater Discharge Permitting

Application for connection of an Industrial Waste Discharge into a Central Wastewater System or any Connected System shall be obtained from the Utility Provider. The Utility Provider has set standards and requirements for Industrial Wastewater Discharge Permits, which may be obtained from the Utility Provider.

Sec. 6.04.25 Public Information on Industrial Users

Information and data concerning individual Industrial Users obtained from reports, questionnaires, Permit applications, Permits, monitoring programs, and inspections shall be available to the public to the extent permitted by Florida law upon request without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the County Administrator that such release is not required under the Florida Public Records Law and that the release would divulge information, processes, or methods of production entitled to protection as trade secrets of the User. Wastewater constituents and characteristics will not be recognized as confidential information.

St. Johns County shall publish annually in a daily newspaper with the largest circulation within the County, a list of Industrial Users which during the previous twelve (12) months were in Significant

Noncompliance with applicable Pretreatment Requirements. This is consistent with requirements of Rule 62-625.500(2)(b)(8), F.A.C.

Sec. 6.04.26 Discharge of Cooling or Condensing Water into the Storm Drainage System

Cooling and/or condensing water may be discharged to the storm drainage system only if a NPDES Permit is obtained from the proper permitting agency.

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PART 6.05.00 PARKING AND LOADING

Sec. 6.05.01 Parking And Loading Review Procedures And Submission Requirements

A. Generally

1. All off-street parking and loading and related facilities shall be provided in accordance with the requirements and standards of this Part.
2. No off-street parking or off-street loading space, affected by these regulations, which meets all or part of the requirements of this Code for such space, shall be reduced or eliminated by private action, except where approved alternative off-street parking or off-street loading space, meeting such requirements, is provided, unless no longer required by this Code.

B. Parking and Loading Submission Requirements

The applicant shall submit written information and documentation as set forth in the Development Review Manual.

Sec. 6.05.02 Parking And Loading Standards

A. Off-Street Parking Required

In all districts, in connection with every industrial, commercial, institutional, residential or any other use, there shall be provided, at the time any new Structure is erected, any use of a Structure or land is enlarged or increased in Density or intensity or any other Use or change of Use established, off-street Parking Spaces for automobiles in accordance with requirements contained in this Part.

B. Joint Use Facilities and Shared Parking

Nothing in this Section shall be construed to prevent the joint use of off-street parking or off-street loading space for two or more Structures or Uses, if the total of such spaces, when used together, will not be less than the sum of the requirements of the various individual Uses computed separately in accordance with the requirements of this Code and may require a Special Use Permit as provided in Section 2.03.14.

1. An agreement for such joint use, in the form of a reciprocal Easement acceptable to the office of the County Attorney shall be filed with the County Administrator and recorded with the Clerk of the Circuit Court for St. Johns County, Florida.
2. No part of an off-street parking area or off-street loading area required for any Structure or Use for the purpose of complying with the provisions of this Code, shall be included as a part of an off-street parking area or off-street loading area similarly required for another Building or Use, unless the County Administrator determines

that the periods of peak usage of such Buildings or Uses will not be simultaneous with each other.

3. An agreement, with St. Johns County as one of the parties with a right of enforcement, for such joint use, in the form of a reciprocal Easement acceptable to the Office of the County Attorney shall be filed with the County Administrator and recorded with the Clerk of the Circuit Court of St. Johns County, Florida.
4. All Development Orders or Permits covering such approval shall include the requirements that the order or Permit is valid only so long as the conditions described in the application for order or the Permit exist.

C. Compliance With Regulations

The requirements for off-street Parking Space and off-street loading space applicable to newly erected or substantially altered Structures shall be a continuing obligation of the Owner of the real estate upon which any such Structure is located, so long as the Structure is in existence and its Use requiring parking or loading, or both, continues. It shall be unlawful for an Owner of any Structures affected by this Code to discontinue, change or dispense with, or cause the discontinuance or change of the required Vehicle parking or loading space apart from the discontinuance of such Structure, without establishing alternative parking and loading space which meets the requirements of and is in compliance with this Code.

D. Methods of Providing Required Parking and Loading

1. All required parking shall be located on the same zoning Lot as the principal Use(s) it serves, except as provided below.
2. In lieu of actual Construction of required on-site Parking Spaces, all or any portion of the off-street parking required for a Use on a zoning Lot may be located on another zoning Lot, either by itself or combined as joint use or shared parking for other Uses, subject to approval of a Special Use Permit and certification by the County Administrator that the following requirements have been met:
 - a. The Use being served by the off-site parking shall be a permitted principal Use as established in Article II, in the zoning districts within which the zoning Lot containing such parking is located.
 - b. The off-site Parking Spaces shall be located within three hundred (300) feet walking distance of a public entrance to the Structure or land area containing the Use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the off-site parking and the Use being served.
 - c. The continued availability of off-site Parking Spaces, necessary to meet the requirements of this Section, shall be ensured by an appropriate reciprocal

Easement, satisfactory to the Office of the County Attorney and recorded with the Clerk of the Circuit Court of St. Johns County, Florida.

- d. For purposes of determining applicable minimum and maximum land Use intensities, the land area devoted to off-site parking shall be added to the land area of the zoning Lot containing the Use being served by such parking and shall be subtracted from the area of the zoning Lot containing the off-site parking.
- e. The provision of off-site required off-street parking shall not occur in residential districts, except as provided in Section 2.03.14.
- f. Off-site required off-street parking shall not be separated from the Use it serves by arterial or collector streets, as shown on the Major Street Map, or other similar physical barriers to convenient access between the parking and the Use.

E. Number of Required Off-Street Parking Spaces

The number of required off-street Parking Spaces is set forth in Table 6.18 below.

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TABLE 6.18

OFF STREET PARKING REQUIREMENTS	
Use	Parking Spaces Required
Single and two-family Dwellings	Two spaces per Dwelling Unit
Multi-Family Dwellings	Two spaces per Dwelling Unit plus one space for Owner or operator and one space for each two employees.
Rooming and Boarding Houses	One space for each two bedrooms
Mobile Home Parks and Subdivisions	Two spaces per Manufactured/Mobile Home
Institutional Uses such as sanitariums, rest homes, hospitals, and nursing homes	One space for each four beds plus one space for each employee
Place of public assembly such as auditoriums and theaters	One space for each four seats
Schools	Two spaces for each classroom, office room, kitchen, and gymnasium and auditorium
Clubs, lodges, dances, art and music studios, vocational, trade and business school and other similar semi-public Uses	One space for each 300 square feet of gross Floor Area
Churches and funeral homes	One space for each four seats in sanctuary or chapel area
Art Gallery, library, museum	One space for each six hundred square feet of gross Floor Area
Motels and Hotels	One space for each sleeping room plus one space for each employee. Additional spaces necessary for Accessory Uses such as restaurants shall also be provided
Restaurant, night clubs, bar or tavern	One space for each four seats in public rooms plus one space for each two employees
Theaters	Ten spaces for first one hundred seats plus one space for each additional five seats
Medical and dental office or clinic	One space for each doctor; plus one space for each two employees, plus one and one-half spaces for each consultation room or examining room, provided the maximum number of required spaces for each doctor shall not exceed seven
Professional and business offices (other than medical or dental)	One space for each five hundred square feet of gross floor space, plus one space for each two occupants or employees
Radio or television broadcasting office or studio	One space for each five hundred square feet of gross Floor Area
Business, commercial or personal service establishment (not otherwise listed)	One space for each five hundred square feet of gross Floor Area, plus where applicable, one space for each one thousand square feet of Lot or ground area outside Buildings used for any type of sales or display
Marinas	See Note 1 below
Bus, railroad or other transportation terminals	One space for each five hundred square feet of gross Floor Area plus one space for each two employees
Commercial shopping centers	One space for each one hundred fifty square feet of non-storage Floor Area
Industrial Uses	One space for each two employees of the maximum number employed on the premises at any one time plus one space for each 5,000 square feet of gross Floor Area
Ports	See Note 2 below

Special Note: Where fractional spaces result in the foregoing Parking Space requirements, the Parking Space shall be the nearest whole number.

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Note 1: Marinas

One space for each two of any combination of berths / slips / docking spaces served by, or a part of, the Marina that are, or can be, used by watercraft and vessels described in subparagraph (a) of Article XII of this Code, definition of Marina, plus one space for each 3.0 passengers and crew (and for each 1 or 2 persons over and above a multiple of 3) lawfully capable of being on each watercraft and vessel described in subparagraph (b) of Article XII of this Code, definition of Marina, for which the Marina provides or serves a berth / slip / docking space, plus one space for every 4 dry storage watercraft spaces (and for each one (1) to three (3) dry storage watercraft spaces over and above a multiple of 4) on the Marina. If a berth/slip/docking space is used by watercraft or vessels described in both subparagraphs (a) and (b) of Article XII of this Code, definition of Marina, then the greater number of required Parking Spaces shall apply. If a berth, slip or docking space is to be used at different times or days by different watercraft and/or vessels described in subparagraph (b) of Article XII of this Code, definition of Marina, then the number of required Parking Spaces attributable to such berth / slip / docking space shall be determined based upon the watercraft or vessel that is capable of carrying the greatest total number of passengers and crew. Other Uses within the Marina shall provide Parking Spaces at the normal rate for those Uses as required within other sections of this Code. The number of passengers and crew lawfully capable of being on a watercraft or vessel will be determined by the maximum number indicated on the Coast Guard Certificate of Inspection, or as indicated on a substantially similar government regulatory document, pertaining to the watercraft or vessel. Notwithstanding the previous sentence, the number of passengers and crew lawfully capable of being on one or more watercraft or vessels using a Marina may be reduced by written agreement of the County Administrator and the operator of the Marina. Vessels (i) that are in transit but stop, moor or dock at a Marina for less than five days in any three month period and (ii) that do not generate a need for Parking Spaces for privately owned or leased Vehicles of their passengers or crew shall not be used to calculate the number of Parking Spaces required at the Marina if the Marina provides sufficient additional Parking Spaces or parking areas necessary to serve all buses, taxicabs and other public transportation used to transport the vessel's passengers and/or crew to or from the Marina.

Note 2: Ports

One space for each 3.0 passengers and crew (and for each 1 or 2 persons over and above a multiple of 3) lawfully capable of being on each watercraft and vessel for which the Port provides or serves a berth, slip, or docking space, plus one space for every four (4) dry storage watercraft spaces (and for each 1 to 3 dry storage watercraft spaces over and above a multiple of 4) on the Port. If a berth, slip or docking space is to be used at different times or days by different watercraft or vessels, then the number of required Parking Spaces attributable to each such berth, slip or docking space shall be determined based upon the watercraft or vessel that is capable of carrying the greatest total number of passengers and crew. In the event that any berth, slip or docking space is used by two (2) or more watercraft or

vessels in a time sequence such that passengers and/or crew from such watercraft and vessels have a need to park or store their Vehicles during any same time period by reason of their association with such watercraft or vessels then the Port must have sufficient additional spaces to accommodate the Vehicle parking and storage needs of such passengers and crew. A Port will be in violation of this Section if it uses, or allows the use of, its facilities to provide or serve berths, slips or docking spaces used by such watercraft or vessels during such times without providing such spaces. Other Uses within the Port shall provide Parking Spaces at the normal rate for those Uses as required within other sections of this Code. The number of passengers and crew lawfully capable of being on a watercraft or vessel will be determined by the maximum number indicated on the Coast Guard Certificate of Inspection, or as indicated on a substantially similar government regulatory document, pertaining to the watercraft or vessel. Notwithstanding the previous sentence, the number of passengers and crew lawfully capable of being on one or more watercraft or vessels using a Port may be reduced by written agreement of the County Administrator and the operator of the Port. Vessels (i) that are in transit but stop, moor or dock at a Port for less than five (5) days in any three (3) month period and (ii) that do not generate a need for Parking Spaces for privately owned or leased Vehicles of their passengers or crew shall not be used to calculate the number of Parking Spaces required at the Port if the Port provides sufficient additional Parking Spaces or parking areas necessary to serve all buses, taxicabs and other public transportation used to transport the vessel's passengers and/or crew to or from the Port.

F. Calculation of Certain Parking Requirements

Where parking requirements relate to number of seats, and seating is in the form of undivided pews, benches, or the like, one (1) space per each three (3) permitted occupancy standard approved by the County Fire Marshall. Where parking requirements relate to movable seating in auditoriums and other assembly rooms, One (1) space per each three (3) permitted occupancy standard approved by the County Fire Marshall.

G. Determination for Unlisted Uses or Alternative Parking

1. For a Use not listed in the Table above in Section 6.05.02.E., the County Administrator shall make a determination based on a similar Use for the minimum required off-street Parking Spaces.
2. In reaching the determination, the County Administrator shall be guided by the requirements for similar Uses, the number and kind of Vehicles likely to be attracted to the proposed Use and studies of the parking requirements of such Uses in other jurisdictions.
3. The minimum dimensions for required off-street spaces shall be as follows:

H. Required Paving

1. Except for single and two family Dwellings and Agricultural and Related Uses, every off-street parking area shall be surfaced with asphaltic or portland cement binder pavement or an equivalent Improvement, so as to provide a durable and dustless surface. In making a determination as to the suitability of an equivalent Improvement, the County Administrator shall find that such Improvement:
 - a. Provides a safe and permanent surface, suitable for the quantity and quality of traffic expected to use it.
 - b. Provides a surface which will accept permanent delineation of Parking Spaces, aisles, accessways and maneuvering areas.
 - c. Provides a surface that will not contribute to erosion or sedimentation, either on-site or off-site.
 - d. Provides a surface that meets the design standards of the St. Johns County Administrator.
2. Parking for seasonal Uses or Uses not active on a daily basis may be exempted from the paving requirements above. Determination of the granting of said exemptions shall be made by the County Administrator.

I. Off-Street Parking Requirement Reduction

Where Protected Trees exist within a proposed parking area, the County Administrator may allow a reduction up to five percent (5%) of the number of required Parking Spaces to preserve existing Trees. In cases where less than ten (10) Parking Spaces are required, this provision shall not apply.

J. Off-Street Perimeter/Distant Parking Standards

1. Developers of commercial centers of one hundred thousand (100,000) square feet or larger may provide sodded grass Parking Spaces along the perimeter parking area or the area most distant from the entrance(s) to the Building of their off-street parking.
2. The sodded grass spaces shall be a maximum of ten (10) percent of the required number of spaces. In addition, all spaces provided in excess of the number required by this Code may be sodded.
3. The grass perimeter/distant Parking Spaces shall be stabilized using drought tolerant sod and shall include parking wheel stops and landscape barriers to protect landscaping within terminal/internal islands and landscaping within perimeter buffer areas.

4. The sodded grass perimeter/distant parking area shall be delineated on the commercial center's Site Plan.
5. Any other approved Uses with five hundred (500) or more Parking Spaces may provide sodded grass Parking Spaces along perimeter/distant parking areas provided that they meet Section 6.05.02.L.2. above.

K. Off-Street Loading Space, Required

1. Every Use requiring the receipt or distribution, by Vehicles, of materials and merchandise shall have one or more loading berths or other space for standing, loading and unloading on the same or adjoining premises in accordance with the requirements of the table below. Loading space shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served. Loading spaces shall not be used for the storage of Vehicles or materials, or to meet off-street parking requirements, or in conducting the Use.
2. The requirements in the table below shall apply to new Structures or additions to Structures, and shall not be considered to make any existing Structure non-conforming for lack of such off-street loading.
3. For any land Use which is not listed in the table below, the County Administrator, upon review of the proposed Use, shall specify the required number of loading spaces to be provided, using generally accepted traffic engineering practices and standards.

Off-Street Loading Requirements

<u>Land Use Classification</u>	<u>Space Requirements</u>
Hotel/Motel Uses	One loading berth for every one hundred thousand 100,000 square feet of Floor Area, up to a maximum of 5 berths.
Industrial and commercial Uses as follow	Minimum number of loading berths required
Under 8,000 square feet	1 berth
8,000--25,000 square feet	2 berths
25,000--50,000 square feet	3 berths
50,000--100,000 square feet	4 berths
100,000--Over square feet	5 berths

L. Off-Street Loading Space Standards

All off-street loading spaces shall meet the following standards:

1. Off-street loading spaces shall meet, be located and arranged so that a semi-trailer truck (WB 50 class) shall be able to gain access to and use such spaces by means of one continuous backing maneuver totally within the site.
2. Loading space shall observe the minimum street and interior setback established for Structures.
3. All loading space and maneuvering space shall be surfaced with an all-weather material which shall be maintained in a safe, sanitary, and neat condition.
4. No loading space shall be located so that a Vehicle using such space intrudes on or hinders the use of travel lanes, walkways, public or private streets, or adjacent properties.
5. Each required off-street loading space shall have a minimum width of twelve (12) feet and a minimum vertical clearance of sixteen (16) feet above finished grade of the space. The length shall be a minimum thirty (30) feet for local delivery and sixty (60) feet for semitrailers. A maximum of two-thirds (2/3) of the required loading spaces can be used for local delivery Vehicles.

M. Bicycle Parking

1. All bicycle parking facilities shall be located on the same Building site as the Use for which such facilities serve and as close to the Building entrance as possible without interfering with the flow of pedestrian or motor Vehicle traffic. Bicycle and auto parking areas shall be separated by a physical barrier which shall be at a minimum a two (2) foot high wall, fence or berm; a ten (10) foot wide buffer; or a six (6) inch curb with four foot buffer to protect parked bicycles from damage by cars.
2. All bicycle parking facilities shall be clearly identified as bicycle parking. Where bicycle parking areas are not clearly visible to approaching cyclists, Signs shall clearly indicate the location of the facilities. When possible, this facility should protect the bike from inclement weather including wind-driven rain. Bike parking shall be located in an area of high visibility and shall be well lighted.
3. Design Standards
 - a. Bicycle parking facilities shall include provisions for the secure storage and locking of bicycles in a stable position without damage to wheels, frames, or components. All required bicycle parking facilities shall be from an approved list of bicycle parking devices maintained by the County Administrator. Other devices may be used if it can be established by the County Administrator that

they are equivalent to any device on the approved list in function, quality, and Construction.

- b. An aisle or space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least four feet to the front or rear of a standard six (6) foot bicycle parked in the facility.
- c. All bicycle Parking Spaces shall conform to the following minimum design standards:

minimum width two (2) feet - minimum length six (6) feet
- d. The County Administrator shall be authorized to modify these standards where the facilities will be used predominately by bicycles having different space needs such as adult tricycles, or when another design (such as the provision of bike lockers) could serve the needs to an equal or greater degree.

PART 6.06.00 LANDSCAPING AND BUFFERING REQUIREMENTS

Sec. 6.06.01 Applicability And Exemptions

- A. Unless specifically exempted herein, it shall be unlawful for any person, firm, or corporation either individually or through agents, employees or independent contractors, to construct any Building or off-street vehicular use area on land within the unincorporated areas of St. Johns County without first having obtained a Developing Permit from St. Johns County. The terms and provisions of this Part shall apply to all Development within the unincorporated areas of St. Johns County except for the following exceptions:
1. Land which is used for Bona Fide agricultural operations.
 2. Land within the boundaries of an airport, heliport, helistop or ultralight flight park, determined by the Federal Aviation Administration or the Florida Department of Transportation to be required for the ground or aerial maneuvering of aircraft.
 3. Construction of an addition to an existing Building or Construction of a minor or ancillary Building or off-street vehicular use area with less than five (5) Parking Spaces.

Sec. 6.06.02 General Standards And Guidelines

- A. Plant Species
1. These standards and guidelines shall be in accordance with Sec. 4.01.05 Trees and Other Vegetation. Sec. 4.01.05 contains regulations on the minimum number of Trees, Tree Credits, Historic and Specimen Trees, exemptions, Protected Trees, Land Clearing, Tree replacement requirements, Tree Permits, Permit application procedures, along with other regulations about Trees and vegetation in unincorporated St. Johns County. Plant species shall be appropriate for their designated use and environment.
 2. The use of Xeriscape landscaping techniques and the use of native plants as part of the overall landscaping plan shall be required, as specified in these regulations. Information about Xeriscape landscaping and a list of appropriate native species which can be used in landscaping is found in Sec. 4.01.05.F.1.c. of this Code.
 3. A minimum of fifty (50) percent of the required Trees shall be native species, or hybrids or cultivars of native species. No species excluded from the Protected Tree definition may be used to meet this standard.
 4. Vegetation that exceeds twenty-five (25) feet in height at maturity should not be planted closer than ten (10) feet of the vertical plane of an existing power line, excluding service wires.

5. Non-living ground cover, such as rocks, gravel, and mulch, may be used in combination with living plant material. The use of artificial plants shall not be permitted to meet any of the landscaping requirements.

B. Minimum Number of Trees

There shall be a requirement of at least twenty-five (25) Tree Credits per acre. Additional regulations are required in Sec. 4.01.05

C. Tree Credits

Tree Credit requirements and scoring procedures are in Sec. 4.01.05.E.

D. Landscaping Material

The following plant material standards shall be considered the minimum requirements for complying with the Landscaping Regulations, unless specified differently elsewhere in these regulations.

1. Quality

Plant material shall conform to the standards for Grade #1 or better as given in the latest "Grades and Standards for Nursery Plants, Parts I and II," Florida Department of Agriculture and Consumer Services or to the standards as given in the latest "American Standard for Nursery Stock," American National Standards Institute. They shall be appropriate for St. Johns County annual weather and temperature patterns.

2. Installation

All landscaping shall be installed according to sound nursery practices. Plants grown in containers prior to installation shall be removed from their containers before they are planted in the ground.

3. Trees

At the time of planting, a Tree shall have a minimum height of eight (8) to ten (10) feet and two (2) inch of caliper. The use of exempted Tree species to meet the requirements of the landscaping regulations shall be prohibited with the exception of slash pines.

4. Palms

Where palms are used, only palms up to thirty percent (30%) of total required Trees will receive Tree Credit.

5. Shrubs

When used for screening purposes, shrubs shall be cold tolerant and non-deciduous and have a minimum height of twenty-four (24) inches at the time of planting and shall be spaced a maximum of three (3) feet on center.

6. Ground Cover Plants

Ground cover plants shall be spaced so as to present a finished appearance and have reasonably complete coverage within one (1) year after planting. The use of any non-living ground cover such as mulch, gravel, rocks, etc. shall be in conjunction with living plants so as to cover exposed soil.

E. Maintenance and Protection of Landscaping

1. The property Owner shall be responsible for the maintenance of all landscaped areas which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, free of refuse, debris and weeds.
2. Irrigation in Site Development Projects.
 - a. To maintain the landscaping in a healthy condition, all landscaped areas shall be provided with an irrigation system that supplies one hundred percent (100%) coverage to all required landscaping plant material. The irrigation system may consist of an automatic or manual underground system, drip system, quick coupling valves, or hose bibs located within fifty (50) feet of all landscaping plant material.
 - b. A low volume irrigation system should be used wherever possible to minimize evaporation.
 - c. The irrigation system shall use the lowest quality water available.
 - d. The irrigation system shall be designed to minimize adverse impacts to existing Trees and other vegetation to be preserved on the site. No irrigation shall be required within areas where existing vegetation is preserved. Where appropriate native plants are used to meet all the landscaping requirements, the County Administrator shall waive the requirement for a permanent irrigation system.
3. Where necessary to prevent encroachment by parked or moving Vehicles into landscaped areas, wheel stops or curbs shall be used and shall measure a minimum of six (6) inches in height and six (6) inches in width.
4. Paving, treating or covering a required landscaped area in a way that renders it impervious is prohibited.

F. Road Right-of-Way

1. Public and private road Right-of-Way may only contain Trees and other landscaping material after approved by the County Administrator in accordance with Part 6.04.00 Roadway, Drainage, & Utilities Standards. Provided their location does not present a traffic hazard, impede drainage, or adversely interfere with the use of the Right-of-Way by Utilities.
2. Written approval from the Florida Department of Transportation shall be required for all landscaping materials proposed for placement on State Highway System Rights-of-Way.

G. Scenic Roadways

1. Notwithstanding the provisions of the Landscaping Regulations, other landscaping standards shall apply to any Roadway that the Board by ordinance designates a Scenic Roadway to protect its special visual character.
2. Upon designation of any Scenic Roadway, all new Development, Permits, Improvements, including maintenance thereon, excluding individual single-family Lots, shall be in accordance with the following standards and any other Roadway-specific, Board of County Commission approved plan for the designated Scenic Roadway.

a. Rural Scenic Roadways

Outside the Development Area Boundaries on the Future Land Use Map, a forty (40) foot minimum undisturbed scenic buffer shall be provided adjoining the Right-of-Way which shall be left in a natural state, unless actively used for agricultural purposes. Land in Agricultural Use may continue in Agricultural Use.

b. Residential Scenic Roadways

Within the Development Area Boundaries on the Future Land Use Map, a thirty (30) foot scenic buffer shall be provided with four (4) Canopy Trees and four (4) understory Trees per one hundred (100) linear feet. If street Trees do not exist, the Developer shall provide one (1) street Tree for every fifty (50) linear feet.

3. If the property has sufficient area for the scenic buffer, no Building Permits shall be issued that would result in encroachment of the buffer area. If the property does not have sufficient area for the scenic buffer, any Use permitted in the zoning district shall be allowed to encroach into this area the minimum amount necessary to meet other setback requirements.

Sec. 6.06.03 Off-Street Vehicular Use Areas

A. Canopy Trees

Seventy percent (70%) of the required Trees shall be Canopy Trees. This provision does not exclude the use of existing Tree species for which credit is received in accordance with Section 4.01.05.E.

B. Existing Trees

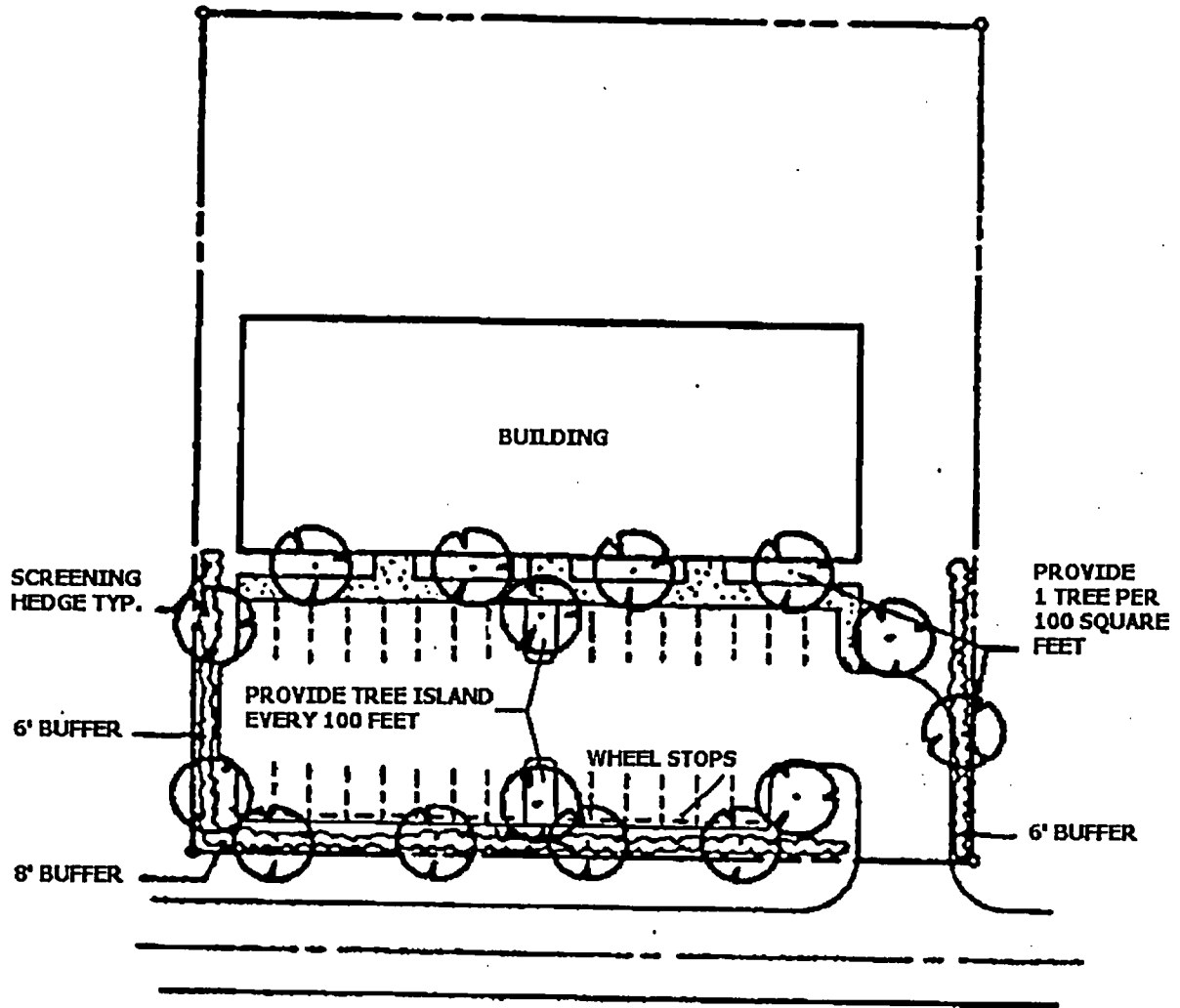
Existing Trees shall be credited toward the number of required Trees in accordance with 4.01.05.E., if the reduction does not subvert the intent of 6.06.03 to provide shaded areas throughout a parking lot.

C. Perimeter Buffer Adjacent to Road Right-of-Way

On any Parcel of land providing an off-street vehicular use area, where such area is not entirely screened from an abutting Right-of-Way by an intervening Building or other Structure, a landscaped buffer a minimum of eight (8) feet in width and containing an opaque screen of living landscape at least three (3) feet in height, of which the three (3) foot height may be obtained in one (1) year, and shall be twenty-four (24) inches at the time of planting, shall be provided between the off-street vehicular use area and the Right-of-Way, unless the buffer or screening requirements of Sections 6.06.04 and 6.06.04.C. are more stringent, in which case the more stringent requirements shall apply. (Figure 6.06)

FIGURE 6.06

Perimeter Buffer Adjacent to R-O-W



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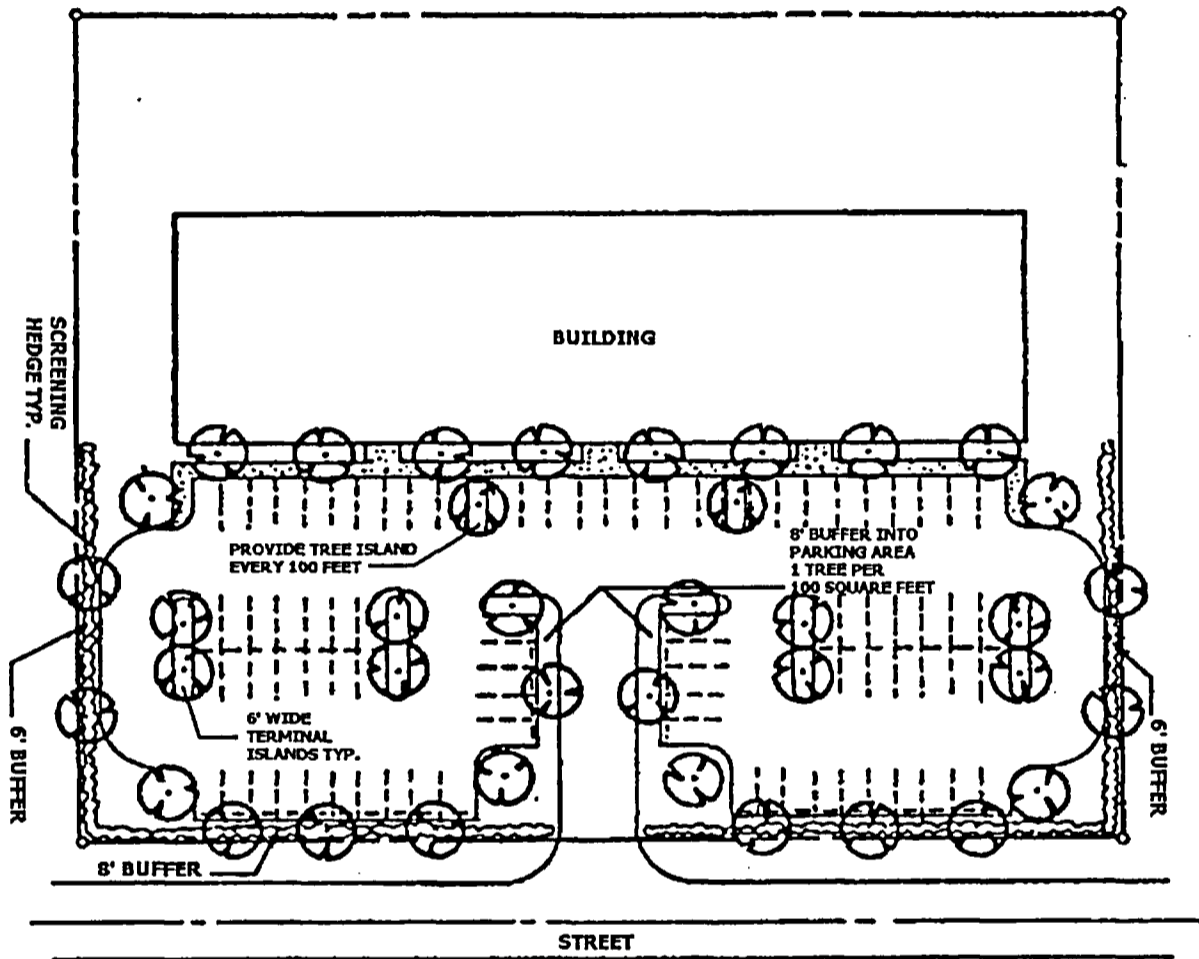
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D. Perimeter Buffer Adjacent to Parking Area Driveway

A driveway into a parking area shall be bordered by a landscaped buffer a minimum of eight (8) feet in width and three (3) feet in height. (Figure 6.07)

FIGURE 6.07

Perimeter Buffer Adjacent to Parking Area Driveway



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E. Other Perimeter Buffer

1. A landscaped buffer a minimum of six (6) feet in width shall be required between the off-street vehicular use area and any property boundary not fronted by a road right-of-way, unless the buffer or screening requirements of 6.06.04 are more stringent, in which case the more stringent requirements shall apply. The landscaped buffer shall not be required if such a buffer and required screening are provided on the adjacent property along said boundary.
2. A landscaped buffer a minimum of six (6) feet in width shall be provided between the offstreet vehicular use area and another Use on the property, e.g., Building, Stormwater retention or detention pond, open space. As an alternative to providing this perimeter buffer adjacent to a Building, landscaped islands may be provided in accordance with 6.06.03.H.2.
3. A perimeter buffer is optional along the phase boundary of phased Construction where the off-street vehicular use area does not front on road right-of-way.

F. Terminal Islands

A row of Parking Spaces abutting a perimeter landscaped buffer shall be terminated at an access point by a landscaped island. The island shall measure not less than six (6) feet in width from inside of curb to inside of curb and shall extend the required length of the Parking Space. At least one (1) Tree shall be planted in the island. The remainder of the island shall be landscaped; and the landscaping material may include grass, ground cover, mulch, shrubs, Trees or other landscaping treatment, excluding sand or pavement.

G. Perimeter Landscaping

1. At least one (1) Tree Credit for each fifty (50) linear feet of property perimeter shall be required. Where a six (6) or eight (8) foot buffer is required, newly planted Trees shall be located within the buffer so as to maximize shading of the Vehicle use area.
2. Wherever off-street Parking Spaces for ten or more automobiles are located closer than forty (40) feet to a Lot zoned residential and when such Parking Spaces are not entirely screened visually from such a Lot by an intervening Building or Structure, there shall be provided along the Lot line a continuous screen with a minimum height of six (6) feet. Such screen shall consist of a solid wall, fence or compact permanent shrubbery.
3. The remainder of a perimeter buffer shall be landscaped; and the landscaping material may include grass, ground cover, mulch, shrubs, Trees or other landscaping treatment, excluding sand or pavement.

H. Interior Requirements

1. Terminal Islands

A row of Parking Spaces not abutting perimeter landscaped areas shall be terminated on each end by a terminal island. When an Interior Tree Island is not required as a terminal island in accordance with the subsection below, an island no less than six (6) feet in width, measured from back of curbs, and extending the required length of the Parking Space shall be provided. At least one (1) Tree shall be planted in the island. When an Interior Tree Island is required as a terminal island in abutting rows of Parking Spaces, the island abutting the terminal Tree island shall be no less than five (5) feet in width, measured from back of curbs, and shall extend the required length of the Parking Space. Terminal islands shall be landscaped and the landscaping material may include grass, other vegetative ground cover, mulch, shrubs, or other landscaping treatment, excluding sand or pavement.

2. Interior Tree Islands

Interior Tree Islands shall be provided as indicated below:

All Vehicle use areas and other paved ground surface areas used shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.

- a. Within each vehicular use area of nine thousand (9,000) square feet or more, there shall be a minimum of five percent (5%) of landscape area which shall be reasonably distributed within each nine thousand (9,000) square feet area. Interior landscape areas shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of one hundred (100) feet. Each landscape Tree island shall be a minimum of nine (9) feet wide and extend the entire length of the Parking Space.
- b. Each separate landscaped area shall contain at least one (1) Tree, and a Tree shall be planted for each one hundred (100) square feet on internal landscaping. All internal landscaping shall be protected from vehicular encroachment by curbing or wheel stops.
- c. Landscape islands may be relocated and exceed the one hundred (100) foot distance requirement to preserve existing Trees and meet the requirements of Part 4.01.00.

3. Divider Medians

As an alternative to providing Interior Tree islands within abutting rows of Parking Spaces, a landscaped divider median between abutting rows of Parking Spaces shall be provided. The minimum width of a divider median shall be six (6) feet measured from inside of curb to inside of curb. At least one (1) Tree for each one

hundred (100) square feet of required divider median shall be planted in the median with Trees located along the median to maximize shading of the parking area. The remainder of the divider median shall be landscaped; and the landscaping material may include grass, ground cover, mulch, shrubs, Trees or other landscaping treatment, excluding sand or pavement. When this alternative is chosen, the minimum width of the terminal islands shall be six (6) feet, measured inside of curb.

4. Variations

Alternative interior parking lot landscaping designs in lieu of Interior Requirements above may be considered for irregularly shaped parking lots, and parking lots utilizing existing Trees or other vegetation, provided shaded areas are distributed throughout the parking lot and provided the area of interior landscaping is comparable to that furnished by the above requirements. For example, where credit is received for the retention of existing Trees in accordance with 6.06.02.C., approval shall be given for reducing the number or width of shade Tree islands or relocating the shade Tree islands, provided the alternative does not subvert the intent to provide shaded areas throughout the parking lot.

I. Public Takings

1. Where a lawful public taking or an action pursuant to court order results in a reduction of the required perimeter buffer and associated landscaping, this reduction shall not result in a violation of the landscaping requirements of this Code, provided the property Owner clearly demonstrates that reasonable alternatives are not available to retain or provide the buffer and landscaping material in a manner consistent with County regulations and zoning conditions if applicable.
2. In the event Improvements are made to the property subsequent to a lawful public taking or an action pursuant to court order, only those areas within the limits of the improved area shall be required to meet the current perimeter buffer and landscaping requirements.

Sec. 6.06.04 Buffering And Screening Requirements

A. Buffers Between Incompatible Land Uses

The required buffer distance between proposed land Uses and the zoning Lot line is set forth in the tables below. If the land next to the proposed Development is vacant, the buffer required shall be determined by the existing zoning on the adjacent vacant Parcel. If the adjacent Parcel is vacant but is zoned for a more intensive zoning district, no buffer area shall be required of the less intensive Use. The relative degree of intensity shall be determined as follows:

TABLE 6.19

Table of Intensity for Buffers and Screening

<u>Group</u>	<u>Land Use Classification</u>
1	Residential - Single-Family
2	Residential - Multi-Family less than or equal to six (6) units/acre (u/a)
3	Residential - Multi-Family greater than or equal to six (6) u/a Cultural/Institutional Office and Professional Services
4	Neighborhood Business and Commercial General Business and Commercial
5	High Intensity Commercial Highway Commercial Public Service/Emergency Service
6	Light Industrial Heavy Industrial Mining and Extractive Regional Business and Commercial Regional Cultural and Entertainment Solid Waste & Correctional Facilities Correctional Institutions
7	Outdoor/Passive Agricultural (Except Bona Fide Agricultural and Silvicultural Uses)

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Buffer Screening Matrix

<u>Proposed Use Intensity Group</u>	<u>Abutting Use Intensity Group</u>						
	1	2	3	4	5	6	7
1	None	5/A	20/B	10/A	20/B	30/C	10/A
2	5/A	None	5/A	10/A	20/B	30/C	10/A
3	20/B	5/A	None	10/A	20/B	30/C	25/B
4	10/A	10/A	10/A	None	10/A	20/B	15/B
5	20/B	20/B	20/B	10/A	None	15/B	25/B
6	30/C	30/C	30/C	15/B	20/B	None	30/B
7	10/A	10/A	25/B	15/B	25/B	30/B	None

Legend

Buffer Width in Feet/Screening Standard

B. Screening

1. Screening shall be installed within the buffers required above. Screening shall not be over four (4) feet tall in Front Yards, except as described in Part 6.06.00. In meeting the screening standards, it is recommended that staggered hedge row plantings be installed on three (3) foot centers to achieve the opacity indicated.
2. The required height of screening material is an effective height as measured from the property line.
3. Screening Standard "A"

Required screening shall consist of the following:

 - a. Evergreen plants, at the time of planting, shall be six (6) feet in height and provide an overall screening opacity of seventy-five percent (75%); or
 - b. A masonry wall six (6) feet in height, located within the required buffer; architecturally finished on all sides, and if a block wall, shall be painted on all sides; or

- c. A solid wooden fence six (6) feet in height (finished side out); or
- d. A berm not steeper than two to one (2:1) in combination with 1, 2, or 3 above, to achieve a minimum height of six (6) feet and seventy-five percent (75%) opacity at the time of installation; and
- e. Lawn, low growing evergreen plants, evergreen ground cover, or rock mulch covering the balance of the buffer.

4. Screening Standard "B"

Required screening shall consist of the following:

- a. The requirements of Screening Standard "A"; and
- b. A row of evergreen Canopy Trees which are not less than ten (10) feet high at the time of planting, a minimum of two (2) inch caliper, and are spaced not more than twenty (20) feet apart. The Trees are to be planted within ten (10) feet of the property line.

5. Screening Standard "C"

Required screening shall consist of the following:

- a. A row of evergreen Canopy Trees which are not less than ten (10) feet high at the time of planting, a minimum of two (2) inch caliper, and are spaced not more than twenty (20) feet apart. The Trees are to be planted within ten (10) feet of the property line; and
- b. A masonry wall, architecturally finished on all sides, located within the required buffer; such wall shall be a minimum height of six (6) feet and, if a block wall, shall be painted on all sides; and
- c. Lawn, low growing evergreen plants, evergreen ground cover, or rock mulch covering the balance of the buffer.

6. Areas Adjacent to Arterials and Major Collectors

If proposed residential Development is adjacent to Arterials or Major Collectors, screening shall consist of the landscaping required per Screening Standard "B" above or a berm/planting combination, with the berm an average height of four (4) feet and dense plantings which will, when combined with the berm, achieve a minimum height of eight (8) feet and seventy-five percent (75%) opacity within two (2) years of planting. If demonstrated that screening has been or will be provided by another entity to an equivalent or higher degree, the Board of County Commissioners may waive any portion or all of these requirements.

7. Open Storage

- a. Open storage which constitutes the principal Use of a site shall be buffered in accordance with screening standard "C".
- b. Open storage areas which are accessory to a principal Use shall be screened from view of any street and from residentially zoned land as follows:
 - (1) Where an open storage area is in view from a street, the method of screening shall consist of solid masonry walls or solid wooden fences at least six (6) feet in height, or evergreen shrubs which at the time of installation shall be six (6) feet in height and seventy-five percent (75%) opaque and shall grow to form a continuous hedge, with access from the street only through solid gates which shall be closed except when in use. Said screening shall extend interior to the site a minimum of one hundred (100) feet from the street property line or the entire depth of the open storage area, whichever is less, unless an existing permanent Structure shields the storage area from public view.
 - (2) Where an open storage area is in view from a residentially zoned district within two hundred (200) feet, the method of screening shall consist of solid wooden fences or painted solid masonry walls at least six (6) feet in height, or evergreen shrubs which at the time of installation shall be six (6) feet in height and seventy-five percent (75%) opaque and shall grow to form a continuous hedge. Said screening shall be installed along all boundaries of the storage area including internal boundaries, that are in view from the residential districts.

8. Solid Waste Storage

All new Buildings and Uses, except for Single-Family and two-family Dwellings, shall provide facilities for the central storage of solid waste within the Lot. Where such facilities are provided outside of a Building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front Building wall of the main Building.

9. Mechanical Equipment

All non-residential and non-Agricultural Uses shall screen all mechanical equipment, including rooftop equipment, such as but not limited to air conditioners, or pumps, from view from public places and neighboring properties. Ground level equipment shall be screened through the use of features such as berms, fences, false facades or dense landscaping. Rooftop equipment shall be screened through the use of a parapet wall or false facade that is an integral part of the Structure.

Sec. 6.06.05 Review, Permitting, And Compliance Procedures

A. Landscape Plan

1. Whenever the provisions in accordance with this Part apply, a Landscaping Plan prepared by a Landscape Architect registered to practice in the State of Florida, or other authorized individuals as set forth in Chapter 481, Part II, F.S. shall be submitted to the County Administrator for review upon application for Site Plan review.
2. The Landscaping Plan shall include information as set forth in the Development Review Manual.

B. General Procedure

Except as modified below, a Landscaping Plan or Master Subdivision Landscaping Plan shall be submitted and reviewed in accord with the Procedures for Issuance of Development Permits 9.01.00.

C. Modifications to General Procedure

1. A copy of the landscaping plan shall be available onsite during installation of the landscaping.
2. No Certificate of Occupancy or Certificate of Completion shall be issued until the County Administrator has performed a final inspection and determined compliance with the minimum landscaping requirements according to the approved plan and the Construction Permit, if required.
3. Periodic reinspections may be performed by the County Administrator to ensure the healthy survival of required landscaping material according to the approved plan. Landscaping material identified as deficient shall be replaced by the Owner of the property within forty-five (45) days of written notification by the County Administrator.

PART 6.07.00 HEIGHT REGULATION

Sec. 6.07.01 Excluded Portions of Structures

Except as specifically provided herein, the height limitations of this Code shall not apply to any roof Structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors, or similar equipment required to operate and maintain the Building (provided that such Structures shall not cover more than twenty percent (20%) of roof area or extend over ten (10) feet in height), nor to church spires, steeples, belfries, cupolas, domes, monuments, water towers, skylights, flag poles, vents, Construction or mining cranes or draglines, or similar Structures, which may be erected above the height limit, nor to fire or parapet walls, provided, however, that such walls shall not extend more than five (5) feet above the roof.

Sec. 6.07.02 Aviation Hazards

No Building or other Structure (regardless of exclusions set forth above) shall be located in a manner or built to a height which constitutes a hazard to aviation or creates hazards to persons or property by reason of unusual exposure to aviation hazards. In any area within the unincorporated portion of St. Johns County, in addition to height limitations established by this code, limitations established by lawful Federal, State, and St. Johns County ordinances, rules, and regulations, shall apply to heights of Buildings, Structures, and natural vegetation. Refer to Section 3.04.00 for additional requirements.

Sec. 6.07.03 Amateur Radio Antenna Support Structures

Section 125.0185, Florida Statutes (1991), and Federal Communications Commission "Amateur Radio Preemption", 101 FCC 2d 952 (1985) require County regulations to reasonably accommodate amateur communication, and to represent the minimum practicable regulation to accomplish the local authority's legitimate purpose. Under these federal and state preemption provisions, Amateur Radio Antenna Support Structures are excluded from regulation under the provisions of this Code.

Sec. 6.07.04 Unusually Tall Structures

Unless specifically stated otherwise elsewhere in this Code concerning height, towers that are principal Structures in themselves, such as high voltage transmission line towers, telephone or electronic relay or transmission towers; grain elevators, silos and other such Agricultural Uses; and similar principal Structures, may only exceed the height limitations established for the district wherein they are proposed for relocation following review by the County Administrator who may only grant the Permit where he finds:

- A. That the proposed Structure would not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport;
- B. That the proposed Structure is consistent with the existing surrounding Uses, and is compatible with the existing neighborhood Development;

- C. That the proposed Structure is consistent with any adopted or projected Development Plan for the area;
- D. That the proposed Structure is not detrimental to the existing or proposed Use of any neighboring property, and does not unreasonably restrict the free flow of light, sunlight and air to those properties.

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PART 6.08.00 SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES

Sec. 6.08.01 Generally

The following Uses have been determined to require additional design standards to ensure compatibility with adjacent Uses and the surrounding neighborhood. The standards described for each Use below shall supplement and be in addition to the standards and criteria otherwise required within this Code. Compliance with these supplemental standards shall be determined during Development review and shall not require any additional procedural steps or review processes. Unless stated differently below the following Uses shall be allowed only in the appropriate zoning district as provided in Part II of this Code.

Sec. 6.08.02 Adult Care Center

- A. Adult Care Center shall be permitted without regard to subsequent standards set forth in this Section if such Uses are accessory to the following permitted Uses: churches, social service agencies, health care facilities, community centers, or elderly housing Developments. Said adult care center Uses may be on a Lot with the aforementioned permitted Uses, or on an adjoining Lot, may be a part of the principal Structure, or may be housed in a second Structure on such Lots.
- B. The location and extent of the center shall not adversely affect the character of the existing neighborhood. The adult care center not governed by section 6.11.05.A. shall be located in a Building that is in scale with the Buildings located within two hundred (200) feet of said Building. Said adult care center Buildings shall not deviate by more than thirty percent (30%) from the median scale of neighboring Buildings as determined by site volume ratio and total Building volume.
- C. No overnight lodging shall be permitted for any type of adult care center.
- D. Adult care center with a capacity of ten (10) or less individual may be requested in specified zoning districts per Section 2.03.04. Those adult care centers with a capacity of more than ten (10) individuals shall be allowed only in a non-residential district. Those adult care center with a capacity of more than twenty-five (25) individuals shall access from an Arterial or Major or Minor Collector.
- E. Required patron parking shall be adjacent to the center and clearly designated by raised directional signage and pavement or wheel stop markings. Each Parking Space shall be fronted with wheel stops set two (2) feet from a continuous five (5) foot wide sidewalk leading to the Building entrance, or a raised curb and a continuous seven (7) foot wide sidewalk leading to the Building entrance.
- F. If a circular driveway is provided for pick-up/drop-off of children, the following shall be required in addition to Paragraph A above; a paved circular driveway, twelve (12) feet in width with a minimum inside turning radius of twenty (20) feet, and an area a minimum of fifteen (15) feet from the designated discharge point where the children are picked up or

dropped off, into which cars shall not park or back. If fire regulations require the designation of a fire lane, then the width of the circular driveway shall be at least twenty (20) feet.

- G. Employee and van parking shall be designated by raised directional signage and pavement or wheel stop markings.

Sec. 6.08.03 Agricultural Equipment Storage

- A. This Use shall be allowable in the OR zoning district.
- B. Agricultural equipment storage is an Accessory Use and shall be located only on a Lot with a permitted principal Use.
- C. Equipment storage shall be located a minimum of two hundred (200) feet from the zoning Lot boundaries.
- D. Agricultural equipment shall not include junk or inoperable equipment.
- E. Agricultural equipment storage shall not include equipment sales.

Sec. 6.08.04 Animal Hospital, Veterinary Clinic, General and Small

- A. All activities, with the exception of animal exercise yards, shall be conducted within an enclosed Building.
- B. If completely enclosed with four solid walls, Buildings housing animal hospitals or veterinary clinics shall be located no closer than fifty feet from any adjacent residentially zoned property. Buildings housing animal hospitals or veterinary clinics, which are not fully enclosed, shall be located no closer than one hundred fifty feet from any adjacent residentially zoned district.
- C. Exercise areas shall be not less than one hundred (100) feet from any Dwelling Unit on adjacent property and seventy-five (75) feet from any residentially zoned property with the exception of farm animal grazing areas containing a density of less than three farm animals per acre. Such grazing areas may be located anywhere on the Lot. If the exercise area does not meet the requirements of Article VII, the confinement yard shall not be less than two hundred (200) feet from any Dwelling Unit on adjacent property and one hundred fifty (150) feet from any residentially zoned property with the above exception for farm animals. The operator of the animal hospital/veterinary clinic shall be responsible for using good management practices to discourage undesirable odors, insects, and excessive noise.

Sec. 6.08.05 Boarding House

- A. In each boarding house, for the purposes of calculating Density, every two and a half (2.5) residents shall constitute one (1) Dwelling Unit. Therefore the facility must be located on a Lot large enough to meet the Density requirements of the Comprehensive Plan for the

equivalent number of Dwelling Units or the minimum requirements of the zoning district in which it is located, whichever is more restrictive.

- B. All boarding houses containing more than fifteen (15) residents shall have direct access to a Arterial or Major or Minor Collector.
- C. Where boarding houses shall be located within two (2) Lots, or one hundred (100) feet, from the boundary of a Single Family residential zoning district of lesser Density than permitted in the zoning district in which said boarding house is located, then said boarding house shall be in scale with the Building located within two hundred (200) feet of said boarding house. Said boarding house shall not deviate by more than thirty (30) percent from the median scale of such neighboring Buildings as determined by site volume ratio and total Building volume.

Sec. 6.08.06 Bus Terminal

- A. Such Use shall not adjoin a residential zoning district of less than six (6) Dwelling Units per acre.
- B. Such Uses shall be separated from any residentially zoned property by a minimum thirty (30) foot buffer.

Sec. 6.08.07 Canopies and Gasoline Pump Islands as Accessory Uses

The canopies provided over the pump islands at gas stations, service stations and convenience stores, and the pump islands themselves shall meet the Yard requirements of a principal Structure. However, if the following requirements can be met, the canopy and pump islands may intrude a limited amount into a Front Yard:

- A. The outside edge of the canopy may intrude up to ten (10) feet into the required Front Yard as measured from the rear of the required Front Yard.
- B. Pump islands, their surrounding Structures and the canopy support Structures may encroach up to ten (10) feet into the required Front Yard provided that traffic movements between the pump island and the street right-of-way are restricted to one-way.
- C. Neither the canopy nor the pump islands shall block visibility at intersections of rights-of-way or drives.

Sec. 6.08.08 Cemeteries, Human

- A. A minimum Lot size for the entire cemetery site shall be eighty-five thousand (85,000) square feet.
- B. There shall be adequate space within the site for the parking and maneuvering of funeral corteges.

- C. No interment shall take place within thirty (30) feet of any adjoining Lot line.
- D. All Structures shall be set back a minimum of twenty (25) feet from any boundary line of the cemetery property.
- E. All Structures over twenty-five (25) feet in height must be set back from any boundary line of the cemetery a minimum of twenty-five (25) feet plus two (2) feet for each one (1) foot of height over twenty-five (25) feet to the maximum height permitted by the zoning district in which it is located or fifty (50) feet, whichever is more restrictive.

Sec. 6.08.09 Cemeteries, Pet

- A. A minimum Lot size of one (1) acre is provided for the entire cemetery property.
- B. No interment shall take place within thirty (30) feet of any adjoining Lot line.
- C. All Structures shall be set back a minimum of twenty-five (25) feet from any boundary line of the cemetery property.
- D. All Structures over twenty-five (25) feet in height must be set back a minimum of twenty-five (25) feet plus two (2) feet for each one (1) foot of height over twenty-five (25) feet to the maximum height permitted by the zoning district in which it is located or fifty (50) feet whichever is more restrictive.

Sec. 6.08.10 Child Care Center

- A. Child care center with a capacity of ten (10) or less children may be requested in specified zoning districts per Section 2.03.04. Those child care centers with a capacity of more than ten (10) children shall be allowed only in a non-residential district and shall access from an Arterial or Major or Minor Collector.
- B. Required patron parking shall be adjacent to the center and clearly designated by raised directional signage and pavement or wheel stop markings. Each Parking Space shall be fronted with wheel stops set two (2) feet from a continuous five (5) foot wide sidewalk leading to the Building entrance, or a raised curb and a continuous seven (7) foot wide sidewalk leading to the Building entrance.
- C. If a circular driveway is provided for pick-up/drop-off of children, the following shall be required in addition to Paragraph A above; a paved circular driveway, twelve (12) feet in width with a minimum inside turning radius of twenty (20) feet, and an area a minimum of fifteen (15) feet from the designated discharge point where the children are picked up or dropped off, into which cars shall not park or back. If fire regulations require the designation of a fire lane, then the width of the circular driveway shall be at least twenty (20) feet.
- D. Employee and van parking shall be designated by raised directional signage and pavement or wheel stop markings.

- E. A fenced outdoor play area for the children shall be provided. The Use of the play yard shall be limited to between 8:00 a.m. and 6:00 p.m. if the fenced play area is within one hundred (100) feet of a residential zoning district unless otherwise specifically approved by the Board of County Commissioners.
- F. The location and extent of the facility shall not adversely affect the character of the existing neighborhood.
- G. The Child Care Center shall be of a design, intensity and scale to serve the surrounding neighborhood and to be compatible with the surrounding land Uses and zoning.

Sec. 6.08.11 Colleges/Community Colleges/Universities

- A. The site shall have a minimum area of ten (10) acres.
- B. The Use shall qualify for accreditation by the Southern Associations of Colleges and Schools.

Sec. 6.08.12 Communication Antenna Towers

A. Intent and Purpose

- 1. It is the intent of this Section to promote the health, safety and general welfare of the citizens by regulating the siting of Antenna Towers to accomplish the following purposes:
 - a. To direct the location of Antenna Towers within the County;
 - b. To protect residential areas and land Uses from potential adverse impacts of Antenna Towers;
 - c. To minimize adverse visual and aesthetic impacts of Antenna Towers through careful design, siting, landscape screening, and innovative aesthetic mitigation;
 - d. To accommodate the growing need for Antenna Towers;
 - e. To promote and encourage Collocation of existing and new Antenna Towers as the preferred option rather than Construction of additional single-Use towers;
 - f. To consider the public health and safety of Antenna 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.

B. Applicability

1. All new Antenna Towers in 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 Section, the provisions of this Section shall override and supersede such other regulations unless otherwise specifically set forth herein.
2. The provisions of this Section, other than the minimum distance requirements from residential districts, shall not apply to Antenna Towers and Antennas located on property, rights-of-way or Easements owned by any governmental entity.
3. All Antenna Towers lawfully existing on the initial effective date of this Code 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 Collocation on an existing Antenna Tower shall comply with the requirements of this Section. Replacement of an operational tower which lawfully existed and was permitted by applicable regulations on the initial effective date of this Code 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 one hundred twenty (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 Collocation of an additional user or users. The provisions of this Section, other than Section 6.08.12.S. shall not apply to replacement towers, as provided herein.
4. For the purposes of this Section, an Antenna Tower that has received final approval in the form of either an Special Use, Variance or Building Permit, but has not yet been constructed, shall be considered an existing Structure so long as such approval is valid and unexpired.
5. No rezoning, Special Use or Variance shall be required to locate an 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 Antenna Towers, recreational light fixtures and other essential public service Structures.
6. Structures supporting only Ham/CB/TV Antennas that are under seventy (70) feet in height, or with a setback greater than one hundred percent (100%) of the Structure height shall be exempt from this Section provided those Structures meet applicable Building Codes, manufacturer's specifications and recommendations. Applicants proposing Ham/CB/TV antennas greater than seventy (70) feet with a setback of less than one hundred percent (100%) shall provide documentation

showing compliance with the Structural Maintenance and RF radiation standards of this Section.

C. Location on Lot

An Antenna 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.

D. Minimum Distance of Antenna Towers from Residential Zoning Districts

1. Regardless of the zoning district in which the Antenna Tower is located, the minimum distance of the tower shall not be less than two hundred, fifty (250) feet from the nearest Lot line of any residential zoning district or Open Rural (OR) district.
2. Minimum distances shall be measured from the center of the base of the Antenna Tower to the Lot line of the applicable residential zoning district or Parcel, as the case may be.
3. Notwithstanding anything to the contrary in this Code, except as provided in Section 6.08.12.B. above, no Antenna Tower other than an unguyed monopole tower or Alternative Tower Structure shall be located in any residential zoning district.

E. Maximum Height

The maximum height of Antenna Towers shall be:

1. In all residential districts:
 - a. If constructed for a single user, up to ninety (90) feet in height; or
 - b. If constructed for two or more users, up to one hundred fifty (150) feet in height.

If located in a residential district or within five hundred (500) feet of a residential district, the Antenna Tower shall not exceed the minimum height requiring lighting as designated by the FAA and shall not be lighted.

2. In all other zoning districts:
 - a. If constructed for a single user, up to one hundred fifty (150) feet in height;
 - b. If constructed for two users, up to two hundred fifty (250) feet in height;

- c. If constructed for three or more users, up to three hundred (300) feet in height.
- 3. An Antenna Tower shall be considered to be constructed for more than one user if it is constructed so as to provide sufficient excess capacity over the initial single user loading for one or more additional comparable users.
- 4. Measurement of Antenna Tower height shall include, base pad, and other all appurtenances and shall be measured from the finished grade of the Tower Site to the top of the tower or the top of the highest appurtenance whichever is higher.

F. Minimum Yard Requirements

The fenced Yard of the Tower Site shall be at least large enough to contain the debris from the tower should it fail, all guy anchors (if applicable), and all other equipment and/or Buildings required for the Antenna Tower. For a guyed tower, the fenced Yard shall contain the Antenna Tower and guy wires plus an additional ten (10) feet.

G. Illumination

No signals, lights, or illumination shall be permitted on the Antenna Tower, unless required by a federal, state, or local agency, or such lighting or illumination is part of the design of a camouflage scheme, or County approved security lights mounted no higher than thirty-five (35) feet above finished grade. The applicant may use High Pressure Sodium, Mercury Vapor, Metal Halide or Quartz Halogen security lights with no more than two hundred watts of total capacity per luminaire. The luminaire shall direct the light downward so as to avoid shining on adjacent property. Area lights or luminaires that shine in all directions to the horizon, shall not be permitted. If a federal, state or local agency requires lighting, the most unobtrusive method of lighting available shall be requested from the regulating agency.

H. Finished Color

Antenna Towers not requiring FAA painting/markings shall have either a galvanized finish or a dull blue or gray finish. However, St Johns County may approve other color schemes, on a case-by-case basis, when the applicant shows that such a color scheme would be more effective in blending with the area immediately surrounding the tower. Regardless of the final painting/markings scheme, all towers shall comply with TA/EIA 222-F Section 5 or the most current revision unless otherwise authorized by St. Johns County.

I. Structural Design

- 1. Antenna Towers shall be designed and constructed to ensure that the structural failure or collapse of the tower shall not create an unreasonable safety hazard, according to all applicable County Building Codes. A Professional Engineer shall seal all plans for the Construction of towers. Further, any Improvements and/or additions (i.e. antenna, satellite dishes, etc.) beyond the original design to existing

Antenna Towers less than seven hundred (700) feet in height, and any Structural Modification to towers higher than seven hundred (700) feet shall require submission of Site Plans and structural verification sealed and verified by a Professional Engineer which demonstrates compliance with the TA/EIA 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 TA/EIA 222-F Standards or most current equivalent standards.

2. New towers and those to be modified which are positioned on their land so that there is less than one hundred twenty percent (120%) of the total height of the tower to any property boundary shall be specifically designed to fail in such a way that all debris shall reasonably be expected to fall within the confines of the Tower Site.
3. The Owners of new Antenna Towers and those proposing modifications to existing Antenna Towers for which a Building Permit is required and which are positioned on their land so that there is less than one hundred twenty percent (120%) of the total height of the tower to any property boundary shall be required to maintain the tower as per the maintenance requirements of this Section.

J. Fencing

A minimum six foot finished masonry wall or fence, other than chain link, with not less than eighty-five percent (85%) opacity shall be required around all Antenna 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.

K. Required Signs

A Sign, measuring no more than thirty (30) inches wide by twenty-four (24) inches high, identifying the primary party responsible for the operation and maintenance of the facility, the address and telephone number of that party and if appropriate, and the FCC/FAA registration number of the Structure shall be permanently attached to the fence or wall surrounding the Antenna Tower. The E-911 address shall also be displayed in a conspicuous place.

L. No Advertising

Neither the Antennas, Antenna Tower, nor the Tower Site shall be used for advertising purposes and shall not contain any Signs for the purposes of advertising.

M. Landscaping

The visual impacts of residentially or commercially located Antenna Towers shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary Structures.

1. The following landscaping and buffering of Antenna Tower shall be required around the perimeter of the tower and Accessory Structures:
 - a. 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;
 - b. 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 eight (18) months, shall be planted in front of the Tree line referenced above;
 - c. All required landscaping shall be of the evergreen variety;
 - d. All required landscaping shall be native drought tolerant species and/or irrigated and properly maintained to ensure good health and vitality.
2. Required landscaping shall be installed outside the fence or wall.
3. Existing vegetation shall be preserved to the maximum extent practicable and may be credited as appropriate toward landscaping requirements.
4. These standards may be waived by St Johns County for those sides of the proposed tower that are located adjacent to undevelopable lands and lands not in public view.
5. Vegetation shall be maintained in a healthy state and vegetation that perishes or fails to thrive shall be replaced.

N. Abandonment

1. In the event the use of any Antenna Tower has been discontinued for a period of one hundred eighty (180) consecutive days, or if required obstruction lights are out of service for sixty (60) consecutive days, or if the electrical power is turned off for sixty (60) consecutive days then, the tower shall be deemed to be abandoned. Determination of the abandonment shall be made by St Johns County based on documentation and/or affidavits from the Antenna Tower Owner/operator regarding the issue of tower usage. Upon St Johns County's determination of such abandonment, the Owner/operator of the tower shall have an additional one hundred eighty-five (185) days within which to:

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- a. Reactivate use of the tower or transfer the tower to another Owner/operator who makes actual use of the tower, or
 - b. Dismantle and remove the tower.
2. 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 Special Use Permit, Special Use and/or Variance approval for the tower shall automatically expire.

O. Antenna Tower Applications for Special Uses and Variances

Part 9.03.00 deals with the procedures for obtaining applications and forms provided by the County Administrator. The County Administrator will provide the information required for Special Use and Variance submittals.

P. Special Uses

The Antenna Tower shall 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 Antenna Tower, the mitigating effect of any existing or proposed Buildings or Structures in the area, the proximity of the Antenna Tower to existing or proposed Buildings or Structures, and similar factors. The Antenna Tower shall not have any significant detrimental impact on adjacent property values.

Q. Special Antenna Tower Zones

Areas in the County with no suitable Existing Structures have been designated Special Tower Zones. These Zones are designated on the County GIS maps. Applications for Antenna Towers in these areas shall not require a showing of need and submission of RF engineering information for the first Antenna Tower to be approved in the zone. Thereafter, the zone shall be considered no longer existent. The applicant shall certify that it plans to complete Construction of the Antenna Tower within one hundred eighty (180) days of approval by the Board of County Commissioners, that the Antenna Tower is designed and located to permit collocation and that the height of the Antenna Tower is the minimum required. The applicant is required to submit all information other than the radio frequency (RF) submissions.

R. Collocation

1. Prior to applying for approval or permitting of a new Antenna Tower under this Section, the applicant shall use reasonable efforts to collocate on Reasonable Collocation Terms, or place Antennas proposed to be located on a new Antenna Tower on other currently permitted facilities or Structures, provided that such Collocation does not give rise to a significant and utilitarian technical impairment of the ability of existing users of the tower or facility to provide the permitted communicative Use for which it is intended (i.e. a significant interference in

broadcast or reception capabilities as opposed to a competitive conflict or substantial financial burden). The applicant shall share non-proprietary technical information necessary or appropriate to evaluate the feasibility of Collocation to the extent permitted by applicable law. In the event a dispute arises as to whether an applicant has met this requirement, the County may require a third party technical study at the expense of any or all of the parties to the proposed or feasible Collocation.

2. The Owner of an Antenna Tower shall, in return for reasonable compensation, allow location on the Antenna Tower of Antennas by any party or entity that applies for such provided that such new Antenna does not substantially degrade the existing communication Uses of the facility or cause significant and utilitarian impairment of any other electro-magnetic device.
3. Failure to comply with the collocation requirements of this Section may result in the denial of a Variance, Special Use and/or Permit request, revocation of an existing Permit for the specific Antenna Tower, or other code enforcement action as permitted by this Code and/or State statute.
4. The Board of County Commissioners may waive the Collocation requirements of this section upon finding that enforcing such requirement in a given instance does not substantially further established public purposes or is in violation of State or Federal Law.
 - a. All applicants shall demonstrate reasonable efforts in developing a Collocation alternative for their proposal.
 - b. Failure to comply with the Collocation requirements of the Section may result in the denial of a Permit request or revocation of an existing Permit for the specific tower.

S. Antenna Tower Removal

Notwithstanding any other provision of this Section, 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 an Antenna Tower, shall be conditioned upon receipt by the County of the following:

1. 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 Antenna Tower as required by Section 6.08.12.N. 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 twenty-five thousand dollars (\$25,000) or one hundred fifty percent (150%) of the estimated cost of dismantling the Antenna Tower (net of salvage value), as evidenced by a certificate of a Florida

Professional 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 Antenna 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 6.08.12.N. to dismantle the Antenna Tower and all proceeds shall be used to pay the cost of such dismantling and removal.

2. An Easement granted by the fee Owner of the remaining land underlying the tower, in favor of St. Johns County, to access the Antenna Tower site for removal of the subject tower not complying with Subsection N. time period of this Section. 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 contractors to enter upon the subject site and to remove the subject Antenna Tower located there if it is found to be in violation of Section 6.08.12.N.
3. 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 Antenna Tower located there if it is found to be in violation of Section 6.08.12.N.

T. Antenna Tower Inspection and Maintenance Program

An Antenna Tower inspection and maintenance program shall be required of all Antenna Towers that are setback less than one hundred twenty percent (120%) of the total height of the Structure from any Lot line, or place of public access. This program does not apply to Buildings and other Structures that have a primary purpose other than to carry Antennas except where an Antenna Tower is placed on top of the Structure.

Nothing contained in this Section is to be construed to repeal, amend, limit, or otherwise affect any local Building Code, or other regulations now or hereafter enacted which is more restrictive than the provisions of this Section.

The Antenna Tower Owner shall conduct a regular Structure inspection and maintenance program. The Owner shall maintain a written record of all inspections and maintenance actions. In addition, the Owner shall retain designer/manufacture inspection and maintenance recommendations for the Structure. Owner's records shall be available for inspection by County officials upon reasonable notice. Records shall be retained for a minimum of five (5) years. In the case of an accident resulting in loss of life or damage to property in excess of one thousand dollars (\$1,000.00), records shall be retained indefinitely.

1. Visual inspection

A visual inspection shall be performed a minimum of once every three (3) months. Visual inspections shall take place more frequently if the Structure is located in an

area where vandalism is likely to occur. Visual inspections shall also be performed following Significant Events.

2. Detailed Inspection

A Detailed Inspection shall be performed by a qualified person a minimum of once every twelve (12) months. A detailed inspection shall also take place if a visual inspection raises questions as to the integrity of the Structure, its foundation, or attachments. Detailed inspections shall also be performed as soon as practical following Major Events. In the absence of a documented inspection program from the Structure manufacturer, the Structure Owner shall follow a plan modeled after guidelines provided by TA/EIA-222-F, as amended. In the event that parts or sections of the TA/EIA guidelines are stricter than those of the Structure manufacturer are then the stricter guidelines shall be adhered to for those parts or sections.

3. Structure Analysis

A Structure Analysis shall be performed when the Structure is first designed and when directed by TA/EIA-222-F as amended, or other applicable standards. Further, a reanalysis of the Structure shall be performed when, additions or changes to the tower loading beyond the original design are proposed, or the Structure or foundation has been damaged. For the purposes of this section damage means structural, not cosmetic, damage. Examples of damage include but are not limited too; bent, cut or cracked members and excessive corrosion. Damage can occur from severe weather, accident, lack of maintenance, vandalism or other events.

4. Non-structural Maintenance

Antenna Towers, foundations and attachments shall be maintained in such a way so that they present the most visually unobtrusive appearance practical. Lighting and markings shall be maintained to retain compliance with federal, state and local regulation. Electrical power and grounding systems shall be maintained to retain compliance with state and local Building regulation. Landscaping, drainage, fencing, security, and signage shall be maintained to retain compliance with local regulation.

5. Structural Maintenance, Modification, and Removal

Antenna Towers, foundations and attachments shall be maintained in a safe condition in accordance with the designer's and manufacturer's guidelines and consistent with good Construction and engineering practices. Maintenance, modification or removal that has an effect on structural integrity shall only be performed under the direct control and supervision of a responsible, qualified individual who has the authority to act in the name of the Structure Owner. If the Structure setback is less than one hundred percent (100%) of the overall Structure

height from any residential Lot line or place of public access, the following shall be required:

- a. Fifteen (15) working days prior to any non-emergency Structural Maintenance, modification or removal, the Structure Owner shall submit written plans to the County outlining the work to be done if there are requirements for the evacuation of, or limitation of access by, the public.
- b. In the event of emergency Structural Maintenance, the Structure Owner shall:
 - (1) Notify the County Administrator of the emergency. Notification should indicate the severity of the situation, any danger to the public and how and when the situation is to be resolved. Notification is to be made, in writing, as soon as practical, however, in no case shall notification take longer than seventy-two hours.
 - (2) Notify the County Sheriff's department immediately in the event of a danger to the public.

U. Temporary Antenna Support Facilities

A Temporary Antenna Support Facility may be used by a Provider in any zoning district for purpose of providing temporary wireless service for special short-term events such as political events, sporting events, or entertainment events; to allow for modification, replacement and/or repairs to a permanent Antenna Tower; or as necessary to aid in post-disaster relief efforts. A Temporary Use Permit shall be required prior to placement of a Temporary Antenna Support Facility as provided in Section 2.02.05.

V. Antenna Towers Located on Scenic Highways

No Antenna Tower shall be built or erected within six hundred (600) feet of the center line of any designated Scenic Highway or Scenic Roadway without the final approval of the Board of County Commissioners, after consideration and recommendation by the Planning and Zoning Agency.

The Board of County Commissioners shall not issue an approval for the location of an Antenna Tower within six hundred (600) feet of any designated Scenic Highway or Scenic Roadway as defined in Article XII of this Code unless the applicant establishes that disapproval of such tower would prohibit communications service to a particular area. The use of an Alternative Tower Structure shall be considered in the approval of an Antenna Tower within six hundred (600) feet of a designated Scenic Highway or Scenic Roadway.

Sec. 6.08.13 Convenience Store

- A. The Use shall have direct access to an Arterial or Major or Minor Collector, except where it is part of a non-residential Development where access is provided by a parallel access

road or reverse frontage road where non-residential Uses will be on both sides of the street.

- B. Where the Use abuts residentially zoned property, a minimum twenty (20) foot buffer shall be provided. Said buffer shall include a masonry wall, six (6) feet in height and architecturally finished on both sides, and a row of evergreen Trees, excluding exempted Trees, which are not less than six (6) feet high at the time of planting and are spaced not more than twenty (20) feet apart. No more than ten (10) feet of the width of said twenty (20) foot buffer shall be utilized as a retention area.
- C. All convenience stores abutting residentially zoned property shall use the same exterior architectural materials (excluding windows) on all sides of the Building.
- D. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.
- E. Location of Canopies and Gasoline Pump Islands: The canopies provided over the pump islands at convenience stores which dispense gasoline shall meet the Yard requirements of a principal Structure. However, if the following requirements can be met, the canopy may intrude a limited amount into a Front Yard.
 - 1. The outside edge of the canopy may intrude up to ten (10) feet into the required Front Yard as measured from the rear of the required Front Yard.
 - 2. Pump islands, their surrounding Structures and the canopy support Structures may encroach up to ten (10) feet into the required Front Yard provided that traffic movements between the pump island and the street right-of-way are restricted to one-way.
 - 3. Neither the canopy nor the pump islands shall block visibility at intersections of rights-of-way or drives.
- F. The number of Pumping Stations shall be limited to four (4).

Sec. 6.08.14 Display/Meeting Tents

- A. All parking shall be on-site.
- B. All trash and debris shall be removed when the display/meeting tent is removed.
- C. Any electrical Permits for the display/meeting tent shall be obtained by a licensed electrical contractor.
- D. A letter of approval from the Fire Marshall shall be required for all applications and a letter of approval from the Health Department shall be required if portable toilets are to be used.
- E. The display/meeting tent shall intrude no more than fifty (50) percent into any required Yard, and shall not reduce the number of Parking Spaces by more than twenty percent.

- F. Written consent from the Owner, or authorized agent, of the property shall be obtained.
- G. When a display/meeting tent is used in conjunction with a Seasonal Sales Lot, only a Seasonal Sales Lot Permit shall be required (a separate display/meeting tent shall not be required).

Sec. 6.08.15 Drive-In Theaters

- A. No part of any theater screen, projection booth, or other Building shall be located closer than five-hundred (500) feet from any residential district nor closer than fifty (50) feet from any property line.
- B. The image on the theater screen shall not be visible from any Arterial or Major or Minor Collector.
- C. Queuing space within the Lot shall be provided for patrons awaiting admission in an amount equal to thirty percent (30%) of the vehicular capacity of the theater.
- D. The following Accessory Uses may be permitted as incidental to, and limited to patrons of the principal Use:
 - 1. Children's playground; and/or
 - 2. Refreshment stands or booths.
- E. The viewing area (parking area) shall be screened in such a manner that it cannot be observed from outside the property.
- F. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way traffic flow.
- G. The minimum site area shall be five (5) acres.

Sec. 6.08.16 Drive-Through Restaurants

Eating establishments providing drive-through service wherein a patron is served through a window or other device while remaining in a motor Vehicle shall meet the following criteria:

- A. No order box used in the ordering of food or beverages from a drive-through window shall be located within two hundred (200) feet of any property zoned residential.
- B. A solid screening fence or wall, a minimum of six (6) feet in height, shall be required to be placed between any property used for a drive-through facility and any abutting property zoned residential. The intent of this solid screening is to screen vehicular headlight glare from adjacent residential property.

- C. Adequate automobile stacking space will be provided from the order box to ensure that any public right-of-way or common vehicular use area will not be blocked by or utilized for vehicular stacking.

Sec. 6.08.17 Family Farm

- A. A Family Farm Use as described in this section shall be allowed only in the Rural/Silviculture (R/S) and Agricultural-Intensive (A-I) Future Land Use Map designations of the Comprehensive Plan and shall only be used for family members.
- B. A Family Homestead shall be used only for a member of the Owner's Immediate Family. For the purposes of this provision, Immediate Family shall mean the Owner's parents, step-parents, adopted parents, spouse, siblings, children, step-children, adopted children, and grandchildren; and the parents, step-parents, adopted parents, siblings, children, step-children, adopted children, and grandchildren of the Owner's spouse.
- C. Dwelling Units on site shall be the permanent residences of those persons in residence on the Family Farm.

Sec. 6.08.18 Flea Markets

This Use shall not be permitted abutting a residential zoning district.

Sec. 6.08.19 Gas Station

- A. The Use shall access from an Arterial or Major or Minor Collector, except where it is part of a non-residential Development where access is provided by a parallel access road or reverse frontage road where non-residential Uses will be on both sides of the street.
- B. Where the Use abuts residentially zoned property, a minimum twenty (20) foot buffer shall be provided. Said buffer shall include a masonry wall, six (6) feet in height and architecturally finished on both sides, and a row of evergreen Trees, excluding exempted Trees, which are not less than six (6) feet high at the time of planting and are spaced not more than twenty (20) feet apart. No more than ten (10) feet of the width of said twenty (20) foot buffer shall be utilized as a retention area.
- C. All gasoline stations abutting residentially zoned property shall use the same exterior architectural materials (excluding windows) on all sides of the Building.
- D. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.
- E. The canopies provided over the pump islands at gas stations and service stations shall meet the Yard requirements of a principal Structure. However, if the following requirements can be met, the canopy may intrude a limited amount into a Front Yard:
 - 1. The outside edge of the canopy may intrude up to ten feet into the required Front Yard as measured from the rear of the required Front Yard.

2. Pump islands, their surrounding Structures and the canopy support Structures may encroach up to ten (10) feet into the required Front Yard provided that traffic movements between the pump island and the street right-of-way are restricted to one-way.
 3. Neither the canopy, nor the pump islands shall block visibility at intersections of rights-of-way or drives.
 4. All repair services shall be performed in no more than three (3) enclosed service bays or stalls.
 5. No more than three (3) Vehicle Parking Spaces per service bay plus one (1) space per employee shall be permitted.
- F. All storage of Vehicles awaiting needed parts shall be within the Building or completely screened from off-site view in a Yard.
- G. All damaged or nonoperable parts shall be stored indoors until removed from the premises.
- H. A gas station shall store all Vehicle parts within a completely enclosed Building.

Sec. 6.08.20 Heliport

- A. Landing and take-off areas shall be located a minimum of one hundred fifty (150) feet from any zoning Lot boundary and a minimum of five hundred (500) feet from any Dwelling Unit or residentially zoned property.
- B. All storage and repair shall be conducted in enclosed Buildings.
- C. Hangars and repair facilities shall be set back at least one hundred fifty (150) feet from any zoning Lot boundary and all other Buildings shall be set back at least fifty (50) feet from any zoning Lot boundary.
- D. All Heliport facilities shall comply with all Federal and State regulatory and design criteria.

Sec. 6.08.21 Helistop

- A. Landing and take-off areas shall be located a minimum of five hundred (500) feet from any Dwelling Unit or residentially zoned property.
- B. All Helistop facilities shall comply with all Federal and State regulatory and design criteria.

Sec. 6.08.22 Kennel

- A. The disposal of all feces and other solid waste generated by the kennel operation shall be reviewed and approved by the Health Department.

- B. All runs and kennel areas shall be fenced with chain link, solid wood fencing or a masonry wall.
- C. All outdoor runs shall be a minimum of one hundred fifty (150) feet from any residential zoning district and all exercise areas shall be fifty (50) feet from any residential zoning district.

Sec. 6.08.23 Manufactured/Mobile Home Parks

- A. Each Manufactured/Mobile Home Park shall be located on a well drained site and facilities shall be provided for the disposal of sanitary wastes as required.
- B. Each Manufactured/Mobile Home space shall be provided with a paved patio with a minimum of one hundred twenty (120) square feet and one off-street Parking Space.
- C. Each Manufactured/Mobile Home Park shall be provided with a park and recreational area having a minimum area of one hundred fifty (150) square feet per Manufactured/Mobile Home space. Such areas shall be consolidated into usable areas with a minimum dimension of not less than thirty (30) feet.
- D. Each Manufactured/Mobile Home Park shall be provided with a management office and such service Buildings as are necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment.

Sec. 6.08.23 Manufacturing, Agricultural

All activity shall be agriculturally related. Where fifty percent (50%) or more of the agricultural product or service is used or produced on the site of a commercially active farm where the product or service is associated with that particular farm or immediately adjacent farms, the Use shall be permitted to have open storage equal to the size of the Structure(s) used in the manufacturing, processing or assembly operation. For those operations which are not on the site of a commercial productive farm where the product or service originates, the use of open storage shall be prohibited and all activity shall be required to be in a completely enclosed Structure.

Sec. 6.08.25 Nursing, Convalescent and Extended Care Facilities

- A. Minimum Lot size shall be one (1) acre with a minimum frontage on a public street of one hundred fifty (150) feet.
- B. Front, rear and side setbacks shall be a minimum of fifty (50) feet.
- C. Each nursing, convalescent, or extended care facility shall not exceed a Floor Area Ratio of 0.25.

Sec. 6.08.26 Outdoor Regional Cultural and Entertainment Facilities

- A. The Use shall be located so as to discourage traffic through residential areas.
- B. The Site Plan shall be so designed to facilitate the easy access of emergency Vehicles including both fire and rescue Vehicles.
- C. The location and size of setback for places of assembly shall meet the following criteria:
 - 1. The actual Structure or seating areas for places of assembly shall be set back from residential areas as follows, based on the capacity of the place of assembly:

less than 200 people	100 feet
200--500 people	200 feet
501--2,000 people	300 feet
2,001--5,000 people	400 feet
more than 5,000 people	500 feet
 - 2. No such Use shall take access to a residential street.
 - 3. All places of assembly located within one thousand (1,000) feet of a residential district accommodating more than two thousand (2,000) people shall submit a noise study prepared by an acoustical engineer demonstrating that the design of the place of assembly either directs the noise away from the residential area or has taken steps to minimize the noise level at the property boundary.

Sec. 6.08.27 Power Generation Facilities

- A. Front, Rear, and Side Yards shall be a minimum of fifty (50) feet. When adjacent to residentially zoned property, Yards shall be a minimum of one thousand (1,000) feet.
- B. Proof of the ability to meet all applicable local, state, and federal environmental standards shall be provided.

Sec. 6.08.28 Reserved

Sec. 6.08.29 Recreation Services Neighborhood Level

- A. Where membership is not limited to residents of adjacent residential areas, the site shall have direct access to an Arterial or Collector Roadway.
- B. All courts, pools and playing fields shall meet the principal Structure Yard requirements of the district in which they are located.
- C. All outdoor lighting shall be directional and shall not directly shine onto adjacent properties.

Sec. 6.08.30 Recyclable Household Goods Collection Facilities

- A. The truck trailer shall not be permanently anchored, but shall be removable to transport the recyclable goods to the recycling center.
- B. The truck trailer shall be located behind the Yard requirements for a principal Structure in the district.
- C. The truck trailer shall meet the required Front Yard requirements.
- D. The truck trailer shall not interfere with traffic circulation, both on and off-site, shall not be located in any right-of-way or Easement for access, and shall not occupy any Parking Spaces required to serve any surrounding Development.
- E. The signage, including signage on the truck trailer, shall be limited to signage allowed for a commercial Structure of the same size by the Sign provisions of this Code (See Article VII).
- F. The truck trailer shall be screened from adjacent residential or agricultural properties and public rights-of-way as is required for commercial Structures in these Regulations and the landscape and land alteration provisions of this Code. Additionally, the base of the truck trailer shall be screened on all sides except points of entry into the trailer by a three (3) foot fence, hedge or wall with a minimum of seventy-five percent (75%) opacity.

Sec. 6.08.31 Sanitarium/Mental Institution

- A. The minimum Lot size shall be five (5) acres with a minimum frontage on a public street of two hundred (200) feet.
- B. The Structures shall be located a minimum of one thousand, two hundred (1,200) feet from any residential Development or zoning district developed to or permitting a Density of two (2) units per acre or greater; five hundred (500) feet from any existing Dwelling Unit developed at a Density of less than two (2) units per acre and a minimum of two hundred (200) feet from any zoning Lot boundary.
- C. At the time of Development review, the operator of a mental institution shall provide information on, and if approved, shall utilize adequate measures to prevent the unauthorized exit of the patients.

Sec. 6.08.32 Service Stations- See Sec. 6.11.37, Gas Stations

Sec. 6.08.33 Slaughterhouse

- A. All slaughtering, butchering and related operations shall be conducted within enclosed Buildings.
- B. All offal shall be stored in water tight and odor tight containers.

- C. The operation shall meet all Federal and State of Florida requirements and qualify for all Federal, State and local health Permits.
- D. All animal holding areas shall be located a minimum of one thousand, three hundred twenty (1,320) feet from any residential Development or zoning district developed to or permitting a Density of two (2) units per acre or greater; a minimum of five hundred (500) feet from any Dwelling Unit existing on adjacent property developed at less than two (2) units per acre at the time of the Development or expansion of the Use; and a minimum of two hundred (200) feet from any property line.

Sec. 6.08.34 Solid Waste Facilities

- A. Solid Waste Facilities shall have a minimum Front, Rear and Side Yard of fifty (50) feet with the following exceptions:
 - 1. Composting facilities adjacent to residentially zoned property shall have minimum Yards of five hundred (500) feet for non-office type Buildings and Uses.
 - 2. Material recovery facilities adjacent to residentially zoned property shall have minimum Yards of five hundred (500) feet for non-office type Buildings and Uses.
 - 3. A transfer facility, when adjacent to residentially zoned property, shall have Yards of a minimum of two hundred (200) feet for non-office type Buildings and Uses.
 - 4. A waste to energy facility, when adjacent to residentially zoned property, shall have Yards of a minimum of seven hundred fifty (750) feet for non-office type Buildings and Uses.
- B. Proof the ability to meet all applicable local, state and federal environmental standards shall be provided.
- C. The facility shall have direct access to an Arterial or Major or Minor Collector.
- D. The site shall be fenced by a six foot high opaque fence.

Sec. 6.08.35 Stables

- A. The minimum Lot area shall be one acre. This minimum Lot area shall be increased by forty thousand (40,000) square feet for each equine in addition to a single equine.
- B. The following minimum setbacks shall also be provided:
 - 1. On Parcels of land less than two hundred thousand (200,000) square feet, all feed and bedding shall be stored indoors.

2. On Parcels of land two hundred thousand (200,000) square feet or more, piles of feed or bedding shall be located seventy-five (75) feet from any street or common Lot line of an adjacent non-residential Use and one hundred (100) feet from any common Lot line of an adjacent residential or vacant Parcel, in order to minimize odor and nuisance problems.
 3. Pasture may extend to the Lot line.
 4. Manure piles shall be stored, removed, and/or applied in accordance with County health regulations.
- C. All points on the perimeter of any stable Building or coral shall be at least thirty (30) feet from the nearest boundary line of the Parcel on which it is located.
 - D. Front Yards shall be a minimum of fifty (50) feet.
 - E. Parking shall be provided at a ratio of one (1) Parking Space for every five (5) stalls.
 - F. The operator or Owner of the stable shall be responsible for using good management practices to discourage undesirable odors and insects.
 - G. Incidental sales of supplies and equipment to patrons of the facility which are directly related to the stable operation shall be permitted. No signage or other exterior identification of the retail sales shall be permitted.

Sec. 6.08.36 Swimming and Tennis Club

- A. Where membership is not limited to residents of adjacent residential areas, the site shall have direct access to a road.
- B. A minimum Lot size of twenty thousand (20,000) square feet shall be provided.
- C. All pools, pool decks, or courts shall meet the principal Structure Yard requirements of the district in which they are located.
- D. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.

Sec. 6.08.37 Ultralight Flight Park.

- A. Approval of said Ultralight Flight Park shall not limit or prohibit operation of existing or approved airports, aircraft landing fields or ultralight flight parks.
- B. All ultralight Vehicles and operators operating from the flight park should be registered with and/or licensed by the United States Ultralight Foundation.
- C. Ultralight Vehicles may not be operated from locations other than flight parks or airports specifically designated for that purpose.

- D. Runways of all classes shall be a minimum of one hundred fifty (150) feet from the boundary of the flight park property.
- E. Hangars and repair Buildings shall be at least one hundred fifty (150) feet away from all property boundaries and all other Structures shall be at least fifty (50) feet away from property boundaries.
- F. All repairs shall be conducted within an enclosed Building.
- G. Parking shall be provided at the rate of at least one (1) Parking Space for every two (2) ultralight Vehicles permitted to operate from the flight park.
- H. The hours of operation at the flight park shall be from official sunrise to official sunset.

Sec. 6.08.38 Vehicle Auction

Wholesale operations shall be a minimum of two (2) acres.

Sec. 6.08.39 Yard Waste Air Curtain Incinerator.

- A. Front, Rear and Side Yards shall be a minimum of fifty (50) feet. When adjacent to residentially zoned property, Yards shall be a minimum of two hundred (200) feet.
- B. The site shall be fenced by a six (6) foot high fence.

Sec. 6.08.40 Marina and Port Siting

A. Prohibitions

1. Marinas and Ports, as defined in Article XII of this Code, shall not be located in areas where approved or conditionally approved shellfish harvesting is located and shall not be located in areas that are closed to shellfish harvesting.
2. Marinas and Ports, as defined in Article XII of this Code, shall not be located in Outstanding Florida Waters (OFW's) or Aquatic Preserves.
3. Marinas and Ports, as defined in Article XII of this Code, shall not be located areas that DEP and USFWS have determined to be critical habitat areas for the survival of endangered species, such as the Manatee, sea turtle, and least tern.

B. Application Submittal

The Application for a Marina and Port shall, at a minimum, provide the following information to be submitted by the applicant for review by the County Administrator. This information shall be required prior to any other action or application for review. Additional criteria and information may be requested, based upon the character, size, and location of the Marina or Port:

1. Provide that the Marina and Port is sited in areas where the water depth is a minimum of four (4) feet below mean low water to provide adequate water depth for channel navigation and in areas that require minimum dredging. Marinas and Ports shall first be located in existing disturbed areas and where aquatic resources shall not be adversely affected.
2. Provide that the proposed location for the Marina and Port is the area that requires minimum dredging.
3. Provide the adjacent dryland land Uses, dryland vegetation, using Level III classification of the Florida Land Use, Forms and Cover Classification System (FLUCCS), a map depicting this dryland vegetation shall be provided.
4. Provide the underwater vegetation and other aquatic resources and a description of the Marina and Port's impact upon these aquatic resources. This evidence shall be presented in an environmental impact study that addresses at a minimum, water depths, type and location of grass beds, type and location species habitat, and speed zone requirements.
5. Provide the minimum tidal currents.
6. Provide a hurricane evacuation plan and storm contingency plan.
7. Provide procedures to maintain water quality, which at a minimum includes the following:
 - a. Fuel facilities shall be designed and constructed to contain spills on the land side of the facility and to prevent runoff into surface waters.
 - b. Impervious surfaces associated with the Marina or Port shall be designed and constructed so that runoff flows away from surface waters. All drainage facilities shall be designed and constructed in accordance with Section 6.04.06.
8. Provide a market feasibility report, providing that the Marina or Port is needed at the proposed location and provides service to meet a demand.
9. Provide the following design criteria. Additional design criteria may be requested, based on the size or scale of the Marina or Port:
 - a. The location of all Vehicle and pedestrian access to the site, the location of all parking areas and the number of Parking Spaces, the location of water access to the Marina or Port, the location of all slips, berths, docking facilities, and walkways.
 - b. All proposed buffering, landscaping, lighting, drainage facilities, solid waste disposal areas, and other land-based factors of the Marina or Port.

- c. The maximum height of all Structures, Density, if applicable, and intensity of the Marina or Port.
 - d. The location of all fueling stations and pump-out facilities, if applicable.
 - e. All Accessory Uses that may be included with the Marina or Port operation.
10. A map of the Marina or Port site and the adjacent land Use and zoning.

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ARTICLE VII SIGNS

PART 7.00.00 GENERALLY

The provisions of this Article shall apply to all Signs that are Erected, in the County, unless exempted as provided herein.

Sec. 7.00.01 Sign Permit Required

Sign permits shall be required for any new Sign requiring a permit under the Standard Building Code (SBC). Required permits must be obtained in advance of Erection of any new such Sign not exempted herein and before any repair, replacement or reinforcement of more than one-sixth (1/6) of an existing Sign Structure annually. Permits shall be submitted, reviewed, processed and issued in accordance with the SBC. Any permit applications for new Billboards shall be complete with Swapdown proposals from the applicant in accordance with procedures detailed hereinafter in Part 7.01.00. No permit shall be required for Message or Face replacement. Any Permit applications for On-premise Signs shall be in accordance with Part 7.02.00 of this Article.

A. Application

The Building Permit Application form, as provided by Section 713.135, F.S., shall be used as the application form for Sign permits and shall be completed in its entirety and signed by the applicant. Each Sign permit application shall be reviewed by the County Administrator. Each application shall include the following:

1. Completed Clearance documents confirming proper land Use.
2. A Comprehensive Design Plan, drawn to a scale and detailed to demonstrate compliance with this Code. Such Comprehensive Design Plan shall include the Signs's maximum height, maximum square footage, exact dimensions, the type of construction material, footers and construction designs, full structural details and calculations which shall be by a Florida Professional Engineer (P.E.) on Billboards and also on Ground Signs over twelve (12) feet in height or over one hundred (100) square feet Advertising Display Area, and any Signs with internal and external lighting designs with designed wattage and electrical wiring. A detailed scaled Site Plan shall also be required showing exact Sign placement related to Lot lines and buildings within a distance equal to the Sign's height.
3. Applications for Signs to be located in special zoning districts with more restrictive Sign regulations than this Code, shall be submitted complete with plans and details, approved in writing, by the special district architectural review process.

4. On Billboard applications, the Swapdown Classification point rating of the new Sign shall be calculated and transmitted to the applicant within seven (7) business days by the County Administrator so the applicant's Swapdown nominations or banked credit may be considered by the applicant to add to the application packet. The applicant's Swapdown nominations or sufficiently banked credits shall be required for a complete Billboard application.

B. Applicants

Permits shall only be issued to:

1. Persons licensed as Sign contractors to include the following:

- a. Certified Contractors (structural and/or electrical),
- b. State Registered Contractors (structural and/or electrical),
- c. County Authorized Contractors (structural only, no electrical work allowed with this license).

2. Owners of property acting as their own Sign contractor, provided:

- a. The property is held in the Owners' private personal name, by solely owned proprietorship or a partnership of individuals so that a human may appear to claim the state authorized exemption from contracting laws. No corporation, even a solely owned one, can personally appear to claim an exemption from contractor licensing.,
- b. The property to benefit from the Sign is personally used by the Owner, not leased, rented or used by another Person,
- c. The Sign total is less than \$25,000.00,
- d. That any electrical work is permitted only after the Owner/applicant successfully completes an open Code book questionnaire on technical basics of electrical work.

C. Applications for Sign Permits shall be approved or denied, by the County Administrator, within fourteen (14) days of submittal of a fully completed application. If more information is required from the applicant in order to complete review of the application, the fourteen (14) day period shall run from receipt of that additional information. If the applicant certifies in writing that the application is complete, the fourteen (14) day period shall run from the date of the County's receipt of that writing.

D. Failure to obtain a required Sign permit prior to any work, exceeding Maintenance, on a Non-conforming Sign shall be a violation of this Code and shall automatically and immediately result in loss of Non-conforming status.

Sec. 7.00.02 Zoning And Comprehensive Plan

Compliance with Zoning and Comprehensive Plan is required and evidence of Sign compliance with land Use regulations shall be obtained by the permit application via Clearance procedures, prior to the permit application submittal.

A. Billboards

1. Billboards, within the requirements of this Code, shall be allowed within the Commercial Highway Tourist (CHT) Zoning District, Commercial Intensive (CI) Zoning District, Industrial Warehouse (IW) Zoning District, and Heavy Industrial (HI) Zoning District that exist within the Mixed Use, Industrial or Commercial land Use designations, as designated on the Comprehensive Plan Future Land Use Map.
2. Billboards, within the requirements of this Code, shall be allowed on parcels of land being requested for new Planned Unit Development (PUD) zoning that contain a minimum five acres of land for Uses as those allowed in CHT, CI, IW, or HI zoning and subject to the PUD development plan stating such Signs shall be allowed as a Use within the PUD and that such Signs be integrated into the overall unified development plan. Billboards Erected within the PUD zoning districts shall be subject to the requirements of this Code.

Any applicant within an existing approved PUD that proposes to Erect a Billboard within the existing approved PUD and has not specifically listed Billboards as a permitted Use within the PUD, shall be subject to obtaining major modification approval, prior to the Erection of the Billboard. Such major modification shall be processed through the standard major modification process, as established in this Code and may only be approved by the Board of County Commissioners. All Signage provided in PUD zoning districts shall comply with the requirements of this Code, unless more stringent Signs requirements apply.

3. Billboards, within the requirements of this Code, may be allowed on property zoned to allow Billboards, as provided herein, on any Business Site that contains an existing business that uses On-premise Signs. Any Billboard permitted for Off-premise advertising that displays On-premise advertising messages shall thereby be deemed to be an On-premise Sign and shall meet all requirements for such as established herein.

B. On-premise Signs

1. On-premise Signs, within the requirements of the Code, may be located on any Business Site, in Commercial or Industrial districts, zoned to allow such business per Part 7.02.00 of this Code. Such Signs on Business Sites in Open Rural (OR) zoning shall not exceed thirty-two (32) square feet of area per side or ten (10) feet in height.

2. On-premise Signs, within the requirements of this Code, may be located on parcels of land zoned Planned Unit Development (PUD), subject to the PUD Master Development Plan stating such Signs shall be allowed as a Use within the PUD and that such Signs be integrated into the unified development plan of the Project. All Signage provided in PUD zoning classifications shall comply with the requirements of this Code, except that for Fascia, Marquee, Canopy, Roof, Building, Wall and similar Sign Structures. For Fascia, Marquee, Canopy, Roof, Building, Wall and similar Sign Structures, the applicant for the PUD or the Owner of the PUD, or any designated agent of the applicant or Owner may request, with the submittal of the PUD application, a Non-zoning Variance of such Sign requirements to accommodate the Project, except there shall be no increase in the gross maximum Advertising Display Area.

In requesting this Non-zoning Variance, the applicant must prove that the Advertising Message would not effectively be viewable from the nearest road or street right-of-way, and the Board of County Commissioners may approve such request after considering the following:

- a. The distance of the Sign or Signs from the road or street right-of-way, and
- b. The speed limit on the road or street right-of-way, and
- c. The visible impact of the Sign or Signs from the nearest road or street right-of-way, and
- d. The integration of the Signs or Signs into the architecture of the building and overall unified development plan.

In any PUD, approved on or before the effective date of this Code, any request to modify Signage shall be deemed a major modification, pursuant to the requirements of this Code.

The design of such Sign or Signs shall be submitted with the PUD application and shall be reviewed with the PUD application or major modification.

Sec. 7.00.03 Structural Requirements

All Signs requiring permits shall be constructed in accordance with Section 3108 SBC.

Sec. 7.00.04 Illumination

All Signs, except those Signs where the top of Sign is not greater than eight (8) feet from the top of ground and greater than sixty-four (64) square feet in size, shall comply with the following lighting and illumination requirements.

- A. Signs shall be top-lighted with the point light source facing downward.
- B. No Sign shall be Erected, or any existing Sign operated, where Illumination is not shielded to prevent beams or rays of light from being directed at any portion of the traveled right-of-way, including Interstate and federal-aid primary highways and other right-of-ways, so as to prevent any driver seeing a Sign's point light source.
- C. No Sign shall be Erected, or any existing Sign operated, where Illumination is not shielded to prevent beams of light from being directed at any residential Use property. No Sign's point light source shall be located so that it may be seen from residential Use property.
- D. No Sign shall be Erected, or any existing Sign be operated, where Illumination is of such intensity or brilliance as to cause glare or impair the vision of any driver of any motor vehicle or which interferes with any driver's operation of a motor vehicle. The limits of Illumination shall be determined by the County Administrator with the assistance of the Building Department.

Sec. 7.00.05 General Maintenance

All Signs requiring permits shall be Maintained in accordance with Section 3108 SBC and those not Maintained may be removed in accordance with Section 3108.07 SBC. No permit shall be required for Message or Face replacement, or Maintenance, unless replacing, repairing, disassembling or refurbishing more than one-sixth (1/6) of a Sign Structure annually by any action, other than painting, such action shall require a permit in advance of such work and shall be in full compliance with this Code.

Sec. 7.00.06 Causes For Removal

Causes for removal shall be those of Section 3108.01 SBC, to wit.

A. Unsafe Signs

Should any Sign become insecure or in danger of falling or otherwise unsafe in the opinion of the Building Official, the Owner thereof, or the Person or firm maintaining the same, shall upon written notice from the Building Official, forthwith in the case of immediate danger and in any case within ten (10) days, remove such Sign or secure the same in a manner to be approved by the Building Official, in conformity with the provisions of the SBC. If such order is not complied within in ten (10) days, the Building Official shall remove such Sign at the expense of the Owner or Lessee thereof.

B. Lack of Maintenance

All Signs for which a permit is required, together with its supports, braces, guys, and anchors shall be kept in repair and, unless of galvanized or noncorroding metal, shall be painted at least once every two (2) years. The Building Official may order the removal of any Sign that is not Maintained in accordance with the provision of SBC 3108. Such removal shall be at the expense of the Owner or Lessee.

C. Unlawful Signs

In case any Sign shall be installed, Erected, or constructed in violation of any of the terms of this Code, the Building Official shall notify, by registered mail or written notice served personally, the Owner or Lessee thereof to alter such Sign so as to comply with the SBC or the zoning regulations and to secure the necessary permit there to for, or to remove the Sign. If such order is not complied within ten (10) days, the Building Official shall remove such Sign at the expense of the Owner or Lessee thereof.

Sec. 7.00.07 Interpretation

Any word not defined in this Code shall be given the definition provided by Merriam Webster's Collegiate Dictionary (Tenth Edition). The County Administrator shall interpret the provisions of this article. Where there is an ambiguity, dispute and conflict concerning the interpretation of this article, the County Administrator shall interpret the ambiguity, dispute or conflict by utilizing the SBC, the zoning regulations, County ordinances and Florida Statutes pertaining to building Codes, or other governmental or professional references pertaining to building or structural standards. The County Administrator may use rules of statutory construction. The decision of the County Administrator is final and shall be in writing, if requested, within seven (7) business days of the decision. Such final decision may be appealed to the Board of County Commissioners by filing such appeal, in accordance with the appeal procedures set out in Section 7.00.08.

Sec. 7.00.08 Appeals

Any decision of the County Administrator, pertaining to Sign permitting, may be appealed to the Board of County Commissioners within thirty (30) days of the decision. A notice of appeal from the County Administrator decision shall be filed, in writing by the, Applicant, to the County Administrator and shall include all pertinent information and shall include a \$150.00 appeal fee paid upon submittal by the appellant. The County Administrator shall, upon receipt of such appeal, set a time for hearing (not to exceed thirty (30) days from filing and shall give notice of time and place of the hearing to the applicant. A decision of the Board of County Commissioners, pertaining to appeals, shall be rendered as a written order within fifteen (15) days of the appeal hearing. Decisions, of the Board of County Commissioners, may be appealed to the Circuit Court by the appellant within thirty (30) days of the Board's rendered decision and injunctive relief may be sought. In any case where the message or content of the proposed Sign affected the denial of the permit, the County shall bear the cost of initiating the case with the Circuit Court and shall also bear the burden of justifying the denial. In all other cases, the applicant shall have the burden to initiate the Circuit Court appeal, as provided by law. An appeal shall stay all administrative proceedings in furtherance of the action appealed until such time as a final determination by the Board of County Commissioners or Circuit Court has been made on such appeal, provided that no such action shall be taken by the applicant or the County Administrator during such time which would change the status of the matter being appealed except when in the opinion of the Building Official there exists an immediate and Significant safety hazard. The \$150.00 appeal fee shall be subject to future change by Resolution of the Board of County Commissioners.

Sec. 7.00.09 Conflict With Other Regulations

In all cases where the provisions of this Code are in conflict with any other Code or parts of a Code, the more restrictive provisions shall govern. All applications for Signs in special Sign districts shall be complete with plan details approved by the applicable architectural review committee.

Sec. 7.00.10 Enforcement And Penalties

As provided by Section 125.69, F.S., any person violating any of the provisions of this Article may be prosecuted in the same manner as misdemeanors are prosecuted, upon conviction, be punished for each offense by a fine not to exceed \$500.00 or by imprisonment in the County jail not to exceed sixty (60) days or both fine and imprisonment. Each day that an offense or violation of this article continues may be deemed a separate offense. Alternatively, this Article may be enforced by any method prescribed by law, including injunctive relief and any of the provisions of Chapter 162, including Part II, F.S., and any County Ordinances enacted thereunder.

PART 7.01.00 BILLBOARD SIGN PROVISIONS

Sec. 7.01.01 Intent And Future Billboards

A. Control on Additional Total Faces

No increase in the total number of Billboard Faces in St. Johns County shall be permitted and no new Billboard Faces shall be hereinafter permitted or Erected unless fully compliant with this Code. All Billboards and Faces not fully in conformance with this article are hereby declared Nonconforming; however, existing Billboards and Faces may continue in Use until destroyed, abandoned, or removed. Notwithstanding said prohibition on an increase in the total number of Billboards, the Billboard reduction and compliance program outlined below allows compliant new Billboards. The program includes:

1. It is the voluntary action of the Billboard Owner, and
2. Remodels an existing Billboard into greater conformity with this Code, such as decreasing size or reducing height, or
3. Allows a totally conforming new Billboard in exchange for removal of an existing Nonconforming one of similar style and construction, or
4. Reduces the total Billboard Face count by removal of multiple existing Billboard Faces by the Swapdown methodology detailed below in exchange for a permit to build a new conforming Billboard Face.

B. Future Billboard Locations

Billboards may be only be allowed on certain property and sites, as provided in Section 7.00.02, of this Code.

C. Severance

If any of the provisions of this Code, including Swapdown procedures, pertaining to permitting new Billboards is found unconstitutional or otherwise void by a court of competent jurisdiction, all provisions pertaining to allowing and permitting new Billboards shall be deemed voided in totality and no new Billboards shall be allowed.

Sec. 7.01.02 Types Of Billboards Allowed

A Billboard Structure may be single or multifaced, provided any multifaced Billboard Structure shall have advertising surfaces of equal size and shape, excluding Embellishments. For purposes of this Ordinance, the following shall be considered Multifaced Billboards.

- A. A Billboard Structure where two (2) Facings are placed parallel back-to-back within six (6) feet of each other, or

- B. A Billboard Structure with two or more Faces when constructed in the form of a "V" as viewed from above, provided the internal angle at the apex is not greater than sixty (60) degrees and the Billboard Facings are not separated by more than thirty-six (36) inches at the apex on the "V", or
- C. A Billboard Structure with three (3) Faces forming a triangle "Δ" shape when viewed from above, with the Faces each within three (3) feet of the adjacent Face at the corners.

Sec. 7.01.03 General Requirements

A. Height

Billboards shall not exceed thirty-five (35) feet in height; except those on Interstate 95 may rise to forty (40) foot maximum height. The height of a Billboard shall be measured from the crown of the road immediately adjacent to the structure; or from the existing natural grade immediately adjacent to the structure, whichever is higher.

B. Size

A Billboard Facing area shall not exceed three hundred seventy-eight (378) square feet, exclusive of Embellishments; except those on Interstate 95 may be five hundred sixty (560) square feet, maximum area, excluding Embellishments.

C. Materials

Billboards may be constructed upon wood poles, steel I-Beams or monopoles.

D. Sign Structure

No portion of the Sign Structure shall be visible above any Advertising Display Area, excluding Embellishments; and no Billboard or supporting structure shall be above a building. No new building shall be hereafter permitted when any portion would be beneath any part of an existing Billboard.

E. Movement

No Billboard shall be Erected, or any existing Billboard modified or operated, that incorporates Flashing, Scintillating, Beacon or Running Lights, Animated Copy, or any Automatic Changeable Message Device.

F. Embellishments

Embellishments may be added to Billboard Facings, provided, however, such Embellishments shall not exceed ten percent (10%) of the total Advertising Display Area.

G. Owner Identification

All Billboards Erected, operated and maintained within the County shall carry, and have displayed upon them, the Owner's name information displayed in such a manner as to provide clear readable visibility from the abutting road right-of-way during daylight hours.

H. Multi-Message Faces

Nothing herein shall prohibit a Billboard Face displaying no more than two (2) horizontal side-by-side Advertising Messages of the same size and shape, excluding Embellishments, facing the same direction.

I. Building Standards

Billboards shall be subject to the requirements of the Occupational Safety and Health Administration (OSHA) and the SBC.

J. Lighting

Billboards may be lighted in accordance with Section 7.00.04 of this Article.

J. Non-conforming Billboards

Any Billboard Face or structure failing to meet all requirements of this Article on the effective date of this Code shall become Non-conforming.

Sec. 7.01.04 Established Setbacks And Spacing (See Appendix C for Illustration)

A. Right-of-ways

No part of a Billboard or supporting structure shall be Erected within fifteen (15) feet of the right-of-way of an interstate highway, federal-aid primary highway, or other right-of-way.

B. Separation from Residential Property

No part of a Billboard or supporting structure shall be Erected within one hundred (100) feet of any property zoned to allow residential Use as a principal Use.

C. Public Facilities

No part of a Billboard or supporting structure shall be located within one hundred (100) feet of the nearest property lines of any public park, municipal, county, state or federal building, religious institution or any public or private school.

D. Corner Lots

On any corner lot, no Billboard shall be Erected or project within the triangular area formed

by the street right-of-way lines and a line connecting them at points fifty (50) feet from the corner formed by the intersection of the street right-of-way lines.

E. Spacing

No part of a Billboard or supporting structure shall be permitted or Erected unless all the required distances to the nearest existing Billboard structure is assured as provided herein:

1. Along Interstates

No Billboard structure shall be Erected closer than one thousand, five hundred (1,500) feet to the nearest Billboard structure on the same side of the highway.

2. Along Federal-Aid Primary Highways or Other Right-of-Way

No Billboard structure shall be Erected closer than one thousand (1,000) feet to the nearest Billboard structure on the same side of the highway.

3. Measurement Along Same Side of Highway

Distance between Billboard structures on the same side of the roadway shall be measured linearly along the center line of the roadway abutting the Billboards, between points directly opposite that part of the Sign nearest the roadway; or in the case of parallel Billboards, from a point opposite the center of the Billboards.

4. Radial Spacing

Excluding street intersections, no Billboard structure shall be permitted or Erected within a five hundred (500) foot radius from an existing Billboard structure. The distance between such Billboard structures shall be measured as the shortest horizontal distance between any part of the structures or Faces.

5. Intersections

No more than two (2) Billboard structures may be located at a road or street intersection, and such Billboard structures (if more than one) shall be located at diagonal corners of the intersection. The minimum separation distance between the nearest parts of the diagonally placed Billboards shall be two hundred (200) feet. For the purpose of this paragraph, intersection shall mean within five hundred (500) feet of the point where the roadway center lines intersect. For the purpose of determining Non-conforming existing Billboards, the order in time of Billboard Erection shall determine if the spacing is Non-conforming.

6. Proximity to Scenic Highways

No Billboards are allowed within three hundred fifty (350) feet of the right-of-way along either side of any designated Scenic Highway, as measured from the edge

of right-of-way; and any Billboard Erected outside the three hundred fifty (350) foot designation, shall not be visible from the Scenic Highway at the time of permitting or immediately after Erection, except Real Estate Signs as provided herein. For purposes of this paragraph, visible shall mean human eye visibility from six (6) feet above the centerline of the Scenic Highway. Any Off-premise Signs greater than two thousand, five hundred (2,500) feet from the centerline shall be deemed not visible.

7. Utility Lines

No Signs shall be Erected that interferes with any underground and over-head utility lines in compliance with the National Electric Code (NEC) and OSHA regulations.

Sec. 7.01.05 Swapdown Requirement For New Permits

A. Swapdown Billboard Removal Prerequisite

Prior to issuance of a Billboard building permit for a new Billboard conforming to this Article, the applicant shall remove Swapdown Billboard(s), as detailed herein or utilize credits from prior permitted removal of Billboard(s) which were classified under the procedures detailed herein. Written confirmation of Swapdown Billboard(s) removal via onsite inspection by the County Administrator or designee shall be on file in the Building Department prior to the actual issuance of the permit when the applicant has proposed such removal.

B. Classification Information on Swapdown Billboards

To nominate a Billboard Swapdown, the Owner shall provide full adequate written detail on Billboard characteristics so the Billboard may be rated by the Classification procedures, established in this Part which shall provide information to determine.

1. Type of Support, i.e. wood, steel, monopole
2. Height to Top Edge of Billboard
3. Size of Advertising Face
4. Location, i.e. Urban, Rural, Suburban
5. Location within a Scenic Vista or Scenic Highway
6. Roadway Classification
7. Zoning Classification
8. Lighting, if any
9. Proximity of Buildings

C. Swapdown and Classification Procedure at Permitting

Applicants for Billboard Permits shall nominate Swapdown Billboards with the aforesaid Classification Information, or banked credits to be utilized in permitting any new Billboard. The County Administrator, or designee, shall inspect each existing Swapdown Billboard to confirm Classification Information and rate the Signs following details established in this Part. The Building Department shall notify the applicant in writing of the tentative Swapdown ratings within fourteen (14) days of receiving a completed application including Swapdown nominations and issue a written "Intent to Permit" letter when only removal of any specified existing Swapdown Billboards is required for permit issuance.

D. Registration of Existing Billboards

All Billboards located within the County shall be registered as follows.

1. A master registry of all existing Billboards shall be created to provide details on Billboard location and characteristics for annual County inspections.
2. The County Administrator shall send to each Billboard Owner a listing of their State licensed Billboards within thirty (30) days of this Code adoption. Within thirty (30) days after receipt, each Owner shall respond to the County Administrator to confirm the characteristics and exact location of all owned, leased or controlled Billboards including any additional ones existing without a State license.
3. Fees for initial registration of any Billboards without a State license shall be \$50.00 per Billboard payable thirty (30) days after the Billboard Owner reports such Billboards as described in Section 7.01.05 D.2.
4. Upon completion of the Countywide master registry of Billboards, including inventory of all Owners, said facts shall be presented to the Board of County Commissioners by the County Administrator for adoption by BCC resolution.
5. Starting in 1999, an annual inspection of all registered Billboards shall be made by the County Administrator to ascertain structural condition and Maintenance status of each Billboard. A \$25.00 fee for all such Billboard inspections shall be due and payable from the Billboard Owner within thirty (30) days of receipt of each County inspection report.
6. Annually, the aforesaid master registry of Section 7.01.05 D. 4 shall be updated to include a statement on the total number of Billboards existing in the County, and presented to the Board of County Commissioners for adoption by resolution.
7. All fees set by this Chapter shall remain in force and effect until changed by future resolutions of the Board of County Commissioners, and failure of any Person to pay a fee when due shall constitute a violation of this Article.

E. Classification Points for Swapdown Permitting

Each Face of a proposed new and/or an existing nominated Swapdown Billboard shall be rated in accordance with the physical characteristics of the Billboard Face, the structure supporting it, and the site location. Such classification points are termed "Raw Classification Points" and shall be determined and assigned from the table below:

Billboard Characteristics	Raw Points
STRUCTURAL SUPPORT	
(a) Wooden Poles	1
(b) Metal Framework	2
(c) Monopoles	6
HEIGHT TO TOP OF FACE	
(a) Up to 20 feet in height	1
(b) Over 20 to 25 feet in height	2
(c) Over 25 to 30 feet in height	3
(d) Over 30 to 35 feet in height	4
(e) Over 35 feet in height	5
ADVERTISING DISPLAY AREA	
(a) Up to 200 square feet	1
(b) Over 200 to 400 square feet	2
(c) Over 400 square feet	3
LIGHTED FOR NIGHT VISIBILITY	
(a) Not lighted	0
(b) Lighted from top only	2
(c) Ground or bottom lighted	3
PLACEMENT OF BILLBOARD	
(a) Any part of the Billboard is above a building	4
(b) Any part of the Billboard is within a Scenic Highway or Vista	8
SITE LOCATION PROXIMITY	
(a) In Rural area	1
(b) In Suburban area	2
(c) In Urban developed area	3

F. Adjustments for Compliance Factors

To determine Classification Points of various Billboard Faces, the Raw Points from Section 7.01.05 E. above shall be adjusted based upon use of the one most severe applicable compliance factors below:

1. Proposed Faces fully compliant with this Code shall have Classification Points equal to the Raw Point total.

2. Existing Faces:

- a. Still fully compliant with this Code shall have Classification Points equal to the Raw Point total.
- b. Now noncompliant by virtue of excess height or size only, shall have the Raw Point total reduced by a 0.75 multiplier to determine Classification Points.
- c. Now noncompliant by virtue of existence in land Use (zoning) category not allowing Billboards in this Code, shall have the Raw Point total reduced by a 0.62 multiplier to determine Classification Points.

G. Application Methodology:

1. After nominations of registered Billboards by Owners seeking a new Billboard permit or Billboard removal permit, the Classification Point information on Registered Swapdown Billboards shall be provided to the Owners or applicant or designee in accordance with Section 7.01.05 E and F. Joint onsite visits to nominated Swapdown Billboards shall be made or scheduled within three (3) working days of the Owner's request to the County Administrator to resolve questioned Classification decisions. The final Classification Points shall be those utilized in Swapdowns for new permitted Billboard Faces. Appeals on Classification Points shall be heard by the Adjustment and Appeals Board under the SBC for technical matters within fourteen (14) days of the applicant's written request to the County Administrator. No Classification Points shall be allowed on unregistered Billboards.
2. Owners of existing Billboards may apply for County building permits to voluntarily remove Billboards before submitting an application for a new conforming Billboard. Classification Points for such early removals shall be credited to the Billboard Owner for future Swapdown use. Said building permit numbers shall be the tracking numbers used by the County Administrator and by Owners to determine and monitor Classification Points credited and banked for future use by the Owner. Such banked points shall expire two (2) years after the date of the permit authorizing Billboard removal for removals completed after the date of the permit authorizing Billboard removal thereafter, if not used in Swapdown on a new Billboard permit.
3. No Classification Points shall be earned or assigned to any Billboard lost by abandonment, removal pursuant to development approval, or adversely affected by any means so that fifty percent (50%) or more of uprights supporting advertising Faces are not longer serviceable. Furthermore, no Classification Points shall be given for removals required when a Billboard land lease is not renewed by the land Owner.
4. Nothing herein shall prohibit one Owner assigning or conveying by any notarized written means its unused credited Classification Points to another Billboard Owner for Swapdown use by the subsequent Owner.

5. Via certified mail to the Owner, the County Administrator shall document, for the Owner's credit, any excess points from Swapdown Billboard removal, should the new proposed Billboard require fewer Classification Points than those removed.
- H. Examples of Billboards rated by Raw Points, Classification Points, and Swapdown use are detailed in Appendix F.

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PART 7.02.00 ON-PREMISE SIGN PROVISIONS

Sec. 7.02.01 On-Premise Sign Provisions - Non-Interstate

The following standards, criteria and provisions shall apply to all On-premise Signs throughout the County in commercial and industrial zoning districts, as defined in this Code, except sites located along the Interstate System, which are granted additional Signage pursuant to Section 7.02.02, sites located along a designated Scenic Highway or within a Scenic Vista, or sites located within special overlay districts, or sites located within open rural and residential zoning districts, or sites zoned PUD that have an approved overall master Sign design plan. Such excepted sites have more restrictive limits as detailed in applicable regulations and PUD zoning approvals.

A. Number and size

The following table describes Sign types, the maximum number allowed and maximum Advertising Display Area.

Sign Type	Maximum Number Signs Related To Frontage on Street		Maximum Square Footage Per Sign, Advertising Display Area
Ground Signs such as: Pole, Monument, and similar type Sign Structures	1	Up to 100 feet	150 square feet
	2	Over 100 to 200 feet	150 square feet each
	3	Over 200 to 500 feet	Two (2) at 150 square feet each; one (1) at 100 square feet
	4	Over 500 feet	Two (2) at 150 square feet each; two (2) at 100 square feet
Building Signs such as: Fascia, Marquee, Canopy, Roof, Building, Wall and similar Sign Structures		Number Not Limited	1.5 square feet per linear footage of Building Frontage, but limited to 150 square feet maximum per Sign (See Appendix C)

B. Maximum size

In no case, shall any individual Sign as described above, exceed one hundred fifty (150) square feet in size of Advertising Display Area.

C. Height Limits

Maximum height for On-premise Sign is based upon the Roadway Functional Classification,

as provided in Appendix E, as may be amended, and shall not exceed the maximum height as provided below.

Roadway Functional Classification	Maximum Height(feet)
State Roads (except SR 13)	30
Major Collector (except International Golf Parkway)	25
Local Roads	20
Minor Collector	20

Note: Portions of SR/CR 13 and International Golf Parkway are designated as a Scenic Highway

During permitting, the Sign applicant may request, in writing, an exception for an additional ten (10) feet of height on State Roads and Major Collectors and an additional five (5) feet of height on Local Roads and Minor Collectors when visibility of the Sign is obstructed by other Signs, buildings, trees, topographical and other natural features and similar obstructions. The Sign Contractor may request the exception to increase the height of an existing Sign when existing circumstances or conditions change that create an obstruction. The County Administrator shall visit the site and shall approve or deny the request in writing within fourteen (14) days. The decision of the County Administrator may be appealed to the Board of County Commissioners within thirty (30) days of the decision, per Section 7.00.08 of this Article.

D. Street Numbers

At least one On-premise Sign on each property having such a Sign shall include street address numbers. All such street address numbers shall be visible and legible from the Street or road right-of-way. Such numbers shall be a minimum of three (3) inches in height and one and one-half (1.5) inches in width. Street address numbers shall be excluded from the calculation of Advertising Display Area.

E. Spacing

Adjacent On-premise Signs shall be separated by a distance at least equal to the width of the two Signs added together.

Sec. 7.02.02 On-Premise Signs Provisions - Interstate

The following standards, criteria and provisions shall apply to all On-premise Signs throughout St. Johns County on all sites located within the interstate system interchanges, as described below.

A. Standard Allowance

Each Business Site shall be allowed Signage, designed in compliance with Section 7.02.01 of this Article.

B. Additional Allowance

Each business site shall be allowed one (1) additional Pole, Ground or Monument Signs placed onsite for primary visibility from the Interstate and designed in compliance with the following:

1. Business Sites situated within five hundred (500) feet of the of the interstate system interchange shall be allowed one (1) Pole Sign measuring one hundred twenty (120) feet in height with no more than three hundred (300) square feet of Advertising Display Area.
2. Business sites situated between five hundred (500) feet and one-half (0.5) mile of the interstate system interchange right-of-way shall be allowed one (1) Pole Sign measuring eighty-five (85) feet in height with a maximum Advertising Display Area of two hundred fifty (250) square feet.

Sec. 7.02.03 Setbacks /Placement Limits (depicted in Appendix D)

All On-premise Signs shall be subject to the following setbacks.

A. Setbacks

On-premise Signs including Special Event devices shall be setback five (5) feet from the front, ten (10) feet from the side and ten (10) feet from the rear. All setbacks are measured from the property line to the pole of the Sign. No portion of the Sign may extend into the right-of-way.

B. Corner

Signs Erected on Corner Lots shall not project within the triangular area formed by the street right-of-way and a line connecting such points twenty-five (25) feet from the corner formed by the intersection of the street right-of-way line.

C. Traffic

No Sign shall be Erected, that interferes or obstructs traffic flow or interferes or obstructs vehicular vision, such as within an intersecting right-of-way.

D. Utility Lines

No Sign shall be Erected that interferes any underground and over-head utility lines in compliance with the National Electric Code (NEC) and OSHA regulations.

Sec. 7.02.04 Special Use Signs

The following Signs shall be allowed in addition to other Signs allowed by this Code and are subject to the provisions contained herein and violation of these provisions shall result in a violation of this

Code. Such Special Use Signs meeting the permit criteria established in Section 7.00.01, shall be required to obtain a permit.

A. Public Information, Public Identification, Public Directional and Traffic Control Signs and devices or Directional Information and warning Signs which are Erected or Maintained by St. Johns County, the State of Florida or by any railroad, public utility, St. Johns County School Board or public agency. Such Signs may be remain as long as warranted. Only such Signs may be allowed within the public right-of-way.

B. On-site construction Signage provided:

1. Maximum one Sign each Lot, denoting one or more of the Owner, architect, financial institution, general contractor, subcontractors and any statement pertaining to a building or project under construction upon Lots or Parcels of land where a building permit has been secured for construction of a building or project on such Lot or Parcel of land.
2. Such Signs shall not be installed sooner than thirty (30) days prior to construction and shall be removed within thirty (30) days after completion of the building or project, prior to the issuance of certificate of occupancy (CO) or within fifteen (15) days after construction operation has ceased whichever is earlier.
3. Such Signs shall not exceed thirty-two (32) square feet, except those in residential zoning districts which shall not exceed six (6) square feet in area.
4. Such Signs shall be setback a minimum of five (5) feet from the front and ten (10) feet from all property lines in residential districts, and be setback at least twenty-five (25) feet from the intersection of road Right-of-ways.
5. Such Signs located on golf course Lots, Lots along navigable waters, and similar Lots with dual visibility shall be permitted one additional on-site construction Sign placed along the frontage of such golf course, navigable water and similar frontages.

C. Real estate Signage provided:

1. Signs with copy on one or both sides shall be allowed in all zoning districts.
2. One Sign shall be allowed for each street frontage of the parcel of property or unit offered for sale, lease or rent.
3. Sign is limited to a maximum six (6) square feet, including the Sign Structure, in area in residential districts.
4. Sign shall be removed within five (5) days of the day the property changes ownership, or is rented or leased.

5. Sign is limited to a maximum thirty-two (32) square feet Advertising Display Area, in non-residential districts.
6. Signs located on golf course Lots, Lots along navigable waters, and similar Lots with dual visibility shall be permitted one (1) additional real estate Sign placed along the frontage of such golf course, navigable water and similar frontages.
7. Banners may be used in compliance with the criteria established in this Code, and with the size and number as provided in Section 7.02.06A.
8. "Open House" Sign shall be allowed off-premise when Erected on private property, with the property owner's consent. No such Sign shall be placed on public right-of-way. Real Estate Signs announcing and directing to new subdivisions, model homes and similar new projects may be allowed off-premise during such times as these such new projects are being advertised and open for inspection. These are limited to six (6) square feet and shall not exceed three (3) per the property advertised. These Signs shall be removed immediately after Realtors or other sales personnel have left or closed the premises.
9. "Open House" Signs shall be allowed on property that is open for inspection at the time an owner or representative is on the premises.
10. "Open House" Signs are limited to a maximum six (6) square feet, including the Sign Structure.
11. "Open House Signs shall be setback a minimum of fifteen (15) feet from adjoining side yard property lines and setback a minimum five (5) feet from the front property line.

D. Flags provided:

1. Maximum of three (3) permanent Flags may be flown per site concurrently.
2. The maximum distance from top to bottom of all Flags situated on a single flag pole shall be twenty percent (20%) of the total height of the flag pole.
3. For Flags situated without a flag pole, the maximum distance from top to bottom of all Flags shall be twenty percent (20%) of the distance from the top of the flag or insignia to the ground.
4. The Height of a Flag pole shall not exceed the maximum Sign Height as allowed for On-premise Signs, including the approved heights by exception, as provided in this Section 7.02.01C.

E. Private Directional Signage provided:

1. Each commercial business and similar Uses shall be allowed at each access drive

and shall be limited to one (1) private Directional Sign, depicting the name and location of the said Use or business, and shall not be located on the right-of-way. Private directional Signage shall not exceed three (3) square feet in size or three (3) feet in height. However, upon approval by the County Administrator, additional directional Signage may be located throughout parking and traffic flow areas to direct traffic as necessary. Such Signs may only direct motorists to the location of individual entrances, parking areas and similar traffic flow patterns.

2. Each agricultural business and similar Use properties may display Identification and Directional Signs, limited to one located at each major access points. Such Signs shall not exceed thirty-two (32) square feet.

F. Agricultural Fair Signage, community festival, public community events Signage and similar Signage, limited to thirty-two (32) square feet. The number and approximate location of such Signs shall be registered with County, prior to Erection. Such Signage shall only be Erected on private or County owned property, not to include Right-of-Ways, with the property Owners permission and shall be removed immediately after the event is over. When such Signs are registered with the County, the event's contact person name, address and telephone number shall be provided.

G. Seasonal and Holiday Signs

1. Such Signs shall be Erected for no longer than a four (4) week period of time, with the exception of November through January, in which Seasonal and Holiday Signs may be Erected forty-five (45) days prior to the holiday and removed fifteen (15) days thereafter.
2. Such Signs shall not exceed six (6) square feet in residential districts or thirty-two (32) square feet in non-residential districts.
3. Seasonal and Holiday Signs do not include traditional decorations, such as ornaments, lights, wreaths, trees and similar items, which shall not be governed by the provisions of this Code.

H. Address and street numbers and name plates limited to two (2) square feet, except as provided in Section 7.02.01D.

I. Memorial Signs, historical markers, name plates depicting the names of buildings, date of Erection, builder and other Significant aspects of the building. Such Signs may be cut into brick or masonry surface, inlaid to be part of the building or bronze or other hard surface material plaque directly attached to the building, limited to six (6) square feet.

J. No trespassing Signs, no dumping Signs and similar warning Signage.

1. Such Sign is limited to six (6) square feet in size.
2. Such Signs shall be posted at the entrance to the property and subsequent Signs

shall be placed no more than one Sign per two hundred fifty (250) feet of property boundary.

- K. Garage sale Signs, limited to four (4) square feet in size, two (2) per site and located at the location of the garage sale. Garage sale Signs may be placed one (1) day before the sale and shall be removed immediately after the sale. No garage sale Signs may be Erected upon the right-of-way.
- L. Political Message Signs, limited to thirty-two (32) square feet, except those in residential districts which shall not exceed six (6) square feet.
- M. Signs placed upon vending machines. Such Signs shall not extend outside or above the vending machine.
- N. Signs Erected within interior courtyards or the inside fence line of ball and multi-purpose playing fields, stadiums, arenas, racetracks, and similar places, visible only to those Persons visiting such place. Such Signs shall not be Erected along or upon the outside of such area, except in compliance with this article.
- O. Concise Messages, under eight (8) square feet at business service doors or bays to identify services therein.

Sec. 7.02.05 Political Campaign Signs

All Political Campaign Signs shall be subject to the following provisions and limitations. Political messages, including campaign Messages on Signs authorized by other provisions of this Code are not restricted by this section.

A. Size

Such Signs shall not exceed thirty-two (32) square feet of Advertising Display Area, except in residential zoning districts which shall not exceed six (6) square feet.

B. Duration

Such Signs may be Erected prior to the election to which the Political Campaign Signs pertains and removed within seven (7) days after the election. The winning candidate in a primary election may continue to Maintain such applicable Political Campaign Signs until seven (7) days after the general election. If such Signs are not removed within the specified period, the County may remove such Signs and may charge the candidate the actual cost for such removal. Collected funds shall be deposited into the County general revenue. Failure to remove Signs is in violation of this Code and is enforceable pursuant to Chapter 162, F.S., Code Enforcement.

C. Location

Such Signs shall be placed on private property only with the consent of the property owner.

Political Campaign Signs that are placed within the public-right-of-way are prohibited and shall be removed by County Code Enforcement Officer without notice to the candidate.

Sec. 7.02.06 Special Event Signs

These Signs are exempt from prohibition, when registered and used as herein detailed. Special Event Signs may be allowed on any nonresidential Property. Special Events shall include activities, sales and promotions that require special advertising for the public. Special Events for each Property may be used for a cumulative total of one hundred twenty (120) days per calendar year. Each Person that uses Special Event Signs shall register the Special Event Signs with the County, at least one business day prior to initially using the Special Event Signs. Each such Person shall also maintain an accumulative log of all such Signs per calendar year for comparison to County records as necessary. No Special Event Signs shall be located on the right-of-way. All Special Event Signs shall be removed immediately after the Special Event. The applicant shall state the type of Special Use Signage that will be used during the Special Event when registering the Special Event. Upon registering, the following listed Special Event Signs shall be allowed.

A. Banners or Pennants

Each one shall not exceed one hundred twenty (120) square feet in size and no more than three (3) total shall be used per Special Event. Any Banner or Pennant not registered in advance shall be prohibited.

B. Anchored Balloons

Anchored Balloons may be many shapes and shall be anchored to and have contact with the ground at all times during display. Anchored Balloons shall not exceed thirty (30) feet in height when anchored from the ground. Any Anchored Balloon not registered in advance shall be prohibited.

C. Flags when flown on poles

Any Flag not registered in advance shall be prohibited, except those allowed in Section 7.02.04 D.

If any provision of this Section 7.02.06 is found unconstitutional or otherwise void by a court of competent jurisdiction, provisions for Special Event Signs under this Code shall be deemed voided in totality and no Special Event Signage shall be allowed.

Sec. 7.02.07 Development Signs

A. Subdivisions

Each residential subdivision entrance shall be allowed two (2) Subdivision Entrance Signs, located and Erected at or near the subdivision entrance. Such Signs shall provide the name of the subdivision and be located outside of public-right-of-ways. Subdivision Entrance Signs may be internally or externally lighted and shall be landscaped. Subdivision Entrance

Signs shall not exceed thirty-two (32) square feet in size of Advertising Display Area. Such Signs may be incorporated into a wall, fence or other structure. Such designs shall be submitted on the Comprehensive Design Plan.

B. Mixed Use Projects

Each subdivision, multi-family complex or non-residential development located within a mixed Use project, is allowed identification Signage; such Signage is subject to the requirements provided in this Code. In addition, such mixed Use project, as a whole, shall be allowed one identification Sign Erected at major access points of the mixed Use project. Such Sign shall not exceed one hundred (100) square feet of Advertising Display Area, shall be designed as a Monument or Ground Sign and shall not exceed fifteen (15) feet in height. Such Sign may be incorporated into a wall, fence or other structure. Such design shall be submitted on the Comprehensive Design Plan.

Sec. 7.02.08 Scenic Highway Signs And Antennas

A. Designation

There are roads within St. Johns County, that the Board of County Commissioners, the State of Florida and the Federal governments have determined to be scenic, due to natural, manmade, cultural, historic, archeological, and recreational resources that give the physical landscape its character and significance. For purposes of this article, these areas are designated as Scenic Highways and include SR 13/CR 13, also known as the William Bartram Scenic Highway and that portion of International Golf Parkway (formally known as Nine-Mile Road) that passes through Twelve-Mile Swamp. Scenic Highways require compatible Signage requirements that enhance scenic qualities. The following regulations pertain to these designated Scenic Highways and supersede, where applicable, the other criteria provided in this Code. Appendix B, provides characteristics, findings of fact, and Declaration of Policy for Scenic Highways.

1. Regulations

In addition to the other provisions established in this Code, areas designated as Scenic Highways are subject to the following requirements. In the event of a conflict between this Section, and other Sections of this Code, the more restrictive shall apply.

- a. No Off-premise Signs are allowed within three hundred fifty (350) feet of the right-of-way along either side of any designated Scenic Highway, as measured from the edge of right-of-way; and any Off-premise Signs Erected outside the three hundred fifty (350) foot designation, shall not be visible from the Scenic Highway at the time of permitting or immediately after Erection, except Real Estate Signs as provided herein. For purposes of this paragraph, visible shall mean human eye visibility from six (6) feet above the centerline of the Scenic Highway. Any Signs greater than two thousand five hundred (2,500) feet from the centerline shall be deemed not visible.

- b. No Off-premise Signs are allowed within three hundred fifty (350) feet of the right-of-way along either side of the road intersecting or abutting a designated Scenic Highway for a distance of two thousand five hundred (2,500) feet from the Scenic Highway, measured from the centerline of the intersection, except Real Estate Signs as provided herein.
- c. On-premise Signs includes all commercial business and subdivision identification Signage and only may be designed as a Ground Sign, Pole Sign, Monument Sign, Building Sign, Canopy Sign, Fascia Sign, subdivision Sign, Wall Sign and Window Sign and similar Signage types described in this Code.
- d. Each Business Site using Signage to identify, a multi-family complex, commercial project, shopping center, shopping mall, strip mall, professional business and office center, and similar Use sites shall be allowed a maximum of two (2) On-premise entrance Signs, designed as a Ground Sign, Monument Sign or Pole Sign. No entrance Sign shall exceed the maximum area, maximum width, and maximum height, provided in (h) below of this Section. Such entrance Sign Structures shall be constructed of wood, masonry, brick, or stone (excluding Pole Signs). The Sign Structure shall be a natural or earthtone color. The Advertising Display Area shall be designed within the Sign Structure. The Signs may be lighted internally or externally and all back-lighting or appearance of lighting shall be white in color. In addition to the entrance Signs, each individual business located within a multi-Use complex shall be allowed store or Business Identification Signage, not exceeding one square foot per linear store frontage. All back-lighting or appearance of lighting shall be white in color.
- e. Each Subdivision entrance, mobile home park entrance and similar residential projects shall be allowed two On-premise entrance Signs, designated as a Ground Sign, Monument Sign or Pole Sign. No entrance Sign shall exceed the maximum area, maximum width, and maximum height, provided in (h) of this Section. Such entrance Sign Structures shall be constructed of wood, masonry, brick, or stone, excluding Pole Signs. The Sign Structure shall be a natural or earthtone color. The Advertising Display Area shall be designed within the Sign Structure. The Signs may be lighted internally or externally and all back-lighting or appearance of lighting shall be white in color. Back-lighting or appearance of lighting shall be white in color. Entrance Signs may be incorporated into a wall, fence, landscape design, or other entrance feature.
- f. Signs placed, painted or otherwise Erected upon walls, buildings, Canopies, and similar structures shall be consistent with and complement the building, with respect to color, materials, and design. Back-lighting or appearance of lighting shall be white in color.
- g. Window Signs shall be legible only from the Premises on which located or from inside the Business. Window Signs shall not be used for Advertising

Messages, products, or services. Window Signs, as described herein, shall not be defined to include merchandise, material or object display within the window or Signs offering information or direction.

- h. Maximum square footage for Ground Signs, Monument Signs, Pole Signs, and similar Signage types described in this Code shall be limited to the following maximum square footage and height.

Distance from Road Right-Of-Way (feet)	Maximum Area (square feet) Advertising Display Area	Maximum Width (feet) (includes Sign Structure)	Maximum Height (feet) (includes Sign Structure)
0-24	30	6	6
25-49	36	6	6
50-99	42	8	8
100-149	48	8	8
150-199	54	10	10
200 or greater	60	10	10

- i. All Prohibited Signs, listed in Section 7.02.09 are prohibited along designated Scenic Highways. In addition to the Prohibited Signs listed Section 7.02.09 the following Signs are also prohibited along Scenic Highways.

- (1) Snipe Signs
- (2) Banners
- (3) Balloons
- (4) Animated Signs, Changing Copy Signs, Changing Message Devices, Revolving Signs, and any Signs that moves, spins, rotates, in any manner
- (5) Pennants
- (6) Billboards
- (7) Any Antenna or satellite dish, greater than one (1) meter in diameter, used for receiving satellite television signals, visible from the Scenic Highway right-of-way.

B. Scenic Vistas

Scenic Vistas are areas that have beauty due to the natural environment, topography, cultural and historic resources. These areas give shape, character, significance to the County and provide natural or cultural views of the County to the traveling public. These vistas provide views of the Intracoastal waterway, estuaries, the ocean, upland hammocks, historic resources and a combination of these natural settings.

The Board of County Commissioners may designate Scenic Vistas, after a public hearing. Any area within St. Johns County designated as a Scenic Vista shall at a minimum, comply with the Signage criteria, required for Scenic Highways, except that Off-premise Signs may be allowed within three hundred fifty (350) feet of the right-of-way along either side of the abutting road the Scenic Vista. All other Scenic Highway criteria, as provided in this Code shall apply to Scenic Vistas. The Board of County Commissioners may provide additional criteria and regulation to these areas, when designated.

Sec. 7.02.09 Prohibited Signs

The following Signs are prohibited in the jurisdiction governed by this Code and said prohibition shall supercede any conflicting provision of this or other County Codes.

- A. Portable, mobile and Freestanding Signs.
- B. Roof Signs when the Signs exceeds the highest part of the Roof Line or when the Roof Sign results in Signage which exceeds the maximum height of On-premise Signs.
- C. Banners except for Special Events as defined herein.
- D. Flashing Signs
- E. Obscene Signs
- F. Serial Signs unless otherwise allowed within this Code. Serial Signs shall not include legally Erected Billboards placed in succession with or related Advertising Messages.
- G. Hazardous or confusing Signs.
- H. Any private Signs placed on public property including, but not limited to, right-of-ways and medians, except Public Use Signs as provided in Section 7.02.04 A of this Code. Any private Signs placed on public property including right-of-ways and medians shall be deemed a public nuisance and shall be removed by a County Code Enforcement Officer or designee without notice to the Owner or public hearing.
- I. Any Sign which incorporates or consists of pennants, ribbons, streamers or wind operated devices.
- J. Signs on vehicles with the following exceptions:

1. Vehicles parked on private property when parked within the confines of a building or in some manner which provides for effective screening that does not allow the Sign or Signs on the vehicles to be viewed from any street.
 2. Any vehicle upon which a Sign is placed identifying the firm or its principal products, if such vehicle is one which is used during operating hours of the business; provided that no such vehicle shall be repeatedly parked in a location where it serves as or constitutes additional Signage.
 3. Buses, taxicabs and similar common carrier vehicles which are licensed or certified by the City, County and/or the Florida Public Service Commission.
 4. Bumper stickers, license plates, parking identification Signs, beach pass Signs, press Signs, vehicle manufacturing Signs and dealer identification Signs and logos and other similar Signs.
 5. Vehicles that are traveling through St. Johns County and not remaining in the County more than twenty-four (24) hours at a time.
- K. Snipe Signs, unless otherwise allowed by this Code. Snipe Signs shall include any Signs which is nailed, tacked, fastened, affixed or otherwise placed upon a tree. Upon seeing any Signs placed upon a tree, the Code Enforcement Officer is allowed to remove the Signs.
- L. Fluorescent paints and materials; Reflective Signs, except for those Signs that use *ScotchLite* and similar pressure sensitive materials that are accepted by outdoor advertising and nation-wide transportation departments; and also prohibiting mirror, and similar Signs.
- M. Any Signs that does not comply with the Code requirements.
- N. Abandoned Signs, or Signs devoid of Maintenance.
- O. Beacon Lights, Tracker Lights and similar lighting systems.
- P. All Signs prohibited by Chapter 479.11, F.S.
- Q. Balloons, except for Special Events as defined herein.
- R. Off-premise Signs except Billboards and Special Use Signs as provided herein.
- S. Automatic Changeable Message Devices.
- T. Sign Walkers.

Sec. 7.02.10 Non-Conforming Signs

All Non-conforming Signs shall:

A. Remain substantially unchanged from the date of becoming Non-conforming, actions listed below shall be prohibited on a Non-conforming Signs.

1. Change structural supporting materials from existing type to another.
2. Enlarging Advertising Display Area, excluding Embellishments.
3. Increase in Sign height.
4. Addition of any methods to provide an Automatic Message Change.
5. Improvement or addition of lighting to increase illumination of the Signs.
6. Relocate, move, or re-Erect the upright supports and framework supporting the Sign Face in excess of annual Maintenance limits, unless such is permitted in advance as a requirement solely for OSHA conformance in accordance with State Outdoor Advertising Sign Regulations, Florida Administrative Code, Section 14-10, as amended.

B. Not be Re-Erected or Rebuilt

No Nonconforming Signs shall remain or be restored to use when one-half (0.5) or more that one-half (0.5) of the upright supports of the Sign assembly supporting the Advertising Display Area are physically in any condition, caused by any means, such that wooden supports are replaced or supplemented by structural attachments equal to one-half (0.5) or more original wood structural capacity, or in the case of metal upright supports, so that one-quarter (0.25) or more of the linear footage above ground is broken, bent or twisted from the original shape.

However nothing herein shall prohibit repairs to a Nonconforming Sign when more than one-half (0.5) of the original upright supports remain in original structural strength and physical condition provided a building permit for such repairs shall be issued in advance of any work (except temporary emergency bracing that may be utilized to stabilize a damaged Sign) and all permitted work thereafter completed within six (6) months of damage. Any such work undertaken before issuance of the required building permit shall create an irrefutable presumption that damage or adverse conditions exceeded the limit recited above and thereby all future Nonconforming rights shall cease to exist, the Sign thereafter being illegal and a violation of the Code.

C. Remain in Use

No Non-conforming Sign which is discontinued in Use for one (1) full calendar year shall be expanded, enlarged, repaired or put back into Use except in compliance with this Code.

D. Future Compliance

All Non-conforming Signs shall be removed or brought into compliance with this Code within

ten (10) years of the adoption of this Code, except for those protected by Section 479.15(2), F.S. The provisions of this section shall not preclude regular Maintenance and upkeep, including but not limited to repainting, for the operation and life of the Sign.

E. Exceptions

Approved PUD, PRD and Development of Regional Impact (DRI) projects that have commenced construction and have provided for Signs as part of the overall unified development plan, prior to the adoption of this Code, shall be allowed to continue with the approved Sign design, including, but not limited to, height, size, number and location. Such Signs may also be replaced if destroyed or damaged by more than fifty percent (50%), according to the approved unified Sign design. Major modifications to PUD and PRD projects that affect Signage in any manner shall terminate the existing approval and shall be subject to the requirements of this Code. The applicant for such projects may request, in writing, that the County Administrator review such project and issue in writing whether the approved Sign may continue.

**ARTICLE VIII
AGENCIES AND BOARDS**

PART 8.00.00 GENERALLY

Sec. 8.00.01 Administration Of Code

The County Administrator shall be responsible for performing all administrative functions of St. Johns County government relating to the administration of this Code. The County Administrator may create departments and other governmental agencies, and make any other necessary administrative arrangements or delegate authority as necessary to properly administer this Code.

Sec. 8.00.02 Flood Damage Control Administrator

A. Generally

There shall be a Flood Damage Control Administrator who shall be the County Administrator. The duties of the Flood Damage Control Administrator shall include, but not be limited to, those provided below.

B. Duties of the Flood Damage Control Administrator

1. Review all proposed developments to assure that the requirements of the flood damage prevention regulations have been met.
2. Notify adjacent communities, the water management district, and the State of Florida Department of Community Affairs, prior to permitting or approving any alteration or relocation of a watercourse, and provide evidence of such notification to the Federal Emergency Management Agency.
3. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor, or of the flood-proofing, of all new or substantially improved structures regulated by the flood damage prevention regulations.
4. Interpret the boundaries of the Area of Special Flood Hazard and the various zones, including the Regulatory Floodways and Coastal High Hazard Areas.
5. Maintain all records pertaining to the implementation of the flood damage prevention regulations.

PART 8.01.00 PLANNING AND ZONING AGENCY (PZA)

Sec. 8.01.01 Powers And Duties

A. Advisory

The Planning and Zoning Agency (PZA) shall serve in an advisory capacity and recommending body to the St. Johns County Board of County Commissioners on matters relating to zoning of land, amendment of Land Development Regulations, land Use amendments and Major Modifications to PUD's and PRD's, including those functions as the County's Local Planning Agency per Chapter 163, Florida Statutes.

B. Decision-Making

The PZA shall serve as an appeals and adjustment board on matters relating to zoning. In this capacity the Agency shall be authorized to:

1. Grant Special Use Permits as provided in this Code.
2. Grant Zoning Variances as provided in this Code, further provided that no such Variance may be granted which allows a use of property contrary to this Code.
3. Grant Minor Modifications to PUD's and PRD's as provided in this Code.
4. Review zoning changes for consistency with the St. Johns County Comprehensive Plan, as amended from time to time.
5. Perform such other functions and take such actions as provided in this Code.

C. Local Planning Agency

The PZA shall serve as the County's Local Planning Agency. In this capacity the Agency shall:

1. Be responsible for the preparation of the Comprehensive Plan or plan amendment and shall make recommendations to the Board of County Commissioners regarding the adoption or amendment of such plan.
2. Monitor and oversee the effectiveness and status of the Comprehensive Plan and recommend to the Board of County Commissioners such changes in the Comprehensive Plan as may from time to time be required.
3. Review proposed Land Development Regulations, land development codes, or amendments thereto, and make recommendations to the Board of County Commissioners as to the consistency of the proposal with the adopted

Comprehensive Plan or portion thereof.

4. Perform any other functions, duties and responsibilities assigned to it by the Board of County Commissioners or by general or special law.

Sec. 8.01.02 Organization

A. Membership

1. The PZA shall have seven (7) members appointed by the St. Johns County Board of County Commissioners.
2. Each member shall reside in the County.
3. When a position becomes vacant before the end of the term, the Board of County Commissioners shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
4. Members may be removed without notice upon showing of good cause by a majority vote of the Board of County Commissioners.
5. Members shall not be compensated, but may be paid for travel and other expenses incurred on Agency business under procedures prescribed in advance by the Board of County Commissioners.
6. If any member fails to attend three (3) successive meetings or fails to attend ten (10) total meetings during a calendar year, the PZA shall declare the member's office vacant and notify the Board of County Commissioners.

B. Officers

1. The members of the PZA shall annually elect a Chair and Vice-Chair from among the members and may create and fill other offices as the Agency deems needed or necessary.
2. The County Administrator shall appoint a County employee to serve as secretary to the PZA, recorder and custodian of all Agency records.

C. Subcommittees

1. The PZA shall create whatever subcommittees it deems needed to carry out the purposes of the Agency.

2. The Chair of the PZA shall annually appoint the membership of each subcommittee from the members of the Agency.

Sec. 8.01.03 Board Procedures

A. Meetings

1. The PZA shall meet at least once each calendar month, unless canceled by the PZA or its Chair, and more often at the call of the Chair or the Board of County Commissioners.
2. The PZA shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
3. Four (4) members shall constitute a quorum.

B. Decisions

Each decision of the PZA must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. Failure to receive a majority vote of members present shall act as a denial of the application, appeal, or other matter that is before the PZA.

C. Other Rules

The PZA shall adopt other rules of procedure necessary to carry out its purposes. All rules must conform to this Code, other County ordinances, and state law. The rules shall be in writing and freely available to the public.

**ARTICLE IX
ADMINISTRATION**

PART 9.00.00 GENERALLY

Sec. 9.00.01 Purpose

This Article sets forth the application and review procedures required for obtaining development approval, appealing decisions, and taking legislative action.

Sec. 9.00.02 Development Review Manual

A. Generally

The County Administrator is authorized and directed to prepare a Development Review Manual containing supplemental administrative regulations and procedures, forms, applications, fee schedules, submittal requirements, internal review procedures, charts and related materials, consistent with the intent and content of this Code, and necessary to facilitate the efficient, effective and equitable administration of this Code.

B. Format and Publication

The Development Review Manual shall be drafted in plain English, shall have a table of contents and index, and shall be published and made available to the general public at a cost not exceeding the actual cost of duplication.

C. Approval by Board of County Commissioners

The Development Review Manual shall be completed and submitted to the Board of County Commissioners for approval by Resolution. The County Administrator shall be authorized to change or modify the Development Review Manual at any time following initial approval of the Development Review Manual by the Board of County Commissioners.

Sec. 9.00.03 Withdrawal Of Applications

An application for any action under this Article may be withdrawn at any time so long as no notice has been given that the application will be reviewed at a public hearing. An application may be withdrawn thereafter, with the consent of the Board of County Commissioners or Planning and Zoning Agency, as applicable.

Sec. 9.00.04 Concurrent Applications

An application for the rezoning of land, Special Use Permit, or Variance on all or part of the same land may be made concurrently. In such cases, the effective date of the Special Use Permit and/or Variance shall be held in abeyance until action has been taken by the Board of County Commissioners on the application for rezoning of such land.

Sec. 9.00.05 Time Periods

All time periods provided for in this Article are substantive, and non-compliance with any time period shall deny the substantive right to which the time period applies unless the time period is waived by the Board of County Commissioners. The Board of County Commissioners may waive any such time period or time limits upon a finding of good cause, other than the Notice of Hearings established in Section 9.06.04 of this Code.

PART 9.01.00 DEVELOPMENT PERMIT REQUIRED

Sec. 9.01.01 Generally

No development activity may be undertaken unless the activity is authorized by a Development Permit.

Sec. 9.01.02 Prerequisites To Issuance Of Development Permit

Except as provided in Section 9.01.03 below, a Development Permit shall not be issued unless the proposed development activity:

- A. Is authorized by a final order issued pursuant to this Code; and
- B. Conforms to the Development Review Manual adopted by reference in Section 9.00.02 of this Code.

Sec. 9.01.03 Exceptions To Requirement Of A Final Order

A Development Permit may be issued for the following development activities in the absence of a final order issued pursuant to this Code. However, any development activity exempted from compliance with this Code, shall comply with all previous applicable requirements of law, Ordinance, plat, Development Order or Development Permit in effect at the time of approval of the development activity. Unless otherwise specifically provided, the development activity shall conform to this Code and the Development Review Manual.

- A. Development activity necessary to implement a valid development plan on which the start of Construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- B. The Construction or alteration of a one (1) or Two (2) Family dwelling on a lot in a valid recorded subdivision, or legally documented unrecorded lot prior to June 19, 1978, approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- C. The alteration of an existing Building or Structure so long as no change is made to its gross floor area, its Use, or the amount of impervious surface on the site.
- D. The erection of a Sign or the removal of Protected Trees on a previously developed site which is independent of any other development activity on the site.
- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.
- F. All other activities that are required by this Code to only obtain a Development Permit.

Sec. 9.01.04 Procedure

A. Application

An application for a Development Permit shall be filed with the County Administrator on forms provided by the County Administrator.

B. Completeness Review

The application and any required submittals shall be reviewed for completeness by the County Administrator. If incomplete, the County Administrator shall, within five (5) working days of receipt of the application, inform the Applicant of what additional information is needed.

C. Compliance Review

The County Administrator shall review the proposal and decide whether to grant or deny the requested Development Permit in accordance with time limits established in the Development Review Manual. The County Administrator's decision shall be based on whether the proposal complies with all applicable provisions of this Code and other County regulations.

D. Decision

A decision to approve the application shall be in the form of a written Permit. A decision not to approve shall be in the form of a letter setting forth the reasons for the denial.

Sec 9.01.05 Right-Of-Way Permits

A. An "Application for Right-of-Way Permit" shall be submitted to, and approved by, the County Administrator prior to commencement of any planned Construction activities within County right-of-way. Construction activities include, but are not limited to: utility installations, driveway connections, sidewalks, drainage alterations, placement of mailboxes, Signs, and similar Construction activities that normally occur within the right-of-way, unless exempted by provisions of Section 6.04.04.B. Right-of-Way Permits shall not be required for Construction activities that are approved through a "Development Permit" subject to the provisions of Part 9.01.00 herein.

B. The "Application for Right-of-Way Permit" and related drawings shall be submitted in triplicate to the County Administrator for review. One of the three (3) applications shall be an original. Upon approval, the Applicant will receive one (1) copy of the approved application which shall be kept on the job site during the duration of the Construction or installation activities and shall be made available to County personnel upon request during field inspections. The original will be placed in County files and one (1) copy shall be used by County inspection staff.

C. Upon approval by the County Administrator, the Right-Of-Way Permit shall allow the described Construction for a specified period not to exceed six (6) months from the date of approval. Right-Of-Way Permits for Construction may be extended with prior written approval from the County Administrator up to a total period of twelve (12) months. Additional extensions beyond a total permit period of twelve (12) months shall require a new "Application for Right-of-Way Permit" to be submitted and approved including payment of all applicable fees.

D. Notification

All site-related roadway and drainage improvements shall be constructed in accordance with approved Construction drawings and related specifications under the authority of the "Right-of-Way Permit" or "Development Permit", as approved by the St. Johns County Development Review process. To ensure Construction is in compliance with Permit conditions, the County Administrator shall be given advanced notification of the following items in the format indicated:

PERMIT TYPE/WORK ITEM	ADVANCED NOTIFICATION	FORMAT
Development Permits		
Commencement of Construction	24 hours	Written
Storm Sewers and Underdrains (prior to backfilling)	24 hours	Verbal
Roadway Subgrade	24 hours	Verbal
Roadway Curb and Concrete Work	24 hours	Verbal
Roadway Base Course	24 hours	Verbal
Roadway Surface Course	24 hours	Verbal
Final Inspections	5 days	Verbal
Right-of-Way Permits		
All Construction and Installations	24 hours	Verbal

E. The County acknowledges that conflicts may occur in scheduling and there may be times when a County inspector will not be available. In those instances where an inspector is not available, and to wait would unreasonably delay the project, the inspection requirements may be met, with advanced approval, by having the Engineer of Record submit, with applicable test reports, a signed and sealed certification to the County Administrator that Construction was performed and completed as specified in the approved Construction drawings and specifications.

PART 9.02.00 (Reserved)

PART 9.03.00 SPECIAL USES, VARIANCES, TEMPORARY USE PERMITS, MINOR MODIFICATION TO PUD OR PRD

Sec. 9.03.01 Generally

An application for an Special Use Permit, Variance, Temporary Use Permit, Minor Modification to a PUD or PRD shall be reviewed according to the procedures below. The Applicant shall submit an application on a form provided by the County Administrator.

Sec. 9.03.02 Procedures

A. Review by County Administrator

1. The County Administrator shall review the application to determine if all required information has been submitted. If additional information is needed, the County Administrator shall notify the Applicant of the deficiencies within five (5) working days of receipt of the application.
2. Upon receipt of a complete application, such matter shall be placed on the agenda of the next reasonably available Planning and Zoning Agency meeting allowing for required notice and the preparation of the report as set forth below.
3. The County Administrator shall issue a written report setting forth findings and conclusions supporting its recommendation that the Planning and Zoning Agency grant or deny the application in accordance with time limits established in the Development Review Manual. This report shall be mailed to the Applicant immediately upon its completion.

B. Hearing by Planning and Zoning Agency

The Planning and Zoning Agency shall hold a quasi-judicial hearing on the application in accordance with the procedures set forth in Part 9.06.00 below.

PART 9.04.00 REZONING OF LAND AND COMPREHENSIVE PLAN AMENDMENTS

Sec. 9.04.01 Generally

A. Amendments Authorized

The Zoning Atlas and Future Land Use Map of the St. Johns County Comprehensive Plan may from time to time be amended pursuant to the procedures set forth below.

B. Small-Scale Land Use Map Amendment Defined

A small-scale land Use map amendment is an amendment to the Future Land Use Map portion of the St. Johns County Comprehensive Plan involving ten (10) acres or less of land, as provided for in Section 163.3187(1)(c), F.S.

Sec. 9.04.02 Initiation Of Proposals

An Ordinance for the rezoning of land or for a land Use map amendment to the Future Land Use Map may be proposed only by the owner(s) of the subject property or duly authorized agent, the St. Johns County Board of County Commissioners, the Planning and Zoning Agency, or the County Planning Department. All such proposals shall be submitted in writing accompanied by all pertinent information which may be required by the County Administrator for proper consideration of the matter which shall include certificate of title by a title or abstract company or attorney, licensed in the State of Florida, or current copy of recorded deed.

Sec. 9.04.03 Review By Planning And Zoning Agency

A. Public Hearing

A public hearing shall be held by the Planning and Zoning Agency to consider a proposal for a rezoning. The hearing for a site-specific rezoning shall be a quasi-judicial type hearing in accordance with the procedures at Part 9.06.00 below. The hearing for a land Use map amendment shall be legislative in nature.

B. Planning and Zoning Agency Report

- 1.** The Planning and Zoning Agency shall prepare a report and recommendations to the Board of County Commissioners which shall address:
 - a.** The need and justification for the change; and
 - b.** The relationship of the proposed amendment or rezoning to the County Comprehensive Plan and this Land Development Code.

2. Unless a longer time is mutually agreed upon by the Board of County Commissioners and the Planning and Zoning Agency, in the particular case, the Planning and Zoning Agency shall submit its report and recommendations to the Board of County Commissioners no later than sixty (60) days from the date a complete application was filed with the County Administrator.
3. The report and recommendation of the Planning and Zoning Agency shall be advisory only and shall not be construed to be binding upon the Board of County Commissioners.

Sec. 9.04.04 Action By Board Of County Commissioners

A public hearing shall be held by the Board of County Commissioners to consider a proposal for a site-specific rezoning. The hearing shall be a quasi-judicial hearing pursuant to the procedures at Part 9.06.00 below.

Sec. 9.04.05 Limitations On Rezoning Land

A. Re-Application After Approval of Rezoning

Whenever the Board of County Commissioners has, by amendment to this Code, changed the zoning classification of land, the Planning and Zoning Agency shall not then consider any application for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such amendment to this Code.

B. Re-Application After Denial of Rezoning

Whenever the Board of County Commissioners has denied an application for the rezoning of land, no further application shall be filed for the same rezoning category of any part, or all of the same land for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same rezoning for any part or all of the same land has been denied, no further application shall be filed for the same rezoning category of any part or all of the same land for a period of two (2) years from the date of such action denying the last application filed.

C. Waiver of Time Limits

The time limits in Sections 9.04.05.A. and 9.04.05.B. above may be waived by the affirmative vote of a majority of the Board of County Commissioners when such action is deemed necessary to prevent injustice or to facilitate proper development of the County.

PART 9.05.00 LAND USE POLICY DECISIONS

Sec. 9.05.01 Generally

A. Land Use Policy Decisions Defined

Land Use policy decisions are those that have been declared by the courts of Florida to be "legislative" in nature, rather than "quasi-judicial." These include the following:

1. Amendments to the text of the Comprehensive Plan.
2. Amendments to the Future Land Use Map of the Comprehensive Plan.
3. Large-scale administrative rezonings initiated by the County involving multiple parcels of property.

B. Applicability

The procedures in this Part shall be followed for the making of all land Use policy decisions as defined above.

C. State Law Controlling

This Part supplements the mandatory requirements of state law, which must be adhered to in all respects.

Sec. 9.05.02 Procedures

A. Application

1. A property owner, or duly authorized agent, of land seeking a land Use amendment, the Board of County Commissioners, the Planning and Zoning Agency, or the County Planning Department may initiate a proposal for a Comprehensive Plan text or Future Land Use Map change.
2. Applications for amendments to the Comprehensive Plan, other than small-scale land Use map amendments, or applications otherwise exempt by Chapter 163, F.S., from the twice per year adoption cycle, shall only be accepted during the months of June and December of each calendar year.

B. Referral to Planning and Zoning Agency

The County Administrator shall refer all land Use policy matters to the Planning and Zoning Agency for review. The County Administrator shall set the application for hearing before the Planning and Zoning Agency not more than one hundred twenty (120) days from the

date the application was received, unless specific time periods are otherwise established per Florida Statutes.

C. Recommendation of Planning and Zoning Agency

The Planning and Zoning Agency shall hold a legislative hearing on each land Use policy matter pursuant to the procedures at Part 9.06.00 below. The Planning and Zoning Agency shall thereafter submit to the Board of County Commissioners a written recommendation which:

1. Identifies any provisions of this Code, the Comprehensive Plan, or other law relating to the proposed change and describes how the proposal relates to them.
2. States factual and policy considerations pertaining to the recommendation.
3. In the case of proposed amendments to this Code, includes the written comments, if any, received from the Planning and Zoning Agency.

D. Decision By Board of County Commissioners

The Board of County Commissioners shall hold a legislative hearing on Comprehensive Plan Amendments, not including small-scale amendments, pursuant to the procedures of Part 9.06.00 below. At the conclusion of the hearing(s) the Board of County Commissioners shall vote to transmit or not transmit the proposed amendments to the Florida Department of Community Affairs. Within one hundred twenty (120) days of receiving the Objections, Recommendations and Comments (ORC) report from the Department of Community Affairs, the Board of County Commissioners shall hold a legislative hearing on the proposed amendments pursuant to the procedures in Part 9.06.00 below to decide to adopt, adopt with changes, or not adopt the proposed amendment(s).

PART 9.06.00 HEARINGS

Sec. 9.06.01 Generally

Under the law of Florida, a hearing on a land Use matter may be legislative or quasi-judicial. Although Florida law often provides specific direction as to whether specific types of hearings are quasi-judicial or legislative, as a general guideline, if the hearing is for the purpose of establishing land Use policy that will have general applicability, the hearing is legislative and must be conducted in accord with procedures applicable to such hearings. Alternatively, if the purpose of the hearing is to apply general standards of this Code to a development proposal, then the hearing is quasi-judicial and must be conducted in accordance with procedures applicable to such hearings. Set forth below are guideline procedures for each type of hearing when such a hearing is to be held by either the Planning and Zoning Agency or the Board of County Commissioners. These procedures may be varied for good cause by the Chairman to the extent allowed by Florida law.

Sec. 9.06.02 Legislative Hearings

A. Notice

Notice that complies with the requirements of Chapter 163, Chapter 125, or other applicable provisions of Florida Statutes, shall be given.

B. Conduct of Hearing

1. The matter shall be introduced by the County Administrator or designee.
2. The County Administrator or designee shall present the analysis of the proposed action, any recommendation by the Planning and Zoning Agency, and any reports or recommendations received from other agencies.
3. Interested parties shall be allowed to submit written recommendations and comments before or during the hearing, and shall be given a reasonable opportunity to make oral statements in favor of or in opposition to the proposal.

Sec. 9.06.03 Quasi-Judicial Hearings

A. Rights of Parties

All parties to a quasi-judicial proceeding shall have the following rights:

1. Present their case or defense by oral and documentary evidence. This shall not include a right to compel testimony or production of non-public or confidential documents.
2. Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts.

3. Submit proposed findings and conclusions and supporting reasons therefor.
4. Make offers of compromise or proposals of adjustment. This shall not empower the County to accept any compromise or endorsement, otherwise not authorized by law.
5. Be accompanied, represented and advised by counsel or represent themselves. This shall not be interpreted to require the County to provide counsel to any party.
6. Be promptly notified of any action taken on the matter.

B. Order of Hearing

Quasi-judicial hearings shall proceed as follows:

1. Presentation of case by the County Administrator or designee
2. Opening statements
 - a. By Applicant
 - b. By opponent representative, if any
3. Presentation of evidence by Applicant. Cross examination of each witness shall be allowed after each witness testifies.
4. Presentation of evidence by represented opponents. Cross examination of each witness shall be allowed after each witness testifies.
5. Public comments
 - a. In favor of application
 - b. In opposition to application
6. Represented opponent rebuttal to public comments.
7. Applicant rebuttal to represented opponent's evidence and to public comments.
8. Closing statements
 - a. By opponent representative
 - b. By Applicant

9. Closing comments of the County Administrator or designee and Office of the County Attorney.

C. Evidence

Evidence may be submitted that would be admissible in civil proceedings in the courts of this State, but in receiving evidence due regard shall be given to the technical and highly complicated subject matter which must be handled. The exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect, however; parties must be given an opportunity to cross-examine witnesses. Otherwise, however, effect shall be given to rules of evidence recognized by the law of Florida.

D. Discussion by Board

Following the public portion of the hearing, the Planning and Zoning Agency or County Commission may debate and take action in accordance with their standard procedures. Witnesses may be called or recalled to answer questions. If rebuttal of such testimony is requested, it should be allowed but may be strictly limited.

E. Final Order

A Final Order on each request shall be made within thirty (30) calendar days of the last hearing at which such request was considered. Each Final Order shall contain findings of fact and conclusions upon which the Order is based, and may include such conditions and safeguards as are appropriate in the matter including reasonable time limits within which action pursuant to such Order shall be begun or completed or both. The Final Order shall be furnished to the County Administrator and to the Applicant.

F. Record

A record of all matters considered at a quasi-judicial hearing shall be created by the County. A verbatim transcript of the record is not required but the County shall establish such record in a sufficient degree to disclose the factual basis for its final determination with respect to such requests and appeals.

Sec. 9.06.04 Notice Of Hearings

A. Generally

In addition to any requirements of state law that may apply to a given matter, the following notice requirements shall be followed.

B. Mailed Notices

Not less than ten (10) days in advance of the date of the required public hearing(s) at which

an application for a rezoning, Major Modification to Planned Unit Development (PUD) or Planned Rural Development (PRD), Special Use, or Variance is to be considered, the time and place of the public hearing shall be posted by United States mail to all Owners of real property within three hundred (300) feet of the boundaries of the land upon which the application is made; provided however, that where the Applicant is the Owner of land not included in such application and such land that is not included in the application is a part or adjoins the parcel upon which such request is made, the Planning and Zoning Agency may, in its discretion give mailed notice to such Owners as the Planning and Zoning Agency may determine. For the purpose of notice requirements to adjoining owners, the names, addresses, and legal descriptions shall be provided by the Applicant and shall be those listed on the most recent certified tax roll of St. Johns County.

C. Published Notice

Not less than fifteen (15) days in advance of the date of the required public hearing(s) at which an application for a rezoning, Major Modification to a PUD or PRD, Minor Modification to a PUD or PRD, Special Use, Variance, or Temporary Use Permit is to be considered, the time and place of the public hearing shall be published once in a St. Johns County Newspaper of general circulation, and others as deemed necessary by the County Administrator.

D. Signs

Not less than fifteen (15) days in advance of the date of the required public hearing(s) at which an application for a rezoning, Major Modification to a PUD or PRD, Minor Modification to a PUD or PRD, Special Use, Variance, or Temporary Use Permit is to be considered, the County Administrator shall cause a Sign or Signs to be posted on the subject parcel. Such Sign(s) shall be in the form required by the County Administrator and shall be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such Signs shall be erected on the nearest street Right-of-Way.

PART 9.07.00 APPEALS

Sec. 9.07.01 Adversely Affected Person Defined

An "adversely affected person" as used herein shall be any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the St. Johns County Comprehensive Plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons. A person within the area receiving mailed notice for the hearing on the matter at issue shall be automatically deemed to be an adversely affected person.

Sec. 9.07.02 Appeals From Decisions Of The County Administrator In Enforcing This Code

An Applicant or any adversely affected person may appeal any final decision of the County Administrator in enforcing this Code to the Board of County Commissioners by filing a notice of appeal with the County Administrator within thirty (30) days of the decision. The appeal shall be scheduled on the next reasonably available meeting of the Board of County Commissioners. The decision of the Board of County Commissioners shall constitute final action for the County and may, thereafter, be appealed to circuit court in accordance with Florida law.

Sec. 9.07.03 Appeals From Decisions Of The Planning And Zoning Agency

The County Administrator, an Applicant or an adversely affected party, as defined in Section 9.07.01, may appeal any final decision by the Planning and Zoning Agency, to the Board of County Commissioners. Appeals are made to the Board of County Commissioners by filing a notice of appeal with the County Administrator within thirty (30) days of the date when the written Final Order is signed and dated. The appeal shall be scheduled on the next available meeting of the Board of County Commissioners. The decision of the Board of County Commissioners shall constitute final action for the County and may, thereafter, be appealed to circuit court in accordance with Florida law.

Sec. 9.07.04 Appeals From Decisions Of The Architectural Review Committee

The County Administrator, an Applicant or an adversely affected party, as defined in Section 9.07.01, may appeal a determination of the Architectural Review Committee to the Board of County Commissioners by filing a notice of appeal in writing to the County Administrator within thirty (30) days of the date of the Final Order. The decision of the Board of County Commissioners shall constitute final action for the County and may, thereafter, be appealed to circuit court in accordance with Florida law.

Sec. 9.07.05 Notice Of Appeal

A notice of appeal shall contain:

- A. A statement of the decision to be reviewed, and the date of the decision.
- B. A statement of the interest of the adversely affected person, as defined in Section 9.07.01, seeking review.
- C. The specific error alleged as the grounds of the appeal.

Sec. 9.07.06 Appellate Hearing

When a decision is appealed to the Planning and Zoning Agency or Board of County Commissioners, the hearing shall be a de novo hearing on the merits and shall be conducted as a quasi-judicial hearing as set forth in Part 9.06.00. Payment of fees for an Appeal shall be in accordance with the Fee Schedule adopted by Resolution by the Board of County Commissioners.

Sec. 9.07.07 Stay Of Proceedings

An appeal shall stay all administrative proceedings in furtherance of the action appealed until such time as a final determination has been made by the Planning and Zoning Agency or Board of County Commissioners on the appeal, provided that no action shall be taken by the Applicant or the administrative official during such time which should change the status of the matter being appealed.

ARTICLE X
INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT

PART 10.00.00 GENERALLY

The purpose of this Article is to provide mechanisms for obtaining interpretations of this Code, for obtaining relief where hardship would otherwise occur, and for enforcement of this Code.

PART 10.01.00 INTERPRETATIONS OF THIS CODE

Sec. 10.01.01 Authority To Render

In the event that any question arises concerning the application of regulations, performance standards, definitions, Development criteria, or any other provision of this Code, the County Administrator shall be responsible for interpretation and shall look to the Comprehensive Plan for guidance. Responsibility for interpretation by the County Administrator shall be limited to standards, regulations and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.

Sec. 10.01.02 Procedures

A request for an interpretation shall be filed with the County Administrator on a form established by the County Administrator. After a complete application, and required fee have been received, the County Administrator shall issue a letter of interpretation within ten (10) working days of receipt of the complete application.

PART 10.02.00 DETERMINATION OF VESTED RIGHTS

Sec. 10.02.01 Generally

A. Basis and Burden of Proof

The determination of vested rights shall be based upon factual evidence provided to the County Administrator. Each vesting determination shall be based on an individual case-by-case basis. The Applicant shall have the burden of proof to demonstrate vested rights pursuant to the requirements of Florida law.

B. Compliance with Prior Development Approval

All Development subject to a vested rights determination shall be consistent with the terms of the Development approval upon which the determination was based. In the event that the developer proposes significant changes to a Project that are not required by governmental action, then the County Administrator may require application of certain portions of the Land Development Regulations to the changed portions of the Project if the County Administrator finds that the changes are such that vested rights should no longer be applicable to the changed portion pursuant to this Part.

Sec. 10.02.02 Administrative Procedures And Standards For Determination

A. The Application

The initial vesting determination request will be reviewed by the appointed designee within twenty (20) working days after receipt of an application to determine if the request is technically complete. If it is determined that the application is not technically complete, the Applicant will receive written notification of the deficient items as required by this Code. The Applicant will have twenty (20) working days to submit the deficient items. If the deficient items are not resubmitted during the time period provided, the application will become void. An extension of time for resubmittal may be granted by the County Administrator for a period of thirty (30) days and shall not be extended. A vested rights determination shall be made by the County Administrator within thirty (30) working days of finding that the application is technically complete.

B. Evidence

1. Vested property rights decisions are made on a case-by-case basis and factual evidence surrounding the circumstances must be submitted for a thorough decision to be made. It is the obligation of the Applicant to submit necessary documentation.
2. The following minimum documentation will be required for vested rights determinations:
 - a. The name and address of the Applicant, who is or shall be the owner(s) or an authorized agent on behalf of the owner(s). If the property is owned by more than one (1) person, all owners or an authorized agent of the owners shall apply.
 - b. A legal description, deed, and survey of the property in question.
 - c. The name and address of each owner(s) of the property.
 - d. A site or Development Plan or plat for the property.

- e. A memorandum of law specifically citing all applicable law supporting vesting and a description of how each element requirement thereof is met.
- f. Substantial competent evidence of each fact alleged to support this vesting claim.
- g. Any other relevant information that the County Administrator requests of the Applicant.

C. Files

1. All files regarding vested property rights shall be kept by the County Administrator.
2. After a vested property rights decision has been made, the County Administrator will notify all appropriate County departments of the decision for any future permitting that may occur with the subject property.

D. Appeals

An appeal of the denial of a vesting determination may be made to the Board of County Commissioners within thirty (30) days of receipt of written notification to the County Administrator. All appeals of vesting determination shall be granted only by the Board of County Commissioners.

E. Fees

An application fee shall be included with the application for a determination of vested property rights, pursuant to the County's general application fee schedule, as amended from time to time.

Sec. 10.02.03 Determinations Of Vested Rights And Projects Deemed Vested

A. Expiration of Vested Rights

1. Statutory vested rights determinations do not have a specific expiration date unless specified in other ordinances, Building Permits, statutory limitations and limitations contained within approved Development Orders. Such vested rights may expire as otherwise allowed or required by applicable law.
2. County common law vested rights determinations shall remain valid for a period of up to five (5) years from the date the determination was made unless otherwise specified by the vesting authority. An extension may be requested and granted by the Planning and Zoning Agency or the Ponte Vedra Zoning and Adjustment Board, where applicable. The request for an extension to the vesting determination must

be made no less than ninety (90) days prior to the expiration of the vesting determination.

B. Projects Deemed Vested

In the following circumstances, the County shall deem certain land Development Projects to have vested rights in regards to certain Land Development Regulations, Development Orders, or land Development Permits.

1. The developer (and its successors and assigns) of any land Development Project with County approved Construction Plans at the time this Code becomes effective, shall have the right to complete Development in accordance with that Construction Plan for a period of five (5) years from the initial effective date of this Code.
2. The developer (and its successors and assigns) of any land Development Project approved by a County Final Development Plan before the time of the effective date of this Code may have the right to have Construction Plans considered and approved by the County for a period of five (5) years from the effective date of this Code, so long as they are in compliance with that Final Development Plan and other applicable Land Development Regulations of the County.
3. The developer (and its successors and assigns) of any portion of a Planned Unit Development (PUD) approved by the County before the effective date of this Code that does not have a Final Development Plan approved by the County before the effective date of this Code must have a Master Development Plan approved by the County Administrator or have a favorable vesting determination, pursuant to Section 10.02.02 of this Code, prior to proceeding with Development.
4. The developer (and its successors and assigns) of a PUD, Planned Rural Development (PRD), or Planned Special Development (PSD) approved by the County before the effective date of this Code which has a specific and detailed conflict with a specific Section of this Code may proceed with the Development process based on those detailed specific terms of that Ordinance for the term of the PUD, PRD or PSD as stated in that Ordinance, provided that such Ordinance must be amended to comply with this Code at the time any Major Modification or extension of the term of the PUD, PRD or PSD is approved by the County.
5. A complete and proper application for a PUD, PRD or PSD filed before the effective date of this Code may be reviewed and approved by the County to the extent it's specific and detailed terms comply with County Land Development Regulations in effect at the time of such filing, provided that such Development shall comply with rezoning guidelines issued on March 16, 1999 and provided that such approval shall not vest the Development for compliance with any Land Development Regulations in effect prior to this Code which is generally referenced in the PUD, PSD or PRD Ordinance. As a further limitation on this vesting provision, any PUD, PRD and

PSD application that is filed after the date this Code is initially enacted but before the date it is initially effective shall be subject to all requirements of this Code in consideration of such application for action by the Board of County Commissioners which shall take place after said effective date.

6. The developer (and its successors and assigns) of any Development of Regional Impact (DRI) approved by the County prior to the effective date of this Code shall have the right to proceed with Development in accordance with the DRI Development Order and previously approved PUD ordinances until such orders and PUD Ordinance terms expire or are extended.
7. Any complete and proper application for a Development Order or Permit not referenced above filed with the County before the effective date of this Code shall be required to comply with the Land Development Regulations in effect at the time of the final approval by the County, the Planning and Zoning Agency, or the County Administrator.

Sec. 10.02.04 Present Zoning Inconsistent With The Comprehensive Plan

- A. Pursuant to Chapter 163.3194(1)(b), F.S., any inconsistency between zoning requirements and Comprehensive Plan requirements, the provisions of the Comprehensive Plan shall govern. In the absence of an unexpired vesting determination or vesting under Section 10.02.03.B., property that has an inconsistent zoning with the Comprehensive Plan shall not have vested property rights.
- B. Any present zoning inconsistent with the Comprehensive Plan may only be rezoned consistent with the Comprehensive Plan. Upon rezoning consistent with the Comprehensive Plan, permits may be issued in conjunction with the new zoning classification.

Sec. 10.02.05 Concurrency Issues

This Part does not provide vested rights for any concurrency issues. Part 11.08.00 of this Code shall provide vested rights determinations for Concurrency Exemptions.

PART 10.03.00 NONCONFORMING LOTS, USES AND STRUCTURES

Sec. 10.03.01 Intent

Within the districts established by this Code, there exist Lots, Structures, Uses of land or water and characteristics of Use which were lawful before the adoption of this Code, but which would be prohibited, regulated, or restricted under the terms of this Code or future amendments. It is the intent of this Code to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is, further, the intent of this Code that such nonconformities shall not be enlarged upon, expanded, intensified, nor be used as grounds for adding other Structures or Uses prohibited elsewhere in the same district. It is, further, the intent of this Code that changes in nonconformities other than their discontinuance shall be discouraged.

Sec. 10.03.02 Rules Applicable To Nonconformities

A. Enlargement and Incompatibility

Nonconforming Uses are declared by this Code to be incompatible with permitted Uses in the districts involved. A Nonconforming Use of a Structure, a Nonconforming Use of a structure and land or water in combination shall not be extended or enlarged after the adoption of this Code.

B. Work in Progress

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, Construction or designated Uses of any Building on which a Building Permit has been properly issued prior to the adoption of this Code. If actual Construction has not begun under a Permit properly issued prior to the adoption of this Code within six (6) months of the date of issuance of the Permit, such Permit shall become invalid and shall not be renewed except in conformity with this Code.

C. Nonconforming Use of Open Land

Where open land (i.e., land not enclosed by Buildings) is being used for Nonconforming Use, such Nonconforming Use shall not be extended or enlarged either on the same or adjoining property.

D. Nonconforming Use of Buildings

Except as otherwise provided herein, the lawful Use of a Building existing at the effective date of this Code may be continued although such Use does not conform to the provisions hereof.

E. Discontinuance of Nonconforming Uses

No Building or portion thereof used in whole or part for a Nonconforming Use, which remains idle or unused for a continuous period of one (1) full calendar year, whether or not the equipment or fixtures are removed, shall be used again except in conformity with the regulations of this Code.

F. Destruction of a Nonconforming Use

No Building which has been damaged by any means to an extent of more than seventy-five percent (75%) of the fair market value of the Building immediately prior to damage, shall be restored except in conformity with the regulations of this Code, and all rights as a Nonconforming Use are then terminated. If a Building is damaged by less than seventy-five percent (75%) of the fair market value, such damage may be repaired and the Building used as before the time of damage, provided that such repair or reconstruction be substantially completed within twelve (12) months of the date of such damage.

G. Nonconforming Lots of Record

1. In any district in which Single Family Dwellings or mobile homes are permitted, a Single Family Dwelling or mobile home, and other permitted Uses and Structures including customary accessory Buildings may be erected, expanded or altered on any single Lot of Record which was so recorded on or before the effective date of adoption of this Code or previous Codes, notwithstanding certain limitations imposed by the provisions of this Code. This provision shall apply even though such Lot failed to meet the requirements for area or width, or both that are generally applicable in the district, provided that Yard dimensions and requirements other than those applying to area and width, or both, of the Lot shall conform to the regulations for the district in which such Lot is located.

2. In any district a conforming Use or Structure on a nonconforming Lot of Record which was so recorded on or before the effective date of the adoption of this Code may be expanded or altered provided other requirements of this Code are met.

3. After the effective date of adoption of this Code, no Lot or Parcel in any district shall be so divided to create a Lot with area or width below the requirements of this Code and no Lot or Parcel or portion of a Lot or Parcel shall be used or sold in a manner which diminishes compliance with Lot area and width requirements established by this Code.

H. Special Treatment of Certain Nonconformities Created by this Code or Other Governmental Action

If characteristics of Use such as off-street parking and loading, Yard requirements, or other matters pertaining to the Use of land, Structures, or premises are made nonconforming by

this Code as adopted or amended, or by other action of state or local government, no change shall thereafter be made in such characteristics of Use which increases nonconformity with the regulations set out in this Code; provided however, that changes may be made which do not increase such nonconformities, or are otherwise in compliance with this Code.

I. Special Treatment of Nonconforming Lots Created by Roadway Improvement Projects

Where an otherwise legal Lot of Record is made nonconforming by the taking of land for road Right-of-Way by a governmental agency, the Lot shall be deemed conforming for purposes of this Code if not more than twenty percent (20%) of the area of the legal Lot was taken. This provision shall also apply to nonconforming Lots of Record existing prior to adoption of this Code in which the government action to acquire up to twenty percent (20%) of the nonconforming Lot shall not otherwise alter or modify the existing nonconforming status.

J. Repairs and Maintenance

On any nonconforming Structure or portion of a Structure and on any Structure containing a Nonconforming Use, work may be done in any period of twelve (12) consecutive months on ordinary repairs only to repair or replace up to fifteen percent (15%) of the current just value of the Structure (or of the nonconforming portion of the Structure if a nonconforming portion of the Structure is involved), provided that the cubic content of the Structure existing after the date it became nonconforming under this or previous Codes shall not be increased.

K. Nonconforming Structures Unsafe Because of Maintenance

If a nonconforming Structure or portion of any Structure or any Structure containing a Nonconforming Use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official of St. Johns County to be an unsafe Building, it shall not thereafter be resolved, repaired, or rebuilt except in full conformity with the regulations of this Code.

L. All existing nonconformities shall continue to be nonconforming and subject to limitations of this Part unless such nonconformities are made conforming by another Part of this Code or by the granting of a Special Use or Variance.

PART 10.04.00 VARIANCES

Sec. 10.04.01 Generally

Any person desiring to undertake a Development activity not in conformance with this Code may apply for a Variance in conjunction with the application for Development Review.

Sec. 10.04.02 Zoning Variances

Except as stated herein or within the Ponte Vedra Zoning District, the St. Johns County Planning and Zoning Agency (PZA) may grant Zoning Variances which are found not be contrary to the public interest and owing to special conditions, a literal enforcement of this 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 this Code as part of the Variance. A Zoning Variance shall be limited to those specific regulations of this Code related to zoning, including but not limited to Building or Structure heights, setbacks, buffers, Lot or Yard requirements, Lot coverage, required parking, and separation requirements for alcohol beverage establishments. A Use Variance, except as permitted in the Ponte Vedra Zoning District, is not allowed.

A. Limitations on Zoning Variances

1. All Variances for increase in permitted height of Structures may be granted only by the Board of County Commissioners. Such requests shall be considered by the Board of County Commissioners after a recommendation is made on such request by the Planning and Zoning Agency.
2. Variances shall be nontransferable and granted to the Applicant only, and the Variance shall be commenced within one (1) year from the effective date of the final Development Order; provided however that the PZA may adopt the following conditions:
 - a. The Variance may be transferable and run with the land when the facts involved warrant same or where Construction or land Development is included as part of the Variance.
 - b. The time within which the Variance shall be commenced may be extended for a period of time longer than one year. Failure to exercise the Variance by commencement of the Use or action approved thereby within one (1) year or such longer time as approved by the PZA, shall render the Variance invalid and all rights granted thereunder shall terminate. Transfer of the property by the Applicant, unless the Variance is granted transferable, shall terminate the Variance.

3. Whenever the PZA has granted or denied a Variance, it shall not then consider any petition for Variance on any part or all of the same property for a period of one (1) year from the effective date of the Development Order granting the Variance.
4. The time limits in Section 10.04.02.A.3. above may be waived by the affirmative vote of a majority of the PZA when such action is deemed necessary to prevent injustice or to facilitate the proper Development of the County.

B. Imposition Of Conditions

In granting a Development approval involving a Variance, the PZA may impose such conditions and restrictions upon the premises benefitted by a Variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the Variance. One or more findings shall be made in support of each condition.

Sec. 10.04.03 Non-Zoning Variances To Be Considered As Part Of Development Review

A. A request for deviations to this Code, other than a Zoning Variance, which might otherwise be approved by the County Administrator, must be approved by the Board of County Commissioners (BCC) if a Variance is sought. Such Non-Zoning Variance shall be considered in conjunction with the application for Development Review.

B. Required Findings

The BCC shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial evidence, on each of the following:

1. There are practical difficulties in carrying out the strict letter of the regulation.
2. The Variance request is not based exclusively upon a desire to reduce the cost of developing the site.
3. The proposed Variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
4. The proposed Variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
5. The effect of the proposed Variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

C. Imposition Of Conditions

In granting a Development approval involving a Non-Zoning Variance, the BCC may impose such conditions and restrictions upon the premises benefitted by a Non-Zoning Variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the Non-Zoning Variance. One (1) or more findings shall be made in support of each condition.

Sec. 10.04.04 Special Provisions Where Variance Is Sought To Requirements To Flood Damage Prevention Regulations (Flood Damage Prevention Variance)

A. Additional Finding

The National Flood Insurance Program (NFIP) Variance criteria are based on the general principal that Variances pertain to a piece of property and are not personal in nature. In addition to the findings required above, the Board of County Commissioners shall find that the requested Variance is for a Parcel of land with physical characteristics so unusual that complying with the Code would create an exceptional hardship to the Applicant or the surrounding property owners and will not result in an increase in the elevation of the base Flood, additional threats to public safety, additional public expense, the creation of nuisances, fraud or victimization of the public, or conflicts with other local ordinances. Any Variances will be the minimum necessary, considering the Flood hazard, to afford relief.

B. Considerations

Before granting a Flood Damage Prevention Variance, the Board of County Commissioners shall consider:

- 1: The hardship that would result from failure to grant a requested Variance must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not considered exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of neighbors likewise cannot, as a rule, qualify as exceptional hardships.
2. The danger that materials may be swept from the site onto other lands.
3. The danger to life and property from Flooding or erosion.
4. The potential of the proposed facility and its contents to cause Flood damage and the effect of that damage on the owner and the public.
5. The importance of the services provided by the proposed facility to the community, and whether it is a functionally dependent facility.

6. The availability of alternative locations, not subject to Flooding or erosion, for the proposed Use.
7. The compatibility of the proposed Use with existing and anticipated neighboring Development.
8. The relationship of the proposed Use to the Comprehensive Plan and floodplain management program for the area.
9. Safe vehicular access to the property in times of Flood.
10. The expected heights, velocity, duration, rate of rise and sediment transport of the Flood waters and effects of wave action, if applicable, at the site.
11. The costs of providing governmental services during and after Floods including maintenance and repair of public utilities and facilities.

C. Special Restriction For Regulatory Floodways

Variances that would increase Flood levels during the base Flood shall not be issued within any regulatory Floodway.

D. Flowage Easements

No Variance that would increase Flood damage on other property shall be granted unless flowage easements have been obtained from the owners of all affected properties. In no event shall a Variance be granted that would increase the elevation of the base Flood more than one (1) foot.

E. Notification

All Variances to the Flood Damage Prevention regulations shall:

1. Specify the difference between the Flood protection elevation and the elevation to which the Structure is to be built.
2. State that the Variance may result in substantially increased premium rates for Flood insurance.
3. State that Construction below the Flood protection level increases risks to life and property.

F. Record Of Variances To Be Maintained

The County Administrator shall maintain a record of all Variances including the justification for their issuance and a copy of the notice of the Variance.

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PART 10.05.00 ENFORCEMENT

Sec. 10.05.01 Enforcement Procedures And Remedies

- A. The administration and enforcement of the provisions of this Code shall be the responsibility of the County Administrator or other person authorized by law.
- B. The County Administrator shall provide notice pursuant to Chapter 162, F.S., to anyone in violation of the provisions of this Code, specifying the nature of the violation and necessary corrective action.
- C. If violations are not corrected in the time specified by the County Administrator, the person or entity found to be in violation of this Code may be prosecuted for said violation in the same manner as misdemeanors are prosecuted, as provided in Section 125.69, F.S. Alternatively, violations of this Code may also be prosecuted as provided for in Chapter 162, F. S., including but not limited to the citation procedure provided in Part II of Chapter 162, F.S. and St. Johns County Ordinance 94-36, or any other method provided by law.
- D. Each day that a violation of this Code 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 Code, 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 Code, and the Board of County Commissioners shall have the right to seek a civil injunction from the circuit court for St. Johns County, against the violator of any provision of this Code, 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.
- F. The violation of any of the regulations, restrictions and limitations promulgated under the provisions of this Code may be restricted by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law, and such suit or action may be instituted and maintained by the St. Johns County Board of County Commissioners, or by any person, firm, corporation, association or other group or body with standing to do so under the laws of Florida.
- G. To enforce any provision of this Code, the County Administrator is authorized to conduct inspections and obtain inspection warrants as provided by Chapter 933, Florida Statutes.

Sec. 10.05.02 Penalties

Penalties shall be as allowed by Florida law.

**ARTICLE XI
CONCURRENCY MANAGEMENT**

PART 11.00.00 GENERAL PROVISIONS

Sec. 11.00.01 Applicability/Application Period

This Article shall apply to any Development Order authorizing the development of land within the unincorporated area of St. Johns County, Florida, and as otherwise provided by law. An Applicant may apply for a concurrency review at any time during the development review process, but a Final Certificate of Concurrency finding that adequate public facilities are or will be available at adopted levels of service concurrent with the impact of the Project shall be obtained prior to approval of any Final Development Permit, Final Development Plan or rezoning; provided that a Final Development Permit or Final Development Plan must be preceded by a Final Certificate of Concurrency for the maximum development allowed by such Final Development Permit or Final Development Plan; and all rezonings must be preceded by a Final Certificate of Concurrency for at least one-third of the maximum development allowed by such rezoning. Said one-third (1/3) of the maximum development allowed shall be measured as that development which is projected to generate one-third (1/3) of the maximum number of new external peak hour vehicle trips generated by the total development proposed for rezoning. The provisions of this Article shall not apply to administrative rezonings initiated by the St. Johns County Board of County Commissioners as provided in Section 9.05.01 or to those Projects provided in Sections 11.00.02, 11.00.03 and 11.00.04 below, which are presumed to have no impact or de minimus impact on public facilities and services or which have acquired statutory or common law vested rights.

Sec. 11.00.02 No Impact Permits

Building Permits issued solely for alteration, remodeling reconstruction, or restoration of residential or non-residential units, provided that the Building Permits do not authorize an increase in the number of permanent dwelling units and non-residential uses, and do not authorize an increase in the square feet of the development.

Sec. 11.00.03 Single Family And Duplexes

Development Permits for a individual Single Family Dwelling Unit and duplexes not within subdivisions, Planned Unit Developments, Planned Special Developments, or Planned Rural Developments shall be exempt from the parks, drainage, solid waste, mass transit, and transportation concurrency requirements, but shall meet the potable water and wastewater concurrency requirements, as described in Part 11.03.00, and Sections 11.05.020 and 11.05.03 of this Article.

Sec. 11.00.04 Exempt Developments

Projects, Subdivisions, Parcels, or Lots defined as Categorically Exempt Developments or that have previously received a "Concurrency Exemption Determination" pursuant to Part 11.08.00.

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PART 11.01.00 EFFECT ON OTHER ARTICLES AND REGULATIONS

This Article shall not affect, in any manner, any other aspect of development and improvement standards or requirements, or any other aspect of the Development of land or provision of public improvements subject to this Land Development Code, the Comprehensive Plan, or other regulations of the County, which shall be operative and remain in full force and effect without limitation with respect to all such Development. The provisions of this Article hereby supersede all prior regulations of St. Johns County related to the implementation of Level of Service standards for public facilities and services. Where this Article conflicts with another County Ordinance or the Concurrence Procedures Manual, the provisions of this Article shall prevail to the extent of such conflict except as otherwise provided herein.

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PART 11.02.00 CONCURRENCY REVIEW SYSTEM

The County Administrator shall be responsible for receiving and distributing the Applications for Concurrency Determination to the Evaluating Departments pursuant to Section 11.02.02.A. and for coordinating the findings of the Evaluating Departments pursuant to Section 11.02.02.C. and shall prepare a Concurrency Report as required by Section 11.02.04 of this Article. The County Administrator shall: review and approve Small Projects; as provided in Section 11.02.01.E.; review and approve with the recommendations of the Evaluating Departments Projects which generate 4.0 or more average weekday peak hour trips, but less than 30.0 average weekday peak hour trips (4.0 to 29.9) (Minor Project); and review and compile a report with the recommendations of the Evaluating Departments for review and approval by the Concurrency Review Committee for those Projects which generate 30.0 or more average weekday peak hour trips (Major Project).

Sec. 11.02.01 Applicability

- A. This Article shall not be applicable to categorically exempt Projects or Projects with valid Concurrency Exemption Determinations, or as provided in Part 11.08.00.
- B. Except as provided in Section 11.02.01.A., no Final Development Permit shall be granted, approved, or issued unless a Final Certificate of Concurrency has been issued by the County pursuant to this Article.
- C. All applications for a Final Development Permit shall be distributed upon receipt by the appropriate Evaluating Department to the County Administrator.
- D. For Single-Family Dwelling Units and duplexes which are not in Subdivisions, Planned Unit Developments, Planned Special Developments, or Planned Rural Developments, the determination of concurrency for potable water and wastewater facilities shall be made simultaneously with the processing of the Applicant's Building Permit, and a determination in accordance with Part 11.03.00 and Sections 11.05.02 and 11.05.03 shall be made by the County Administrator.
- E. For small Projects which generate less than 4.0 average weekday peak hour trips, the determination of concurrency shall be made simultaneously with the processing of the Applicant's development permit, and a determination in accordance with Part 11.03.00 and Sections 11.05.02 and 11.05.03 of this Article shall be made by the County Administrator with determinations made by the Evaluating Departments as necessary and upon request by the County Administrator.

Sec. 11.02.02 Completeness Of Application

A. Completeness Review

Within five (5) working days of receiving an Application for Concurrency Determination, the County Administrator shall determine whether the application is complete.

If the County Administrator finds that the Application is not complete, a letter shall be sent to the Applicant within five (5) working days identifying all additional or revised information which is required; the County Administrator shall take no further action on the application until the information is received. If the County Administrator finds that the application is complete, the application shall be forwarded to the Evaluating Departments.

B. Completeness Appeal

A determination of incompleteness by the County Administrator can be appealed to the Concurrency Review Committee within ten (10) calendar days of the County Administrator sending a Letter of Incompleteness pursuant to Section 11.02.02.A. of this Article.

C. Signs

Upon a determination of completeness of an Application for Concurrency Determination for a Major Project, the County Administrator shall cause a Sign or Signs to be posted on the subject Parcel notifying the public that an Application for Concurrency Determination is currently in review. Such Sign(s) shall be in the form required by the County Administrator and shall be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such Sign(s) shall be erected on the nearest street Right-of-Way.

D. Sufficiency Review by Evaluating Departments

Upon receipt of the application as described in Section 11.02.03.A., the Evaluating Departments shall have fifteen (15) working days to determine whether the application is sufficient or sufficient with conditions. If additional or revised information is required, the Evaluating Department shall notify the County Administrator, which shall send a letter to the Applicant identifying all additional or revised information which is required. The Applicant shall have up to sixty (60) calendar days from the date the letter is sent to submit all additional or revised information. The County Administrator shall take no further action on the application until the requested information is received. If the Applicant does not submit the requested information within the described sixty (60) calendar days, the application will be deemed withdrawn.

If the Applicant submits additional information within the time limit specified herein, the County Administrator shall forward the additional information to the appropriate Evaluating Departments. If an Evaluating Department then determines that additional or revised information is required, the Evaluating Department shall notify the County Administrator, which shall send a letter to the Applicant identifying all additional or revised information that is required.

The Applicant shall have up to twenty (20) calendar days from the date the letter is sent to submit all additional or revised information as specified by the County Administrator. If such

information does not meet the requirements specified by the County Administrator, the Evaluating Department shall notify the County Administrator, and the County Administrator shall notify the Applicant in writing that the Application is deemed withdrawn. The Applicant may appeal to the Concurrency Review Committee pursuant to Section 11.02.06.C. of this Article.

Upon a final determination by each Evaluating Department that the application is sufficient, each Evaluating Department shall provide the County Administrator with a letter or other instrument for each proposed Application for Concurrency Determination that determines the Level of Service of facilities which will be impacted by the Project, the extent of the impact generated by the Project and whether those facilities have sufficient capacity to serve the proposed Project at or above the adopted Level of Service.

The Evaluating Departments will issue to the County Administrator a written approval, approval with conditions, or denial for its portion of the application based upon Part 11.03.00 and Part 11.05.00 of this Article.

Sec. 11.02.03 Evaluating Departments

The Evaluating Departments or their successors, as designated by the County Administrator, shall be responsible for evaluating the adequacy of existing and planned facilities with regard to proposed Development Permits for developments generating 4.0 average weekday peak hour trips or more.

Sec. 11.02.04 Concurrency Report

The County Administrator shall be responsible for compiling the level of service evaluations and recommendations from the Evaluating Departments into a Concurrency Report for each Concurrency Determination Application. The Concurrency Report shall determine whether Public Facilities and Services are or will be available at the Adopted Level of Service when the impacts of the Development occur, and shall include a determination stating the Development Permit shall be approved, approved with conditions or denied. Each Concurrency Report shall be based on Findings of Fact and document.

- A. The conditions related to land Uses and to public facility availability and capacity upon which the evaluations were based.
- B. The specific public facilities impacted by the Project.
- C. The extent of the impact on those facilities generated by the Project.
- D. Conditions or stipulations regarding the timing and phasing of the Project or provision of facility improvements necessary to ensure that adequate facilities will be available concurrent with the impact of the development.

Sec. 11.02.05 Issuance Of Certificate Of Concurrency For Minor Projects

For Minor Projects, a Final Certificate of Concurrency, Final Certificate of Concurrency with Conditions, or a denial shall be issued by the County Administrator within ten (10) working days of receipt of the recommendations from the Evaluating Departments; the ten (10) working day period can be extended upon approval of the Applicant for the purposes of addressing conditions to the Final Certificate of Concurrency or a pending denial. If the application is approved with conditions or denied, the County Administrator shall send a letter to the Applicant stating that the Final Certificate of Concurrency is approved with conditions or has received a denial. The letter shall:

- A. Identify the decision reached by each Evaluating Department and the reason(s) for approval with conditions or denial.
- B. Outline the procedures required to be followed in order to appeal the decision.

Sec. 11.02.06 Concurrency Review Committee

A. By-Laws

The Concurrency Review Committee shall adopt by-laws prescribing its internal procedures, including procedures for meetings, the scheduling of applications for consideration by the Concurrency Review Committee, formal action, quorums, the number of applications that may be heard at a meeting, the designation of Voting Members for purposes of considering applications, and other procedures necessary to implement this Section, Part 11.07.00, and Part 11.08.00 (Concurrency Exemptions). The by-laws of the Concurrency Review Committee may be amended from time to time pursuant to a majority vote of the members of the Concurrency Review Committee, and shall be available for public inspection.

B. Determination of Concurrency Review Committee

The Concurrency Review Committee shall make determinations on those Projects which generate 30.0 average weekday peak hour trips or more (Major Project). Upon receipt of the findings of each Evaluating Department pursuant to Section 11.02.02, the County Administrator shall schedule the Application for consideration at the next meeting of the Concurrency Review Committee. If the County Administrator determines that each public facility or service will be available concurrent with the impacts of the Project at the applicable Adopted Levels of Service, the County Administrator shall issue a Certificate of Concurrency within five (5) days of the Concurrency Review Committee meeting. If the County Administrator determines that any facility will not be available concurrent with the impacts of the Project at the applicable Adopted Levels of Service, the County Administrator shall send a letter to the Applicant stating that the Certificate of Concurrency is denied or issue a Final Certificate of Concurrency with Conditions within five (5) days of the Concurrency Review Committee meeting.

C. Appeals to the Concurrency Review Committee

An Applicant who had an application determined incomplete by the County Administrator pursuant to Section 11.02.02.A. of this Article; or withdrawn by the County Administrator due to insufficient information pursuant to Section 11.02.02.C. of this Article; or has received a denial letter or a Final Certificate of Concurrency with conditions for a Minor Project; or an "adversely affected person" as defined in Section 9.07.01 of this Code, may Appeal the determination or withdrawal to the Concurrency Review Committee within thirty (30) calendar days from the date the action was taken.

1. The Appellant shall state the reasons for the Appeal on a form provided by the County and submit it to the County Administrator for a completeness review which shall take place within five working days.
2. The Concurrency Review Committee shall consider the determination of the County Administrator according to Part 11.03.00 and Part 11.05.00 of this Article at the next available meeting after the Appeal is determined complete. The Concurrency Review Committee shall adopt the County Administrator's determination with or without modifications or conditions, or reject the County Administrator's determination. The Concurrency Review Committee shall not be authorized to modify or reject the County Administrator's determination unless the Concurrency Review Committee finds that the determination is not supported by substantial competent evidence or that the County Administrator's determination is contrary to the criteria established in Part 11.03.00 and Part 11.05.00 of this Article. The decision of the Concurrency Review Committee shall include findings of fact. The decision of the Concurrency Review Committee can be appealed to the Board of County Commissioners, per Part 11.06.00 of this Article.

Sec. 11.02.07 Monitoring And Review Of Concurrency For Preliminary Development Permits

The County Administrator shall be responsible for monitoring and enforcing the conditions and stipulations contained in all Final Certificates of Concurrency that were completed during earlier steps of the Development review process. Monitoring will ensure that consistent concurrency review procedures are maintained and that unnecessary duplication is avoided.

Sec. 11.02.08 Withdrawal Of Application

The Applicant may withdraw an Application for a Concurrency Determination at any time by submitting a written request to the County Administrator. An application will be deemed withdrawn by the County Administrator due to incomplete or insufficient information pursuant to Section 11.02.02.C. of this Article. The withdrawal of an Application for a Concurrency Determination shall result in the forfeiture of all Administrative Fees paid by the Applicant for the processing of the Application.

PART 11.03.00 DETERMINATION OF CONCURRENCY

Sec. 11.03.01 No Final Development Permit Issued Until Finding Of Concurrency Is Made

No Final Development Permits shall be approved until the County Administrator has issued a Final Certificate of Concurrency finding that adequate public facilities are or will be available at Adopted Levels of Service concurrent with the impact of the Project; or a Final Certificate of Concurrency approving the Project with conditions. If the determination indicates that there is no available capacity within the applicable traffic impact area or service area, the County Administrator shall either:

- A. Issue a Final Certificate of Concurrency, subject to one or more of the following conditions:
 - 1. Reducing the size, intensity, or density of the Project, or changing the phasing of the Project, to achieve available capacity.
 - 2. Provision of the Public Facilities and Services necessary to achieve available capacity. The commitment to construct or provide such Public Facilities and Services, pursuant to the requirements of Section 11.03.06, prior to the issuance of a Final Development Permit shall be included as a condition to the Final Certificate of Concurrency. The County may, at its option, provide for reimbursement to the Applicant for the cost of facilities providing capacity in excess of the capacity necessitated by the demands created by the Project.
- B. Deny issuance of a Final Certificate of Concurrency

The Applicant can reapply for concurrency when the Public Facilities and Services needed to achieve available capacity are provided as determined in Sections 11.03.06 and 11.03.07.

Sec. 11.03.02 Categories Of Concurrency Review.

In order to ensure that adequate Public Facilities and Services are available concurrent with the impact of the Project, the binding effect of a concurrency determination shall be limited as follows:

- A. Informational Concurrency Determination

Upon payment of an Informational Concurrency Determination processing fee, any person may request a determination of available capacity for a specified parcel or parcels by the County Administrator. In its sole discretion, the County Administrator shall establish a time limit for the completion of an Informational Concurrency Determination. The County Administrator may issue an Informational Concurrency Determination which shall establish that the Public Facilities and Services are available at the time of issuance of the Informational Concurrency Determination but may not be available at the time of any

subsequent concurrency determination review. An Informational Concurrency Determination shall not be construed to guarantee the availability of adequate facilities at the time that subsequent Development Permit applications are submitted. An Informational Concurrency Determination for a Major Project requires the Applicant to submit a traffic impact analysis per the Traffic Impact Study Methodology and Procedures (Appendix A of this Code). An Informational Concurrency Determination shall not form the basis for the issuance of a Final Certificate of Concurrency nor shall it result in the reservation of capacity.

B. Final Concurrency Determination

A Final Concurrency Determination shall be obtained prior to the approval of any Final Development Permit, Final Development Plan or rezoning pursuant to Section 11.00.00 of this Article. A Final Concurrency Determination shall result in the issuance of a Final Certificate of Concurrency and establish that:

1. The Public Facilities and Services are available at the time of issuance of the Final Certificate of Concurrency.
2. The Final Certificate of Concurrency is issued for the same amount of development for all public facilities.
3. That Public Facilities and Services will be available at all subsequent stages of the Development approval process up to the date of expiration of the Final Certificate of Concurrency or the extended capacity reservation, subject to the following conditions and time limits set:
 - a. Transportation, Solid Waste, Drainage, Parks and Recreation, and Mass Transit Facilities

For transportation, solid waste, drainage, parks/ recreation, and mass transit facilities, the Final Certificate of Concurrency shall guarantee that there will be a finding of concurrency at subsequent steps in the development approval process for a given property or a Project for a period of two (2) years following the issuance of the Final Certificate of Concurrency. If the Applicant with a valid, unexpired Final Certificate of Concurrency obtains Construction Plan approval, Final Subdivision Plat approval, or a Building Permit, as applicable, for horizontal or vertical Construction within the two (2) year period, the Final Certificate of Concurrency shall remain in effect until the expiration of the Building Permit, Final Subdivision Plat or Construction Plan approval to which it applies. If the Applicant fails to obtain such approval within the two (2) years, the Final Certificate of Concurrency may be extended for up to an additional three (3) year period provided the Applicant.

- (1) Pays the applicable reservation (impact) fee within two (2) years following the issuance of the Final Certificate of Concurrency and signs a waiver of rights for the refund of impact fees in consideration for the extension of the Final Certificate of Concurrency.
 - (2) Upon applying for a Building Permit, the Applicant pays the difference, if any, between the reservation fee paid in advance to extend the Final Certificate of Concurrency and the total impact fee, as determined at the time of permit application.
 - (3) Submits documentation from the Utility Provider verifying water and sewer capacity is available for the additional three (3) years for the Equivalent Residential Connections (ERCs) required by the amount of Development contained in the Final Certificate of Concurrency.
- b. Water and Wastewater Facilities within the Service Area of the St. Johns County Water System or St. Johns County Wastewater Treatment System, or Municipal System, or Franchised Utility.

The payment of water and wastewater connection fees guarantees that there will be a finding of concurrency for water and wastewater facilities at subsequent steps in the development approval process for the amount of Development for which water and wastewater connection fees have been paid.

Sec. 11.03.03 Consistency Of Phased Projects With Final Certificates Of Concurrency

Multi-phase Projects may have phases with a Final Certificate of Concurrency effective for up to two (2) years for each phase with extensions as provided in Section 11.03.02. If the proposed extension of any one (1) single phase modifies any succeeding phase(s), the reservation fee(s) shall be paid at the beginning date of the modified phase(s). Under no circumstances can a phased Project extend beyond ten (10) years.

Sec. 11.03.04 Effect Of Determination Of Concurrency For Preliminary Development Permits

A. Reservation of Capacity

The Applicant shall be required to pay the current reservation (impact) fee in order to extend the duration of a Final Certificate of Concurrency determination as provided in Section 11.03.02 provided, however, that a reservation (impact) fee paid by an Applicant at one stage of the Development approval process shall be credited towards the payment of a reservation (impact) fee normally required at the Certificate of Occupancy stage in the Development approval process and the payment of impact fees or connection fees

applicable to the facilities for which capacity has been reserved. If a Final Certificate of Concurrency is voided because of the expiration of a reservation of capacity, the Applicant shall not be entitled to a refund of the reservation fees paid. The provision of public facilities pursuant to Section 11.03.01, in order to avoid the denial of a Final Certificate of Concurrency, shall be deemed to effectuate a reservation of capacity in accordance with the provisions and requirements of this Section.

B. Rezoning Procedures

A Final Certificate of Concurrency must be obtained prior to approval of any rezonings, Final Development Permits, and Final Development Plans in accordance with Part 11.03.00 of this Article. Rezoning petitions which could result in a range of potential impacts shall be reviewed as if the greatest impact would result. Nothing herein shall authorize a rezoning or the issuance of a zoning Permit that would otherwise be inconsistent with the Future Land Use Element of the Comprehensive Plan.

C. Zoning Special Uses or Variances

Unless accompanied by a specific plan for Development, including the densities and intensities of the Project, or approval authorizing Construction, an Applicant for a zoning Special Use or Variance shall not be subject to concurrency review.

Sec. 11.03.05 Effect Of Final Determination Of Concurrency For Final Development Permits

In order to receive approval for a Final Development Permit, the Applicant must have a valid Final Certificate of Concurrency. If an Applicant with a valid, unexpired Final Certificate of Concurrency obtains Construction Plan, Final Subdivision Plat, or Building Permit approval for horizontal or vertical Construction, as applicable, within the time limit specified in Section 11.03.02.B.3., the Final Certificate of Concurrency shall remain in effect as long as the Project continues in compliance with the phasing schedule approved in the Final Certificate of Concurrency provided, however, that the Final Certificate of Concurrency may be extended for an additional three (3) years if the Applicant pays the applicable reservation (impact) fee. If the Applicant fails to obtain a Final Development Permit within the time frames specified in Section 11.03.02.B.3., a new Final Certificate of Concurrency shall be required. Notwithstanding anything to the contrary contained in this Concurrency Management Article, a Final Certificate of Concurrency may be issued for a period of time of up to ten (10) years pursuant to and subject to the terms and conditions contained in a valid existing Development agreement entered into by the Applicant and the County pursuant to Sections 163.3220 through 163.3243, F.S., as amended; or pursuant to approved phasing schedule and extensions as provided in Section 11.03.03 of this Article.

- A. To the extent the reserve capacity issued to the Development through the Final Certificate of Concurrency is not demanded by the completed or modified development, the unused capacity is released, phase by phase, as applicable. If the Final Certificate of Concurrency expires, then, upon expiration, the reserve capacity is released for use by other Applicants.

- B. If the underlying Final Development Permit to the Final Certificate of Concurrency is revoked, denied or expires, the reserve capacity is released for use.

Sec. 11.03.06 Minimum Requirements

In order to ensure that adequate Public Facility and Service capacity is available concurrent with the impact of a Project, the following minimum requirements shall apply.

A. Category 1 Criteria

For wastewater, potable water, solid waste and drainage facilities, at a minimum, a proposed Project shall meet the following standards to satisfy the concurrency requirements.

1. If a Development Permit is issued subject to the condition that, at the time of issuance of a Certificate of Occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the proposed Development.
2. If at the time the Development Permit is issued, the necessary facilities and services are guaranteed in an enforceable Development Agreement, as presently provided in Section 163.3220, F.S., and as may be provided in future updates to Florida Statutes, or an agreement or Development Order issued pursuant to Chapter 380.06, F.S., to be in place and available to serve the proposed Project at the time of the issuance of a Certificate of Occupancy or its functional equivalent. (Section 163.3180(2)(a), F.S.).

B. Category 2 Criteria

For parks and recreation facilities, at a minimum, a proposed Project shall meet the following standards to satisfy the concurrency requirement.

1. If at the time the Development Permit is issued, the necessary facilities and services are in place or under Construction.
2. If a Development Permit is issued subject to the condition that, at the time of the issuance of a Certificate of Occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the proposed Project is dedicated or acquired by the County, or funds in the amount of the developer's fair share are committed.
 - a. A Development Permit is issued subject to the conditions that the necessary facilities and services needed to serve the proposed Project are scheduled to be in place or under actual Construction not more than one (1) year after

the issuance of a Certificate of Occupancy or its functional equivalent as provided in the Five Year Schedule of Capital Improvements.

- b. At the time the Development Permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the proposed Project to be in place or under actual Construction not more than one (1) year after the issuance of a Certificate of Occupancy or its functional equivalent.
- c. At the time the Development Permit is issued, the necessary facilities and services are guaranteed in an enforceable Development Agreement, pursuant to Section 163.3220, F.S., as may be amended from time to time, or an agreement or Development Order issued pursuant to Chapter 380, F.S., to be in place or under actual Construction not more than one (1) year after issuance of a Certificate of Occupancy or its functional equivalent. (Section 163.3180(2)(b), F.S.).

C. Category 3 Criteria

For transportation facilities (roads and mass transit facilities designated in the adopted St. Johns County Comprehensive Plan), at a minimum, a proposed Project shall meet the following standards to satisfy the concurrency requirement, except as otherwise provided in Sections 11.03.06.C.4. and 11.03.06.C.5 of this Article.

1. If at the time the Development Permit is issued, the necessary facilities and services are in place or under Construction.
2. If a Development Permit is issued subject to the conditions that the necessary facilities and services to serve the new development are scheduled to be in place or under Construction not more than three (3) years after the issuance of a Certificate of Occupancy or its functional equivalent as provided in the County's Five Year Schedule of Capital Improvements. The Schedule of Capital Improvements may recognize and include transportation Projects included in the first three (3) years of the applicable, adopted Florida Department of Transportation Five Year Work Program. The Capital Improvements Element must include the following policies.
 - a. The estimated date of commencement of actual Construction and the estimated date of Project completion.
 - b. A provision that a plan amendment is required to eliminate, defer, or delay Construction of any road or mass transit facility or service which is needed to maintain the adopted Level of Service standard and which is listed in the Five Year Schedule of Capital Improvements.

3. If at the time a Development Permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual Construction no more than three years after the issuance of a Certificate of Occupancy or its functional equivalent.
4. If at the time a Development Permit is issued, the necessary facilities and services are guaranteed in an enforceable Development Agreement, pursuant to Section 163.3220, F.S., as may be amended from time to time, to be in place or under actual Construction not more than three years after issuance of a Certificate of Occupancy or its functional equivalent (Section 163.3180(2)(c), F.S.); and one of the following criteria is met:
 - a. The proposed Project is located within a Development Area designated on the Future Land Use Map of the St. Johns County Comprehensive Plan.
 - b. The proposed Project is located in an area in which a community water system and central wastewater system is presently available to serve, and will serve the proposed Development.
 - c. A community water system and central wastewater system will be provided to the proposed Development pursuant to a binding written agreement or an enforceable Development Agreement.
5. For the purpose of issuing a Development Permit, a proposed urban redevelopment Project located within a defined and mapped Existing Urban Service Area as established in the Comprehensive Plan pursuant to Section 163.3164(29), F.S., shall not be subject to the concurrency requirements of Rule 9J-5.0055(3)(c)1.- 4. for up to 110 percent of the transportation impact generated by the previously existing Development. For the purposes of this provision, a previously existing Development is the actual previous built Use which was occupied and active within a time period established in the Comprehensive Plan. (Section 163.3180(8), F.S.).
6. The County may allow a landowner to proceed with Development of a specific Parcel of land notwithstanding a failure of the Development to satisfy transportation concurrency, when all the following factors are shown to exist:
 - a. The County's adopted Comprehensive Plan is in compliance.
 - b. The proposed Development would be consistent with the Future Land Use Map designation for the specific property and the goals, objectives and policies of the adopted County Comprehensive Plan.
 - c. The County has adopted into its Comprehensive Plan a process for

assessing, receiving, and applying a fair share of the cost of providing the transportation facilities necessary to serve the proposed Development through a binding commitment. The assessment shall bear a direct relationship to the transportation impact that is generated by the proposed Development.

- d. The transportation facilities are included in the County's financially feasible Five Year Capital Improvement Schedule. (Chapter 163.3180(11) F.S.).

D. Intergovernmental Coordination

The Minimum Requirements shall apply only to those facilities within the unincorporated area of the County. If a portion of the applicable service area or Traffic Impact Area lies within an adjacent County or a local government within St. Johns County, only those facilities lying within the unincorporated County shall be evaluated; provided, however, that the Public Facilities and Services lying within the adjacent County or local government of St. Johns County may be evaluated if the County has entered into an interlocal agreement with such County or local government providing for concurrency review. If the County has entered into an interlocal agreement providing for concurrency review, the Adopted Level of Service standard for those facilities lying within the adjacent County or local government shall be those adopted by such adjacent County or local government. A certification from the adjacent County or local government that the issuance of the Development Permit will not cause a reduction in the Level of Service standards for those facilities lying within the adjacent County or local government shall be required prior to the issuance of a Final Certificate of Concurrency.

Sec. 11.03.07 Determination of Available Capacity for Applications for Concurrency Determinations

For the purpose of evaluating the available capacity of Public Facilities and Services for proposed Projects, the following calculation methodology shall apply:

A. Ascertain total capacity

1. The method to individually determine total capacity of wastewater, solid waste, drainage, and potable water facilities will be consistent with the Category 1 Criteria.
2. The method to individually determine total capacity of parks and recreation facilities will be consistent with Category 2 Criteria.
3. The method to individually determine total capacity of road and mass transit facilities will be consistent with Category 3 criteria.

B. Ascertain available capacity by subtracting from the total capacity the sum of:

1. The demand for the Public Facilities and Services created by existing Development.
2. The demand for the Public Facilities and Services created by the anticipated completion of approved Developments based upon the annually adjusted background growth rate.
3. The demand for the Public Facilities and Services created by the anticipated completion of the Project under consideration for concurrency determination.

Sec. 11.03.08 Modification of Approved Projects With Final Certificates of Concurrency

A modification to an existing Final Certificate of Concurrency is required for approval by the County Administrator prior to the approval of a modification to a Development Permit where a change in Use, intensity, or density of the approved Project, which, either individually or cumulatively with other changes, results in increased impacts to public facilities and services by the modification.

- A. A new Final Certificate of Concurrency is required if the modification generates 4.0 average weekday peak hour trips.
- B. A change in the legal description and acreage shall require an amendment to the Final Certificate of Concurrency.
- C. A new Final Certificate of Concurrency shall be required if the new Project boundary or change in acreage results in additional impacts or impacts different public facilities and services.

PART 11.04.00 DATA REQUIREMENTS

Sec. 11.04.01 Developer Submissions

All Applications for Concurrency Determination shall provide sufficient information to determine the impact of such Development pursuant to the concurrency evaluation procedures. The application shall be made on a form established by the County Administrator. Such information shall include, but shall not be limited to:

- A. The total number and type of Dwelling Units for residential Development applications.
- B. The type and intensity of non-residential Use(s), where appropriate, at a level of detail consistent with the type of Development application.
- C. The location of the Project and the identification of facilities impacted by the Project pursuant to the provisions of Part 11.05.00 of this Article.
- D. The identification of Project phasing, where applicable.
- E. Any other appropriate information as required pursuant to Part 11.05.00 of this Article.

Sec. 11.04.02 Concurrency Information Base

The County shall develop and maintain an inventory of existing land Uses and projected land Uses, based upon Final Development Permit approvals, in order to monitor the impact of Final Development Permit approvals on the availability of public facilities. This data will be updated annually and will be designed to provide incremental data pertaining to existing, approved and planned Development. At a minimum, the information base shall contain the following information:

- A. Final Development Permits issued during the past year.
- B. Concurrency Exemption Determinations issued during the past year.
- C. The number of residential Dwelling Units and square feet of non-residential Development for which Final Development Permits or Concurrency Exemption Determinations have been issued during the past year.
- D. The number of expired or abandoned Final Development Permits.
- E. Dwelling Units and non-residential square footage completed.
- F. Dwelling Units and non-residential square footage under Construction.
- G. The capacity of existing Public Facilities and Services.

- H. The capacity created by the anticipated completion of Public Facilities and Services included in the Schedule for the current year.
- I. The impact created by existing Development on Public Facilities and Services based on standard units of demand.
- J. The impact created by the anticipated completion of Developments with approved Development Permits on Public Facilities and Services.

Sec. 11.04.03 Relationship to Information Base

The County Administrator shall be responsible for developing and maintaining the County's Concurrency Information Base. The Concurrency Information Base shall be designed to provide support to appropriate County departments engaged in Development Order review and monitoring, Concurrency reviews, Plan updates and in the planning and/or provision of public facilities.

PART 11.05.00 MEASUREMENT OF LEVEL OF SERVICE STANDARDS

Sec. 11.05.01 Transportation

A. Level of Service (LOS) Standards

Consistent with the Comprehensive Plan Adoption Document, Traffic Circulation Policies and Capital Improvements Level of Service Policies, the LOS Standards shall serve as the minimum criteria for determining whether available capacity exists on Arterial and Collector roads within a Traffic Impact Area impacted by a Proposed Development and which are maintained by either the County or the Florida Department of Transportation.

B. Data Requirements and Concurrency Evaluation

The data requirements and concurrency evaluation shall be performed in accordance with Section 11.03.07 of this Article and the Traffic Impact Study Methodology and Procedures Manual (Appendix A). The traffic analysis shall be submitted simultaneously with the Concurrency Application.

1. A traffic impact study for a multi-phase Project shall be submitted in conjunction with the first Application for Concurrency Determination for the Project and shall include all future Development phases. The traffic study shall remain valid and in effect for a one (1) year period. Subsequent Development phases seeking a Final Concurrency Determination shall be required to update the traffic impact study with current data if the Application for Concurrency Determination for said Development phases is submitted more than one (1) year from the Project's original Application for Concurrency Determination.
2. Phased Projects will be required to perform a traffic study which analyzes both the impact of the phase(s) seeking a Certificate of Concurrency and the ultimate build out of the entire Project. The analysis of the total build out of the Project will be performed as part of the concurrency application for the first phase of the Project in order to assess the ultimate transportation needs of the entire Project, but shall not be used as a basis for a determination of transportation concurrency or for issuance of a Certificate of Concurrency. The methodology for performing the analysis shall be based on the following:
 - a. The Study Area of the total build out of the Project will be determined by the extent of all impacted segments for the total Project, including future phases and phases which have previously received a Certificate of Concurrency or Concurrency Exemption. The phase(s) of the Project seeking a Certificate of Concurrency will be evaluated for transportation concurrency based only on the Traffic Impact Area, as defined in Article XII, using the criteria contained in Appendix A of this Code for the phase(s) seeking the Certificate

of Concurrency and shall include the Development for which a Certificate of Concurrency is being sought and the cumulative Development within the Project for which a Certificate of Concurrency has been issued subsequent to March 4, 1991.

- b. Projects that consist of an expansion or an addition to existing Development previously constructed or permitted will be analyzed based upon the cumulative impact of all Development for which a Final Certificate of Concurrency has been previously issued.

Sec. 11.05.02 Potable Water

A. Level of Service (LOS) Standards

The Adopted LOS Standards shall be the LOS standards identified in the Capital Improvements Element of the Comprehensive Plan.

B. Conditions

A finding of concurrency with respect to the Adopted LOS Standards shall not preclude the placement of conditions on Development Permits regarding potable water service including, but not limited to, fire flow standards, sizing of distribution and transmission lines, and peak capacity.

C. Availability of Adequate Capacity

Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate potable water which shall be determined pursuant to the following information:

- 1. An inventory of all community water systems serving the unincorporated areas of the County, which includes, at a minimum, the following data for each system:
 - a. System capacity;
 - b. Capacity of wellfield, or other source of raw water supply;
 - c. Historical average flow of potable water;
 - d. Historical peak flow of potable water;
 - e. Number of hookups and the estimated potable water demand per hook-up;
 - f. Number of hook-ups for which contractual commitments have been made;

2. Project data pertaining to the proposed Development Permit under consideration which shall be provided by the Applicant, subject to verification by the Evaluating Department, Utilities Authority, or community water supply system operator and which shall, at a minimum, contain the following:
 - a. The specific location of the Project, including the identification of the entity expected to provide service to the Project.
 - b. The proposed land Uses and land Use intensities.
 - c. Total potable water demand and peak demand projected to be generated by the Proposed Development.
 - d. Project phasing information, if applicable.

3 Certification

- a. Projects Within the Service Area of a Publicly-Owned Water Supply System

If the Project is within the service area of the County Utilities Department, the County Utilities Department shall certify that potable water facilities are available at the Adopted Level of Service, consistent with Section 11.03.06 of this Article. If the proposed service provider is other than the County Utilities Department, documentation must be submitted by the provider indicating that the Project is within its service area and that adequate capacity is available to serve the Project as proposed at the adopted Level of Service. If the ability of a provider to serve a Proposed Development is contingent upon planned facility expansion, details regarding available financing and timing of such planned improvements shall be submitted.

- b. Projects Within the Service Area of a Community Water System or Franchised Water Utility.

If the Project is within the service area of a community water system or franchised water utility, the Applicant shall submit a letter and information from that entity verifying that adequate capacity is available to satisfy the demand for water created by the proposed Development and to satisfy the Adopted LOS Standards for water as identified in the Comprehensive Plan. Such information shall include, at a minimum, if applicable, the Florida Department of Environmental Protection permit number issued pursuant to a completed Notice of Intent to Use General Permit for Wastewater Collection/Drinking Water Distribution System {Form No. 17-555.910(7)} and, if applicable, an Application to Construct a Public Drinking Water System {Form No. 17.555.910(1)}.

c. Applicants Served by Wells

Where community water is not available, the Applicant shall comply with and provide all applicable Permits or approvals from the St. Johns County Environmental Health Department or the St. Johns River Water Management District, as appropriate.

4. Prior to the issuance of a Certificate of Occupancy by the County, the Applicant shall be required to provide evidence of the reservation of capacity through the payment of water and wastewater connection fees for publicly owned utilities and non-franchised community water systems or a letter from a franchised utility verifying that a Utility Agreement has been executed. The Department of Environmental Protection Permit number as provided in Section 11.05.02.C.3.(b) shall be provided if applicable.

D. Concurrency Analysis for Potable Water

Relying upon the data provided pursuant to Section 11.05.02.C, the Evaluating Department shall evaluate the impacts of the Proposed Development to determine whether the potable water facilities within the service area of the Proposed Development have available capacity to accommodate the Proposed Development. In the event that the data described in Section 11.05.02.C. are not available in their entirety, the required data may be provided by the Applicant subject to verification by the Evaluating Department.

Sec. 11.05.03 Wastewater

A. Level of Service (LOS) Standard

The Adopted LOS Standards shall be the sanitary sewer LOS standards identified in the Capital Improvements Element of the Comprehensive Plan.

B. Conditions

A finding of concurrency with respect to the Adopted LOS Standards shall not preclude the placement of conditions on Development Permits regarding wastewater service including, but not limited to, sizing of collection and transmission lines, and peak capacity.

C. Availability of Adequate Capacity

Applications for Concurrency Determination shall be analyzed with respect to the availability of adequate wastewater capacity which shall be determined pursuant to the following information:

1. An inventory of all central wastewater systems serving the unincorporated area of the County, which includes, at a minimum, the following data for each system:

- a. System capacity.
 - b. Historical average daily flow of treated wastewater.
 - c. Historical peak flow of treated wastewater.
 - d. Number of hook-ups and the estimated wastewater demand per hook-up.
 - e. Number of hook-ups for which contractual commitments have been made.
2. Project data pertaining to the proposed Development Permit under consideration which shall be provided by the Applicant, subject to verification by the County Utilities Department, Utilities Authority, municipal system, or privately owned wastewater treatment plant operator and which shall, at a minimum, contain the following:
- a. The specific location of the Project, including the identification of the entity expected to provide service to the Project.
 - b. The proposed land Uses and land Use intensities.
 - c. Total wastewater treatment demand and peak demand projected to be generated by the Proposed Development.
 - d. Project phasing information, if applicable.
3. Certification
- a. Projects within the Service Area of a Publicly-Owned Wastewater Treatment Plant

If the Project is within the service area of the County Utilities Department, the County Utilities Department shall certify that wastewater facilities are available at the Adopted LOS Standards, consistent with Section 11.03.06 of this Article. If the proposed service provider is other than the County Utilities Department, documentation shall be submitted by the provider indicating that the Project is within its service area and adequate capacity is available to serve the Project as proposed at the adopted LOS Standards. If the ability of a provider to serve a Proposed Development is contingent upon planned facility expansion, details regarding such planned improvements shall be submitted.
 - b. Projects Within the Service Area of a Privately-Owned Wastewater Treatment Facility

If the Project is within the service area of an individually-owned, community-owned or franchised wastewater system, the Applicant shall submit a letter and information from that entity verifying that adequate capacity is available to satisfy the demand for wastewater created by the proposed Development and to satisfy the Adopted Level of Service Standard for wastewater as identified in the Comprehensive Plan. Such information shall include, at a minimum, if applicable, the Florida Department of Environmental Protection Permit number issued pursuant to a completed Notice of Intent to Use General Permit for Wastewater Collection/Drinking Water Distribution System {Form No. 17-555.910(7)} and a copy of the latest applicable Operation and Maintenance Performance Report and, if applicable, Capacity Analysis Report prepared pursuant to Florida Administrative Code Chapter 17-600.405 or any successor regulation(s).

c. **Projects Served by Septic Tanks or Package Treatment Plants**

Projects served by septic tanks or package treatment plants shall comply with and provide all applicable Permits or approvals from the St. Johns County Environmental Health Department or a Florida Department of Environmental Protection Package Sewer Treatment Plant Permit as appropriate.

4. Prior to the issuance of a Certificate of Occupancy by the County, the Applicant shall be required to provide evidence of the reservation of capacity through the payment of water and wastewater connection fees for publicly owned utilities or central system or a letter from a franchised utility verifying a Utility Agreement has been executed. The Department of Environmental Protection Permit number shall be referenced as provided in Section 11.05.03.C.3.(b).

D. **Concurrency Analysis for Wastewater Facilities**

Relying upon the data provided pursuant to Section 11.05.03.C. above, the Evaluating Department shall evaluate the impacts of the Proposed Development to determine whether the wastewater facilities within the service area of the Proposed Development have available capacity to accommodate the Proposed Development. In the event that the data described in Section 11.05.03.C. are not available in their entirety, the required data may be provided by the Applicant subject to verification by the Evaluating Department.

Sec. 11.05.04 Parks/Open Space

A. **Level of Service (LOS) Standard**

Consistent with the Recreation and Open Space Element and the Capital Improvements

Element of the Comprehensive Plan, the following Adopted LOS Standards shall serve as the minimum criteria for determining whether available parks/open space acreage and recreation capacity exists.

1. For neighborhood parks, two (2) acres per 1,000 residents.
2. For community parks, three (3) acres per 1,000 residents.
3. For urban parks, forty (40) acres per 75,000 population.
4. For regional parks/open space, twenty-four (24) acres per 1,000 residents.

B. Availability of Adequate Parks/Open Space Acreage

Adequate capacity of parks and recreational facilities shall apply only to Development Permits, or those portions of Development Permits, which propose residential Development. Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate parks/open space acreage which shall be determined pursuant to the following information:

1. An inventory of all parks and open space acreage, including undeveloped park land, owned by the County and including, at a minimum, the following data for each facility, to be developed by the County:
 - a. Type of park (i.e., Neighborhood, Community, Urban or Regional Park/Open Space).
 - b. The demand for park/open space acreage, calculated by multiplying the existing population by the Adopted LOS Standard for each park type.
 - c. The acreage of each park facility, by type.
2. Project data pertaining to the proposed Development Permit under consideration which shall be provided by the Applicant, subject to verification by the Evaluating Department and which shall, at a minimum, contain the following:
 - a. The specific location of the Project.
 - b. The total number of residential Dwelling Units proposed, by type.
 - c. The total estimated residential population of the Proposed Development consistent with the average household size established by the Evaluating Department, based on latest census information or population estimates prepared by the University of Florida Bureau of Economic and Business Research.

d. Project phasing information, if applicable.

C. Concurrency Analysis for Parks/Open Space Acreage

Relying upon the data provided pursuant to Section 11.05.04.B. above, the Evaluating Department shall evaluate the impacts of the Proposed Development to determine whether the park and open space acreage within the County have sufficient acreage to accommodate the Proposed Development. In the event that the data described in Section 11.05.04.B. are not available in their entirety, the required data may be provided by the Applicant subject to verification by the Evaluating Department.

Sec. 11.05.05 Drainage

A. Level of Service (LOS) Standard

Consistent with Level of Service policies of the Surface Water Management Sub-Element, and the Capital Improvements Element of the Comprehensive Plan, the following Adopted LOS Standards shall serve as the minimum criteria for determining whether available drainage capacity exists:

1. Projects shall be required to construct a complete drainage system sufficient to mitigate the impacts of a 10-year, 24-hour design rainfall event using the Soil Conservation Service type 2 modified rainfall curves.
2. Post Development runoff shall not exceed pre-Development runoff unless a maximum discharge rate has been adopted for the applicable drainage basin and the discharge does not exceed that rate. If a maximum discharge rate has not been adopted for the applicable drainage basin, post Development discharge may not exceed pre-Development discharge.

B. Availability of Adequate Capacity

Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate stormwater management system capacity which shall be determined pursuant to the following information:

1. Project data pertaining to the proposed Development Permit under consideration which shall be provided by the Applicant, consistent with the provisions of Article VI this Code.
2. Project phasing information, if applicable.

C. Concurrency Analysis for Drainage Facilities

Relying upon the data provided under Section 11.05.05.B. above, the Evaluating Department shall evaluate the impacts of the Project to determine whether the drainage facilities within the service area of the Project have available capacity to accommodate the Project.

Sec. 11.05.06 Solid Waste

A. Level of Service (LOS) Standard

Consistent with the Capital Improvements Element of the Comprehensive Plan, the following Adopted LOS Standard shall serve as the minimum criteria for determining whether available solid waste collection and disposal capacity exists:

1. The ability of the County to provide facilities sufficient to accommodate 5.7 pounds of solid waste per capita per day.

B. Availability of Adequate Capacity

Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate solid waste collection and disposal system capacity which shall be determined pursuant to the following information:

1. Documentation prepared by the Evaluating Department projecting annual usage rates of solid waste disposal through the expected life of the County Solid Waste Complex, using population projections consistent with those developed by the University of Florida Bureau of Economic and Business Research.
2. Project data pertaining to the proposed Development Permit under consideration which shall be provided by the Applicant, subject to verification by the Evaluating Department, in sufficient detail to determine the annual impact of the Project on the solid waste facilities, including at a minimum:
 - a. The number and type of residential Dwelling Units proposed and the estimated generation of solid waste from such units.
 - b. The type and intensity of non-residential Uses and the estimated generation of solid waste from such Uses.
 - c. Project phasing information, if applicable.

C. Concurrency Analysis for Landfill Capacity

Relying upon the data provided pursuant to Section 11.05.06.B. above, the Evaluating Department shall annually prepare a statement that available landfill capacity exists to meet existing and projected solid waste disposal requirements through the activation date of the County Solid Waste Complex. This statement will serve as the finding of concurrency for all Final Development Permits issued during the subsequent year.

Sec. 11.05.07 Mass Transit

A. Level of Service (LOS) Standard

Consistent with the Mass Transit Element, and the Capital Facilities Element of the Comprehensive Plan, the following Adopted LOS Standard shall serve as the minimum criteria for determining whether available capacity exists. This LOS standard shall apply only to residential Projects.

The ability of the County to provide transportation disadvantaged services sufficient to accommodate 100,000 passenger trips per year.

B. Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate mass transit facility capacity which shall be determined by analyzing Project data pertaining to the proposed Project provided by the Applicant, subject to verification by the Evaluating Department in sufficient detail to determine the annual impact of the Project on mass transit facilities, including, at a minimum:

1. The number of persons within the Project expected to utilize transportation disadvantaged services.
2. The number of transit vehicles providing service to the transportation disadvantaged within the County.
3. The number of seats for each transit vehicle owned and operated by the transportation disadvantaged services provider.

C. Concurrency Analysis for Transportation Disadvantaged Services

Relying upon the data provided pursuant to Section 11.05.07.B. above, the Evaluating Department shall evaluate the impacts of the Project to determine whether the transportation disadvantaged services within the service area of the Project have available capacity to accommodate the Project, taking into consideration the number of transit vehicles within the County; the seating capacity of individual transit vehicles; the maximum number of daily and yearly passenger trips made by each vehicle, and the number of persons expected to utilize transportation disadvantaged services which shall be determined by multiplying the current unincorporated County population by 0.015.

PART 11.06.00 APPEALS

Sec. 11.06.01 General Requirements

An Applicant for a Final Certificate of Concurrency or an "adversely affected person" as defined in Section 9.07.01 of this Code may file an Appeal with the Board of County Commissioners of any decision made by the Concurrency Review Committee within thirty (30) days from the date the action was taken.

A. Form

The Appellant shall file the appeal on a form established for such purpose by the County Administrator.

B. Additional Information

Nothing herein shall be construed as a limitation on the authority of the Concurrency Review Committee or the Board of County Commissioners to require additional relevant information to be provided by the Appellant.

Sec. 11.06.02 Grounds for Appeal to the Board of County Commissioners

An Appeal may be taken to the Board of County Commissioners in a de novo hearing only where the Appellant claims that the Criteria for evaluating the impact of the proposed Project on Public Facilities and Services as set forth in Part 11.03.00 and Part 11.05.00 of this Article were incorrectly applied, that the denial of a Final Certificate of Concurrency was based upon incorrect data, or where the Appellant claims that the application of the Concurrency Management Article to the Project would result in a taking of private property without lawful compensation. The filing of an Appeal on the basis of one of the grounds for Appeal set forth herein shall not preclude the consideration of any additional grounds for Appeal as prescribed in this Section.

Sec. 11.06.03 Completeness of Application

Within ten (10) working days after initial submission of an Appeal, the County Administrator shall determine whether it is complete and shall so notify the Appellant in writing.

A. Complete Application for Appeal

If the Appeal is determined to be complete, the County Administrator shall schedule the Appeal for consideration by the Board of County Commissioners.

B. Incomplete Application for Appeal

If the Appeal is determined to be incomplete, written notice shall be sent by the County

Administrator to the Appellant identifying all additional or revised information required, which shall be submitted by the Appellant within sixty (60) calendar days from the date of mailing of the notice. Within ten (10) working days after receipt of such additional information, the County Administrator shall determine whether the additional information submitted by the Appellant allows for a determination of completeness.

If then determined to be complete, the County Administrator shall so notify the Appellant and shall schedule the Appeal for a hearing by the Board of County Commissioners. If still determined to be incomplete, the County Administrator shall send notice in writing to the Appellant indicating whether initially required information has not yet been provided or whether the additional information provided has raised additional questions. The Appellant may, within thirty (30) calendar days from the date of mailing of the notice, elect to submit additional information and/or respond to questions, or request in writing that the appeal be submitted to the Board of County Commissioners. If the Appellant chooses to submit additional information, the County Administrator shall review the information for completeness within ten (10) working days after receipt of the additional information and then schedule the Appeal for a hearing by the Board of County Commissioners. If the Appellant chooses to submit the Appeal to the Board of County Commissioners, the County Administrator shall schedule the Appeal for a hearing by the Board of County Commissioners.

Sec. 11.06.04 Decision of the Board of County Commissioners

The Board of County Commissioners shall approve in whole or in part or deny the Appeal based upon the criteria set forth in this Article and, if applicable, the report of the County Attorney; or the Board of County Commissioners may postpone the matter for submission of additional information. If the matter is postponed for the submission of additional information, the Appellant shall have sixty (60) calendar days from the date of postponement to submit all additional or revised information specified by the County Attorney. If the Appeal claims that the Appellant's property has been taken, the County Attorney shall consider the criteria set forth in Section 11.06.06 of this Article and shall issue a written recommendation to the Board of County Commissioners within fifteen (15) working days of the date complete information, as determined by the Board of County Commissioners, has been submitted. A Decision shall be made by the Board of County Commissioners within the later of thirty (30) working days of the hearing or the issuance of the report of the County Attorney. The Decision of the Board of County Commissioners shall be in writing, shall contain findings of fact and conclusions of law, and shall refer specifically to the Property or portion of Property to which it applies. The Decision may contain reasonable conditions necessary to effect the purposes of this Article and the Concurrency Requirements of the Plan. The Decision shall be filed with the County Administrator and a copy shall be provided to the Appellant. The Decision of the Board of County Commissioners shall be considered final for purposes of judicial appeal. Review of the Decision or Order of the Board of County Commissioners shall be initiated by filing a petition for writ of certiorari with the Clerk of Courts in accordance with applicable Rules of Appellate Procedures.

Sec. 11.06.05 Application of Concurrency Management System Criteria

If the grounds for Appeal are that the criteria for evaluating the impact of the Project on Public Facilities and Services as set forth in Part 11.03.00 and Part 11.05.00 of this Article were incorrectly applied, or that the denial of a Final Certificate of Concurrency was based upon incorrect data, the Board of County Commissioners shall consider only the concurrency report and the reports of the Evaluating Departments and no additional evidence may be considered or received:

Sec. 11.06.06 Takings

A. Criteria

In acting upon an Appeal claiming that the denial of a Final Certificate of Concurrency or conditional approval of a Final Certificate of Concurrency would result in a taking of private property without lawful compensation, the Board of County Commissioners shall consider the concurrency report, the reports of the Evaluating Departments, the standards specified in this Article or in the Comprehensive Plan, and other relevant evidence, and shall determine whether the enforcement of the Concurrency Management Article would result in a taking of private property in violation of the federal and Florida Constitutions. In making its determination, the County Attorney and the Board of County Commissioners may consider all relevant state and federal case law concerning regulatory takings.

- B.** Any Appellant challenging a Decision, determination or result made under this Article as a temporary or permanent taking of private property must exhaust the Appeal process provided by this Section and any other subsequently enacted administrative procedures for Appeal or relief before proceeding with judicial review.

Sec. 11.06.07 Vested Rights or Exemptions

This Part shall not apply to any claim based upon vested rights, equitable estoppel, or an exemption from this Concurrency Management System (Article XI). All such claims shall be processed and determined in accordance with the Concurrency Exemptions provisions of Part 11.08.00 of this Article.

PART 11.07.00 DEVELOPMENT AGREEMENTS

The County may, but under no circumstances is it required to, enter into a Development Agreement as authorized by Sections 163.3220 through 163.3243 F.S., as amended, which ensure that adequate Public Facilities and Services will be available concurrent with the impacts of a proposed development. The Concurrency Review Committee shall, with the consultation of the Appropriate Departments, review and recommend approval, approval with changes, or denial to the Board of County Commissioners. No Development Agreement may be entered into by the County unless the Public Facilities and Services to be constructed by the Developer pursuant thereto are secured and guaranteed by such security as approved by the County Administrator and the Clerk of Courts as appropriate. Any funds or contributions received by the County pursuant to a Development Agreement shall be applied towards or spent solely on the Projects specified in the Development Agreement. Notwithstanding anything to the contrary contained in this Article, a Development Agreement may allow development to proceed notwithstanding failure of the developer to satisfy transportation concurrency when all of the requirements of Section 11.03.06.C.6. of this Article are met.

PART 11.08.00 CONCURRENCY EXEMPTIONS

Sec. 11.08.01 Applicability

This Part shall apply to all claims of exemption from, or vested rights or equitable estoppel as to ordinances and regulations adopted pursuant to the Objectives of the Capital Improvements Element of the Comprehensive Plan. This Part shall apply to the unincorporated area of St. Johns County only. This Part is not intended to apply to claims by property owners that the Comprehensive Plan or Land Development Regulations constitute a taking of property for which compensation is due. However, if a property owner bases a taking claim in part or completely on facts that relate to the administrative process for or standards applicable to a Concurrency Exemption Determination, the owner must avail himself of the procedures set forth in this Part prior to bringing any claim for an unconstitutional taking.

Sec. 11.08.02 Purpose

The purposes of this Part are: (1) to expedite the process of concurrency review by identifying types of Development which shall be categorically exempt from the concurrency requirements of the St. Johns County Comprehensive Plan and implementing Parts; (2) to prevent the waste of public resources that would result from processing applications for Certificates of Concurrency for Projects with vested rights and for Projects as to which the County is equitably estopped from applying the provisions of Part 11.00.00 through Part 11.07.00; and (3) to provide a procedure for identifying, processing and estimating the impacts of exempt Projects on the capacity of public facilities and services.

Sec. 11.08.03 Reserved

Sec. 11.08.04 Categorical Exemptions

Upon request, the County Administrator will issue a Concurrency Exemption Determination for categorically exempt Projects. The following are categorically exempt from Part 11.00.00 through Part 11.07.00 of this Article:

- A. Subdivisions that have been approved by the Board of County Commissioners and recorded prior to June 19, 1978, as defined in Article XVI, the grandfather clause of the Residential Subdivision Regulations for St. Johns County, Florida, Ordinance No. 78-38, as amended.
- B. Subdivisions that have received final plat approval by the Board of County Commissioners pursuant to Section 72.0 of the Residential Subdivision Regulations for St. Johns County, Florida, Ordinance No. 78-38, prior to March 4, 1991, the effective date of the Concurrency Management Ordinance.
- C. Planned Special Developments and portions of Planned Unit Developments that have received Final Development Plan approval by the Board of County Commissioners prior to March 4, 1991.

- D. Projects with Final Local Development Permits issued prior to March 4, 1991.
- E. Projects or parts of Projects within and consistent with current valid Development Orders for Developments of Regional Impact issued pursuant to Section 380.06, F.S., prior to September 14, 1990 including:
 - 1. Projects with binding letters of interpretation from the Florida Department of Community Affairs pursuant to Section 380.06(20), F.S., specifying that the Project has vested rights.
 - 2. Projects for which Development has been authorized by a preliminary Development Agreement entered into pursuant to Section 380.06(8), F.S.
 - 3. Projects with local government Development Orders issued pursuant to Section 380.06(6), F.S.
 - 4. Projects with incremental Development Orders issued pursuant to Section 380.06(21)(b), F.S., and within a Master Development Order.
 - 5. Development of Regional Impact Projects or parts of DRI Projects with only the following authorizations **shall not be categorically exempt**: a written agreement with the Northeast Florida Regional Planning Agency entered into pursuant to a pre-application conference; a recommendation and regional report submitted by the Northeast Florida Regional Planning Council, including the recommendations submitted by other agencies as a part of the regional report during the local government review process under Section 380.06, F.S.; or a master Development Order issued pursuant to Section 380.06(21), F.S., without incremental Development Orders.

Sec. 11.08.05 Procedure for Concurrency Exemption Determination

A. Necessity for Application

All Projects other than those granted a Concurrency Exemption Determination or which are categorically exempt shall be subject Part 11.00.00 through Part 11.07.00 of this Article.

B. Submission of Application

A verified application for a Concurrency Exemption Determination may be submitted by the Owner, or the Agent of the owner or a Master Property Owners Association (hereinafter collectively referred to as an "Applicant") to the County Administrator, by March 1, 1993, or as extended by the Board of County Commissioners.

C. Contents of Application

1. Form

The application shall be made by the Applicant on a form established for such purpose by the County Administrator.

2. Information

a. The Applicant shall complete the form and submit all relevant information required thereby, together with copies of all Development Orders, contracts, appraisals, reports, or other documents or materials upon which the Applicant's claim is based.

b. The application shall include a legal description of the Property.

c. Nothing herein shall be construed as a limitation on the authority of the County Administrator, Concurrency Review Committee, or the Board of County Commissioners to require additional relevant information to be provided by the Applicant.

3. Waiver

The information and documentation requirements specified in this Section may be waived by the County Administrator in whole or in part if information and/or documentation in the files of the County conclusively demonstrate that a Parcel or Project qualifies for a Concurrency Exemption, and there is no other contrary information.

D. Completeness of Application

Within ten (10) working days after initial submission of an application, the County Administrator shall determine whether it is complete and shall so notify the Applicant in writing.

1. Complete Application

If the application is determined to be complete, the County Administrator shall schedule the application for consideration at the next available meeting of the Concurrency Review Committee in accordance with its by-laws.

2. Incomplete Application

If the application is determined to be incomplete, written notice shall be sent by the County Administrator to the Applicant identifying all additional or revised information

required, which shall be submitted by the Applicant within sixty (60) days from the date of mailing of the notice. Within ten (10) days after receipt of such additional information, the County Administrator shall determine whether the additional information submitted by the Applicant allows for a determination of completeness. If then determined to be complete, the County Administrator shall so notify the Applicant and shall schedule the application for consideration at the next available meeting of the Concurrency Review Committee. If still determined to be incomplete, the County Administrator shall send notice in writing to the Applicant indicating whether initially required information has not yet been provided or whether the additional information provided has raised additional questions. The Applicant may, within thirty (30) days from the date of mailing of the notice, elect to submit additional information and/or respond to questions or to submit the application to the Concurrency Review Committee as provided in Section 11.08.05.E. If the Applicant chooses to submit additional information, the County Administrator shall schedule the application for consideration at the next available meeting of the Concurrency Review Committee within ten (10) days after receipt of such additional information. If the Applicant chooses to submit the Application to the Concurrency Review Committee, the County Administrator shall schedule the application for consideration at the next available meeting of the Concurrency Review Committee.

E. Determination and Order of Concurrency Review Committee

1. Review of Application and Approval, Conditional Approval or Denial of Concurrency Exemption Determination

The Concurrency Review Committee shall approve or deny in whole or in part the application for a Concurrency Exemption Determination based upon the criteria set forth in Section 11.08.06 herein. The Concurrency Review Committee shall consider the application and shall render a decision within thirty (30) working days of the meeting. The decision of the Concurrency Review Committee shall be in writing and shall refer specifically to the Property or portion of Property to which it applies. The decision may contain reasonable conditions necessary to effect the purposes of this Part and the concurrency requirements of the Plan. The decision shall state that it is subject to expiration in accordance with this or subsequent Part(s). The decision shall be filed with the County Administrator and a copy shall be provided to the Applicant.

2. Denial

If the Concurrency Review Committee denies an application for a Concurrency Exemption Determination, the County Administrator shall, within five days of receipt of the decision, notify the Applicant stating that the application is denied and directing the Applicant to apply for a Certificate of Concurrency or to appeal to the Board of County Commissioners as provided in Section 11.08.05.F. herein.

F. Hearing and Final Decision of the Board of County Commissioners

1. Appeal to the Board of County Commissioners

Any Applicant who has been denied a Concurrency Exemption Determination by the Concurrency Review Committee may file an appeal for review by the Board of County Commissioners within fifteen (15) days after receiving notice of such denial as provided in Section 11.08.05.E. herein. The appeal shall be filed with the County Administrator and shall include the information required in Section 11.08.05.C.2. herein. Nothing in this Part shall require any public notification or advertisement of such hearing. Upon receipt of a complete Appeal, the County Administrator shall, within five (5) days, schedule the appeal for a hearing before the Board of County Commissioners.

2. Final Decision of the Board of County Commissioners

The Board of County Commissioners shall approve in whole or in part or deny the application for a Concurrency Exemption Determination, based upon the Criteria set forth in Section 11.08.06 herein and the report of the County Attorney, or may postpone the matter for submission of additional information. If the matter is postponed for the submission of additional information, the Applicant shall have sixty (60) days from the date of postponement to submit all additional or revised information specified by the County Attorney. The County Attorney shall consider the criteria set forth in Section 11.08.06 herein and shall issue a written recommendation to the Board of County Commissioners within fifteen (15) working days of the date complete information, as determined by the Board of County Commissioners, has been submitted. A Final Decision shall be made by the Board of County Commissioners within thirty (30) working days of the issuance of the report of the County Attorney. The Final Decision of the Board of County Commissioners shall be in writing, shall contain findings of fact and conclusions of law, and shall refer specifically to the Property or portion of Property to which it applies. The Final Decision may contain reasonable conditions necessary to effect the purposes of this Part and the concurrency requirements of the Plan. The Final Decision shall state that it is subject to expiration in accordance with this or subsequent Part(s). The Final Decision shall be filed with the County Administrator and a copy shall be provided to the Applicant. The Final Decision of the Board of County Commissioners shall be considered final for purposes of Appeal. Review of the Final Decision of the Board of County Commissioners shall be initiated by filing a petition for writ of certiorari with the Clerk of Courts within thirty (30) days of the date of the Final Decision of the Board of County Commissioners. 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 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.

G. Withdrawal of Application

The Applicant may withdraw an application for a Concurrency Exemption Determination at any time by submitting a written request to the County Administrator. The withdrawal of an application for a Concurrency Exemption Determination shall result in the forfeiture of all Administrative Fees paid by the Applicant for the processing of the application.

Sec. 11.08.06 Criteria for Issuance of Concurrency Exemption Determination

A. Requirements for Common Law Vested Rights

The Applicant has the responsibility to demonstrate that vested rights to proceed with the proposed Project without being subject to Part 11.00.00 through Part 11.07.00 of this Article have been legally established and/or to demonstrate that the County is equitably estopped from applying Part 11.00.00 through Part 11.07.00 of this Article to the Proposed Project. The applicable legal requisites are: that the Applicant has made such a substantial change of position or has incurred such extensive obligations and expenses, acting in good faith and in reasonable reliance on a valid, unexpired act or omission of the County, that it would be highly inequitable or unjust to affect such rights by requiring the Applicant to conform to the requirements of Part 11.00.00 through Part 11.07.00 of this Article. If the Applicant is determined to have acquired vested rights, or if the County is determined to be equitably estopped from applying Part 11.00.00 through Part 11.07.00 of this Article to such Project, the Applicant shall be granted a Concurrency Exemption Determination.

B. Modification of Exempt Projects

A Concurrency Exemption Determination may be granted for Projects or parts of Projects which are modifications of Categorically Exempt Projects or Projects with existing Concurrency Exemption Determinations regardless of whether the modifications are minor, major, or substantial deviations so long as the modification does not increase the impacts of the Project on Public Facilities and Services or alter the location or timing of those impacts in a way that would result in the projected operating Levels of Service being reduced below the projected operating Level of Service without the modification, or in any way that would impact on any Public Facility or Service that was not previously impacted.

C. Other Grounds for Concurrency Exemption

A Concurrency Exemption Determination may be granted, absent a determination of vested rights and/or equitable estoppel pursuant to Section 11.08.06.A., above, if the Applicant demonstrates:

- a. Prior Development approvals granted by the County were subject to a thorough analysis of the impacts of the proposed Project on the applicable public facilities.
- b. Public facility conditions have not changed substantially since the issuance of the

prior Development approvals, or that the impacts on applicable public facilities have been specifically addressed in the Comprehensive Plan and the Five Year Capital Improvements Program or that the prior Development approvals have been expressly conditioned upon assuring concurrency.

- c. Such conditions make it unnecessary or unreasonable to apply Part 11.00.00 through Part 11.07.00 of this Article.

Sec. 11.08.07 Effect of Concurrency Exemption Determinations

- A. Issuance of a Concurrency Exemption Determination shall relieve the Applicant from being subject to the provisions of Part 11.00.00 through Part 11.07.00 of this Article provided, however, that the proposed Project shall be subject to all governmental requirements relating to availability and adequacy of public facilities which were in effect prior to March 4, 1991, the effective date of the Concurrency Management Ordinance.
- B. A Concurrency Exemption Determination shall have no effect on other applicable governmental requirements.
- C. By March 1, 1994, or as extended by the Board of County Commissioners, the County Administrator shall determine whether adequate public facilities and services are available to support existing Development, projected Development, Categorically Exempt Projects and Projects with approved Concurrency Exemption Determinations at the Adopted LOS Standards, and shall prepare a Public Facilities Report for public inspection.
 - 1. Extension of Concurrency Exemption Determinations or Categorical Exemptions

If the Public Facilities Report indicates that adequate public facilities and services are available to support existing Development, projected Development, Categorically Exempt Projects and Projects with approved Concurrency Exemption Determinations at the Adopted Level of Service standards, the Board of County Commissioners may determine that some or all Projects with Concurrency Exemption Determinations and all Categorically Exempt Projects shall be deemed exempt from the standards and requirements of Part 11.00.00 through Part 11.07.00 of this Article for an additional period of time.
 - 2. Termination of Concurrency Exemption Determinations or Categorical Exemptions

If The Public Facilities Report indicates that adequate public facilities and services are not available to support existing Development, projected Development, Categorically Exempt Projects and Projects with approved Concurrency Exemption Determinations at the Adopted Level of Service standards, Projects with Concurrency Exemption Determinations or Categorically Exempt Projects that have not commenced Construction shall thereafter become subject to the standards and requirements of Part 11.00.00 through Part 11.07.00 of this Article.

3. Notice and Hearing Required

Projects with Concurrency Exemption Determinations or Categorically Exempt Projects shall not become subject to Part 11.00.00 through Part 11.07.00 of this Article unless the Board of County Commissioners specifies the additional period of time for which such Projects shall be exempt from Part 11.00.00 through Part 11.07.00 of this Article, or determines that such Projects are no longer exempt from Part 11.00.00 through Part 11.07.00 of this Article, pursuant to an Article or Resolution adopted in accordance with Section 125.66(6), F.S., or any successor statutes or amendments thereto.

D. Duration

1. Categorical Exemptions.

- a. Subdivisions that were recorded prior to June 19, 1978 shall not be subject to Part 11.00.00 through Part 11.07.00 of this Article.
- b. Subdivisions that have received final plat approval by the Board of County Commissioners prior to March 4, 1991, shall not be subject to Part 11.00.00 through Part 11.07.00 of this Article.
- c. The categorical exemptions for Planned Special Developments and portions of Planned Unit Developments that have received Final Development Plan Approval by the Board of County Commissioners prior to March 4, 1991 shall be extended for one additional year through October 30, 1997. A Construction status report shall be submitted by May 1, 1997 and annually thereafter through build out. The report shall be examined to determine whether that Development has commenced and is continuing in good faith and is consistent with its phasing schedule. Those Developments or portions of Developments which have not commenced, or continued physical Construction in the reporting year, or have failed to receive a Final Development Plan, plat, or Building Permit, or are not developing in good faith and according to the phasing schedule shall be subject to Part 11.00.00 through Part 11.07.00 of this Article.
- d. Projects with Final Local Development Orders issued prior to March 4, 1991 shall not be subject Part 11.00.00 through Part 11.01.00 of this Article unless physical Construction has not commenced. If physical Construction has not commenced, the Project shall be subject to Part 11.00.00 through Part 11.07.00 of this Article. (Final Local Development Order is defined as a currently valid Building Permit issued by the County Building Department).
- e. Projects or parts of Projects within and consistent with current valid Development Orders for Developments of Regional Impact issued prior to

September 14, 1990 shall not be subject to Part 11.00.00 through Part 11.07.00 of this Article except as otherwise allowed by Florida law and County ordinance. Substantial Deviations as defined by 380.06(19) F.S. shall be subject to Part 11.00.00 through Part 11.07.00 of this Article to the extent allowed by Florida law and County ordinance.

f. Appeal

A determination by the Director of Planning of a Development's failure to otherwise obtain vesting in order to continue Development without meeting the requirements of concurrency may be Appealed to the County Administrator. The County Administrator may grant such vesting upon a determination that the Project qualifies for an exemption under this Article or the Project qualified for common law vesting. The County Administrator may grant an extension of time to file the required annual report upon a showing by the Applicant, or successor, that strict enforcement would cause undue hardship because of circumstances beyond the Applicant's or successor's control. Requests for extension shall be submitted to the Director of Planning thirty (30) days prior to the due date for the annual report.

2. Concurrency Exemption Determinations

- a. The exemptions for Projects which have received Concurrency Exemption Determinations through December 31, 1995, and which have not built out, and which have been extended by the Board of County Commissioners through October 30, 1996 shall be extended through October 30, 1997. A Construction status report shall be submitted by May 1, 1997 and annually thereafter through build out. The report shall be examined to determine whether Development has commenced and is continuing in good faith and is consistent with its phasing schedule. Subject to this paragraph, after October 30, 1997 those Projects or portions of Projects which have not commenced physical Construction or have failed to receive a Final Development Plan, plat, or Building Permit, or are not developing in good faith and according to their phasing schedules, shall be subject to Part 11.00.00 through Part 11.07.00 of this Article.
- b. For Projects which received Concurrency Exemption Determinations in 1996, a Construction status report shall be submitted by May 1, 1998 and annually thereafter until build out. The report shall be examined to determine whether Development has commenced and is continuing in good faith, and is consistent with its phasing schedule. Subject to this paragraph, after May 1, 1998, those Projects or portions of the Projects which have not commenced physical Construction or have failed to receive a Final Development Plan, plat, or Building Permit, or are not developing in good

faith and according to their phasing schedules, shall be subject to Part 11.00.00 through Part 11.07.00 of this Article.

c. Appeal

A determination by the Director of Planning of a Development's failure to otherwise obtain vesting in order to continue Development without meeting the requirements of concurrency may be Appealed to the County Administrator. The County Administrator may grant such vesting upon a determination that the Project qualifies for an exemption under this Article or the Project qualified for common law vesting. In addition, the Director of Planning may grant an extension of time to file the required annual report upon a showing by the Applicant, or successor, that strict enforcement would cause undue hardship because of circumstances beyond the Applicant's or successor's control. Requests for extensions shall be submitted to the Director of Planning thirty (30) days prior to the due date for the annual report.

E. Developments of Regional Impact (DRI) and Development Agreements

The provisions of Section 11.08.07.C above shall not apply to Projects authorized as Developments of Regional Impact pursuant to Chapter 380, F.S., nor to Projects with an approved Development Agreement pursuant to Sections 163.3220 and 163.3243, F.S., which Projects shall be governed by the terms and conditions of the DRI approval or the Development Agreement.

F. Development Monitoring

Upon the issuance of a Concurrency Exemption Determination, the County shall record the impact on public facilities and services for which the Concurrency Management System is maintained; provided, however, that if the impact was previously included, it shall be removed where a Project is denied a Concurrency Exemption Determination or where the Concurrency Exemption Determination has expired or has been revoked.

G. Sale of Lots or Parcels

Nothing herein shall preclude the sale of a Parcel with a Concurrency Exemption Determination. A successor in interest shall have all the rights and responsibilities resulting from, and shall be bound by, the Concurrency Exemption Determination.

H. Amendment of Development Orders

The Concurrency Exemption Determination shall not be construed as a limitation on the ability of the Owner or a successor in interest to seek an amendment of a Development Order; provided, however, that any increased impact resulting from such amendment may be subject to Part 11.00.00 through Part 11.07.00 of this Article.

I. Geographic Scope

The Concurrency Exemption Determination shall apply only to the particular Parcel(s) for which application was made. In the case of Developments of Regional Impact with preliminary Development Agreements, the exemption shall extend only to the preliminary Development area identified in the agreement, and shall not extend to areas that are not included within the preliminary Development area.

J. Reconsideration/Revocation of Concurrency Exemption Determination

A Concurrency Exemption Determination may be reconsidered and revoked by the Concurrency Review Committee or the Board of County Commissioners notwithstanding any other provision of this Part, if the Concurrency Review Committee or the Board of County Commissioners determines that the decision on the Concurrency Exemption Determination was based on materially inaccurate or incomplete information and that correct and complete information was reasonably obtainable by the Applicant.

**ARTICLE XII
DEFINITIONS**

PART 12.00.00 GENERALLY

This Article contains most of the definitions for use with this Code. Other definitions, however, may be located elsewhere in this Code and should be used as indicated.

PART 12.01.00 DEFINITIONS

A-weight sound level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated db(A).

Abandoned Sign:

On-premise: Any On-premise Sign which advertises a business no longer conducted or product no longer sold at that location. In making the determination that a Sign advertises a business no longer being conducted, the Administrator shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises and relocation of the business.

Off-premise: Any Off-premise Sign Face which remains void of Copy for twelve (12) months or longer. Failure of an Owner to register the Sign with the State and/or County shall be prima facie evidence of Abandonment.

Accessory, Agricultural Structure: A Structure containing materials and uses which are accessory to an agricultural activity. Examples of such a Structure would be a pen to contain livestock and farming equipment, but not a Structure used primarily to contain hand tools and domestic vehicles.

Accessory Use or Structure: A Use or Structure of a nature customarily incidental and subordinate to the principal Use or Structure, and unless otherwise provided, on the same premises.

Accessway: A paved area intended to provide ingress and egress of vehicular traffic from a public Right-of-Way to an off-street parking area or loading area.

Account Holder: Means any person, tenant, customer, user, firm, association, corporation, governmental agency, or similar organization or entity who receives service, whether residential or commercial, or has an agreement to receive service, from the County, or an authorized representative of the County.

Addition (to an existing building): Means any walled and roofed expansion to the perimeter of a Building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adjacent: For purposes of determining notice requirements for certain limited use, adjacent properties shall be those directly abutting the subject property; or those which would abut by excluding:

- A. public Right-of-Way; or
- B. Publicly owned property fifty (50) feet or less in width.

Administrator: Shall mean the County Administrator of St. Johns County, Florida and/or his designee.

Adopted Level of Service: Means the Level of Service (LOS) Policies adopted in the St. Johns County Comprehensive Plan, as may be amended from time to time. All Development Order applications shall be evaluated for the purposes set forth in this Code in accordance with these adopted Levels of Service.

Adult Bookstore: Establishment having as a substantial or significant portion of its stock in trade, books, magazines, films, newspapers, photographs, paintings, drawings, videos, video disk, laser discs, or other publications or graphic media, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to pornographic material. A substantial or significant portion of its stock and trade shall be deemed to occur when twenty percent (20%) or five hundred (500) square feet (whichever is less) of the floor area of the establishment contains the items listed above.

Adult Care Center: Establishment that provides, on a regular basis, assistance or care for five (5) or more unrelated adults for a period of less than twenty-four (24) hours a day and which receive a payment, fee or grant for the adults attending the facility, whether or not operated at a profit.

Adult Photographic or Modeling Studio: Establishment which offers or advertises the use of its premises for the purpose of photographing or exhibiting specified sexual activities or specified anatomical areas or the modeling of apparel that exhibits specified anatomical areas.

Adult Use: An adult Use as defined herein. Adult Uses include adult bookstores, adult theaters, special cabarets, physical culture establishments, and adult photographic studios.

Advertising Display Area: The advertising display surface area encompassed within any geometric figure which would enclose all parts of the Sign. The structural supports for a Sign, whether they be columns, pylons, or a building or part thereof, shall not be included in the advertising area. In computing area, standard mathematical formulas for known common shapes will be used. Common shapes shall include squares, rectangles, cones, spheres, trapezoids, triangles, circles, ovals, cylinders and other simple forms for which surface area formulas are established. The Administrator may break down complex forms into component simple forms; however, all pertinent area shall be included. All words and components of a Sign or related message shall be included as one Sign. Individual words or components may be considered separate Signs only if they express a complete independent message and are separated so as to be obviously disassociated from other message or components. Advertising Display Area shall not include specific sales detail related to the sale of individual items, normally sold outside, such as automobiles, boats, plants, and similar items, when such items are individually marked.

Advertising Message: Sign Copy intended to directly or indirectly promote the sale of a product, service, commodity, entertainment or real or personal property. This definition shall also be deemed to include political copy intended to directly or indirectly promote a candidate or issue. Advertising Message or Copy shall not include Signs or portions of Signs that provide Courtesy Messages.

Affordable Housing: As defined in the St. Johns County Comprehensive Plan.

Agent: Means any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a land Use change, rezoning, Appeal or any other activity set forth in this Code.

Agricultural Use: The use of land for bona fide agricultural purposes as determined by Enforcing Official taking the following factors into consideration:

- A. The length of time the land has been so utilized.
- B. Whether the Use has been continuous.
- C. Whether an indicated effort has been made to use the land in accordance with acceptable agricultural practices.

Airport: Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized in the interest of the public for such purpose.

Airport Elevation: The highest point of an Airport's usable landing area measured in feet from mean sea level.

Airport Hazard: Any Structure or Tree or use of land which would exceed the federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29 and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing or is otherwise hazardous to such taking off, maneuvering, or landing of aircraft and for which no person has previously obtained a Permit or Variance.

Airport Hazard Area: Any area of land or water upon which an Airport hazard might be established if not prevented as provided in this Code.

Airside Activities: Airside activities include, but are not limited to, runways, taxiways, taxilanes, aircraft aprons, storage hangars, terminal Buildings, aircraft maintenance facilities, and other similar airside activities and Structures.

Airspace Height: For the purpose of determining the height limits in all zones set forth in this Code, the datum shall be mean sea level elevation (AMSL) unless otherwise specified. All height regulations are located in Part 77 of the Federal Aviation Regulations.

Alley: A public or private way which affords only a secondary means of access to property abutting thereon.

Alteration: Alter or alteration shall mean any change in size, shape, character, or use of a Building or Structure.

Alternative Tower Structure: Alternative-design mounting Structures including but not limited to man-made Trees, clock towers, bell steeples, light poles, etc.

Amateur Radio: A private radio service defined in Part 97 of the FCC rules.

Anchored Balloon: A Balloon that may have various shapes, forms and sizes, that when inflated through any means and must remain secured to and have contact with the ground at all times.

Animal: A living organism other than a plant or bacterium. As used in this Code, the term animal excludes humans.

Animated Sign: Any Sign or part of a Sign which changes physical position or Copy by movement, electronically or rotation, excluding Automatic Changeable Message Device.

Antenna: An apparatus designed for the transmitting and/or receiving of electromagnetic waves. As used herein the term Antenna includes all antennas integrated and used a single unit, such as an antenna array. For purposes of this Code, the following shall not be considered Antennas and shall not be regulated by this Code: antennas that are designed to receive direct broadcast satellite service, including direct-to-home satellite service, that are one meter or less in diameter or, antennas that are designed to receive video programming services via multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that are one meter or less in diameter or diagonal measurement; and, satellite earth station antennas in commercial or industrial zoning districts.

Antenna Tower: A facility that is constructed and designed primarily for the support of Antennas, which include the following types:

Guyed Tower: A tower that is supported in whole or in part by guy wires and ground anchors or other means of support in addition to the superstructure of the tower itself.

Lattice Tower: A tower that consists of vertical and horizontal supports and crossed metal braces, which is usually triangular or square in a cross section.

Monopole: A tower of a single pole design.

Self Supporting Tower: A tower that has no structurally supportive attachments other than at its foundation.

Camouflaged Structure: A Structure designed to support Antennas and designed to blend into the existing surroundings.

Unless otherwise stated in this Code the term "Antenna Tower" shall not include towers used exclusively to support Ham/CB/TV antennas and antennas that are designed to receive direct broadcast satellite service, including direct-to-home satellite service, that are one meter or less in diameter or, antennas that are designed to receive video programming services via multipoint distribution services, instructional TV fixed services, and local multipoint distribution services, and that are one meter or less in diameter or diagonal measurement; and, satellite earth station antennas in commercial or industrial areas.

Appeal: Means a request for a review of the Administrator's interpretation of any provision of this Code or a request for a Variance.

Applicant: Means any person or the person's duly authorized agent who submits plans or other required submittals to any County Department or agency to obtain a Development Permit as defined herein.

Application, Complete: Means an application that includes all of the information required by this Code, the application form, or by the County, but does not mean that said information is sufficient in comprehensiveness of data or in quality of information provided.

Application, Sufficient: Means the application contains the information required by the County for the technical evaluation of the Project and is adequate in comprehensiveness of data and in the quality of information provided.

Archaeological Site: An area which contains significant material remains of past life or activities and which meets one (1) or more criteria for designation.

Area of Copy: See Advertising Display Area.

Area of Sign: See Advertising Display Area.

Area of Shallow Flooding: Means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base Flood depths from one to three feet where a clearly defined channel does not exist, where the path of Flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: Is the land in the floodplain within a community subject to a one-percent (1%) or greater chance of Flooding in any given year.

Arterial Road: See Roadway Classifications.

Artificial Light or Artificial Lighting: The light emanating from any human made device.

Assessed Value: Shall mean the value to an improvement or property as determined by the St. Johns County Property Appraiser in the manner provided by law.

ASTM: Means American Society for Testing Materials.

Auditorium: The room, hall, Building, or part of a Building used for public gatherings.

Authorized Representative of the User means:

- A. If the user is a corporation:
 - 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - 2. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to Sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the user is a partnership or sole proprietorship; a general partner or proprietor, respectively.
- C. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the County.

Automatic Changeable Message Device: Any Sign which through a mechanical, electrical, solar, or other power source is capable of delivering messages which do or appear to rotate, change or move at any time in any way, including Tri-Vision or any Multi-Prism Sign faces.

Automobile Service or Filling Station: See Service Station.

Automobile-Wrecking or Storage Yard: The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked motor vehicles, trailers, or their parts.

Auxiliary Business Sign: A secondary type of Sign, smaller than Business Identification Signs which clarifies style and nature of the business or service advertised therein.

Awning: A shelter supported entirely from the exterior wall of a Building that projects from a perimeter wall of a Building, including a building Canopy.

Awning Sign: Any Sign which is suspended from, attached to, painted on, supported from or forms a part of an Awning.

AWWA: Means American Water Works Association. Any reference to AWWA standards shall be taken to mean the most recently published revision unless otherwise specified.

Background Area: The entire area of a Sign on which Copy could be placed, as opposed to Copy area, when referred to in connection with Fascia or Wall Signs, computed in the same manner as Copy area.

Background Traffic: Means the estimated traffic for existing and approved but unbuilt Development within the County. Background Traffic may include projected traffic growth rates for Categorically Exempt Developments or Developments with a Concurrency Exemption Determination as determined by the County.

Backlogged Segments: Backlogged Segments means those roadways operating below the Adopted Level of Service which do not have prohibitive financial or environmental constraints, but which are not scheduled for major capacity improvement within the first three years of the adopted Florida Department of Transportation's Five-Year Work Program or the County's Five-Year Schedule of Capital Improvements.

Balloon: Gas filled, air filled or otherwise inflated items.

Banner Sign: A Special Event Sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted, so as to allow movement of the Sign.

Bar, Cocktail Lounge, Saloon, or Tavern: Any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages, or any place where any Sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises.

Base Flood: Means the Flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base: A layer of selected, processed, or treated aggregate material of specified thickness and quality placed immediately below the pavement and above the subgrade to support the asphalt or concrete surface, and may include asphalt stabilized aggregate laid in advance of future paving.

Basement: Means that portion of a Building having its floor subgrade (below ground level) on all sides.

Beach: The zone of unconsolidated material facing the Atlantic Ocean that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves), as is defined in Chapter 62B-33.002 (4), F.A.C. At the Matanzas Inlet in St. Johns County, the beach shall not extend landward of the centerline of the Matanzas Inlet Bridge; and at the St. Augustine Beach Inlet in St. Johns County, the beach shall not extend landward of the extreme westward points of said inlet.

Beach Dune: See Significant Natural Communities Habitat.

Beacon Light: Any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically or manually.

Bed and Breakfast: A Building, often of historical significance, containing a number of lodging units intended primarily for rental to provide overnight accommodations with board. No personal care services shall be provided at this facility.

Best Management Practices (As it applies to Wellhead Protection): Practices that are technologically and economically practicable and most beneficial in preventing or reducing adverse impacts to the quality of groundwater in Wellhead Resource Protection Areas. This includes acceptable methods for handling, use, transportation, and storage of a hazardous waste. This includes identification of proper methods for handling, use, transportation and storage, safely and accident prevention measures, data and records for hazardous wastes, and disposal in a proper manner as required by law.

Billboard: Any Sign, over thirty-two (32) square feet in size that is used for Off-premise outdoor advertising and display and may be leased. For spacing purposes, any On-premise Sign exceeding three hundred (300) square feet shall be a Billboard.

Biochemical Oxygen Demand or "BOD": Means the quantity of oxygen utilized in the biochemical oxidation of organic matter expressed in terms of milligrams per liter.

Board: Means the Board of County Commissioners of St. Johns County, Florida.

Boarding House: An establishment with lodging for four (4) or more persons, where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

Bona Fide Agricultural Operations: Bona fide agricultural operations activities normal and necessary for good faith commercial Agricultural Use of the land. Such Agricultural Uses include horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, aquaculture, piscaculture and all forms of farm products and farm production. Bona fide agricultural activities might include but are not limited to the following activities: transplanting, tilling; plowing; planting; harvesting; contouring to prevent erosion; fencing; construction of internal roads, bridges or culverts to facilitate these operations; construction or maintenance of irrigation and drainage ditches; control structures or dikes; and construction, operation or maintenance of Agricultural Use ponds. In determining whether the activity is normal and necessary for good faith commercial Agricultural Use of the land.

Borrow Area: Borrow area is an area within a Parcel of land where the spoils from an excavation are removed from that Parcel to be placed on another Parcel of land, or are sold, except for the spoils from a swimming pool or Building site. Borrow area excavation includes the leveling, scraping, or reducing of a hill or rise of land, as well as the digging of a pit, hole, depression or valley.

Bracket Sign: Any single or double Faced Sign mounted on brackets, poles or beams projecting at right angles from the front or side of any Building and supported solely by brackets, poles or beams.

Breakaway Wall: Means a wall that is not part of the structural support of the Building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the Building or the supporting foundation system.

Bug Light: Any light that is marketed as being specifically treated in such a way as to reduce the attraction of insects to the light.

Buildable Area: That portion of a Parcel of property intended to be developed or site planned as a single Lot, tract, or Building site, exclusive of any setbacks, easement, jurisdictional wetland line or Yard areas required by any applicable Land Development Regulation; that is, all of the area upon which a Building, or other structure governed by setback, easement or jurisdictional wetland limitations, could be erected by right and without respect to any possible or desired Variance, and without respect to other limiting factors such as maximum Lot coverage or minimum open space requirements.

Building: Any Structure, either temporary or permanent having a roof impervious to weather and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This definition shall include tents, awnings, cabanas, or vehicles situated on private property and serving in any way the function of a Building but does not include screened enclosures not having a roof impervious to weather.

Building Footprint: That land area that is, or is proposed to be, covered by a Building or Structure.

Building Frontage: See Frontage, Building.

Building or Structure Sides:

Front of Building or Structure: The front of a Building or Structure shall be that face of a Building that is adjacent to a required Front Yard or faces the rear of a required Front Yard.

Side of Building or Structure: The side of a Building or Structure shall be that face of the Building that is adjacent to or faces a required Side Yard.

Rear of Building or Structure: The rear of a Building or Structure shall be that face of a Building that is adjacent to or faces a required Rear Yard.

Building Pad: The horizontal limits of the area defined by the Building foundation and up to five (5) feet outside of the Building foundation.

Building Permit: Means any Permit issued by the Building Official for vertical construction for any Buildings for occupancy or use.

Building Sewer: Means the conduit or pipe which conveys Wastewater from the plumbing drain system of a Building to a public Sewer or other place of disposal.

Building Sign: Any Sign whose Copy provides the name or address of a Building itself, as opposed to the name of the occupants or services.

Bulk Water Utility: Any Person or business entity of any kind whatsoever, lessee, trustee, or receiver owning, operating, managing, or controlling a System or proposing Construction of a System to provide untreated or treated water to a Utility, bulk user or distributor of water for compensation.

Bus Terminal: An area and Building where buses stop to load and unload passengers and luggage or packages and the sale of bus tickets may occur. A bus terminal is not a bus stop.

Business Identification Sign: Any Sign that identifies a business, including the name of a business, products and services offered or made, business logos and client information.

Business Site: See Lot.

Business Site Frontage: See Lot Frontage.

Caliper: The trunk diameter measurement at a given height of a newly planted or transplanted Tree taken at six inch (6) above grade. Existing Trees are measured at D.B.H. Newly planted Trees will be measured by nursery standards six inch (6) above the grade for Trees up to four inch (4) caliper and twelve inch (12) above the grade for Trees greater than four inch (4) caliper.

Canopy Tree: Any Tree that is well-shaped, well-branched and well-foliated which normally grows to an over-all height of at least thirty-five feet (35) and normally develops an average mature spread of crown greater than thirty feet (30) in St. Johns County. (See Section 4.01.05.D.3 for list)

Canopy Sign: Any Sign attached to or constructed in or on a Canopy or Marquee.

Canopy: See Awning.

Capacity Commitment: Means any agreement, commitment, and/or temporary Permit which guarantees the availability of a specific number of ERCs of County Water and/or Wastewater Treatment Capacity pursuant to an application for a designed Development.

Capacity: Means the maximum demand that can be accommodated by a public facility or service without exceeding the Adopted Level of Service. For roadways, "capacity" means the maximum number of vehicles that can be accommodated by a given roadway during a specified time period under prevailing roadway, traffic and control conditions at that roadway's Adopted Level of Service.

Capital Improvement: Shall have the same meaning as the same term in the Comprehensive Plan.

Carport: An Accessory Structure or portion of a principal Structure, consisting of a roof and supporting members such as columns or beams unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor driven vehicles owned and used by the occupants of the Building to which it is accessory.

Category 1 Criteria: Means the minimum requirements for Wastewater, solid waste, drainage and potable water facilities, consistent with policies of the Comprehensive Plan.

Category 2 Criteria: Means the minimum requirements for parks and open space acreage, consistent with policies of the Comprehensive Plan.

Category 3 Criteria: Means the minimum requirements for roadways, roadway intersections and mass transit facilities, consistent with policies of the Comprehensive Plan.

Central Water or Wastewater System: A water or Wastewater utility or system providing community utility services.

Certificate of Completion: Means the official certification of satisfactory completion of a Building, structure, electrical, gas, mechanical or plumbing system. The Certificate of Completion is proof that a Structure or system is complete and for certain types of Permits is released for use and may be connected to a utility system. The Certificate of Completion does not grant authority to occupy or connect a Building, such as a shell Building, prior to the issuance of a Certificate of Occupancy.

Certificate of Concurrency, Informational: Means a Concurrency Determination which establishes that the Public Facilities and Services are available at the time of issuance of the Informational Concurrency Determination but may not be available at the time of any subsequent concurrency determination review.

Certificate of Concurrency, Final: Means a Concurrency Determination which establishes that adequate Public Facilities and Services are available at the time the Final Certificate is issued and will be available at all subsequent stages of the Development approval process up to the date of expiration of the Final Certificate of Concurrency.

Certificate of Occupancy: (CO) means the official certification that a premise conforms to the provisions of the St. Johns County Land Development Regulations, and Building Codes, and may be used or occupied.

CFR: Means the Code of Federal Regulations.

Changeable Copy: See Automatic Changeable Message Device or Manual Changeable Copy Sign.

Chemical Oxygen Demand or "COD": Means a measure of the oxygen equivalent of that portion of the organic matter in a water sample that is susceptible to oxidation by a strong chemical oxidant expressed in terms of milligrams per liter.

Chlorine Requirement: Means the amount of chlorine, in milligrams per liter (mg/l), which must be added to Wastewater to produce a specified residual chlorine content, or to meet some other governmental regulatory standard.

Child Care Center: Any establishment that provides, on a regular basis, supervision and care for more than five (5) children unrelated to the operator for a period of less than twenty-four (24) hours a day and which receives payment, fee or grant for any of the children receiving care, wherever operated, and whether or not operated for profit, except that the following are not included: public school and non-public schools which are in compliance with the compulsory school attendance law, Chapter 232, F.S.; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods. The term includes kindergartens, nurseries, nursery schools, day care centers and day nurseries.

Church/Synagogue: Tax exempt Buildings used for non-profit purposes by a recognized and legally established sect for purpose of worship, including educational buildings when operated by such church/synagogue.

Circus: The temporary Use of land offering entertainment such as thrill rides, games of chance and skill, educational exhibits, display of oddities and the like. The term also includes carnivals and fairs.

Citizens Band Radio (CB): A radio service defined in Part 95 of the FCC rules.

City: Shall mean the City of St. Augustine, Florida.

Clean Water Act: Means the United States Clean Water Act also known as the Federal Water Pollution Control Act, as amended, 33 United States Code 1251 et. seq.

Clear Zone: Area clear of obstructions as referenced in FDOT Manual of Standards.

Clearance (As is applies to Article VII of this Code): That pre-permitting process utilized by a Sign Permit Applicant to ensure compliance with Land Development Code regulations prior to submittal of the Permit application.

Clearance Guide Sheet: Means the appropriate pre-Construction Permit data sheet incorporating departmental approvals prior to issuance of a Building Permit.

Clerk of the Board: The Clerk of the Circuit Court serving as the clerk and accountant of the Board.

Clerk: Means the Clerk of the Circuit Court of St. Johns County, Florida, or designee.

Club, Night: A restaurant or dining room serving alcoholic beverages wherein paid floor shows or other forms of paid entertainment are provided for customers as a part of the commercial enterprise.

Club, Private: An association or organization of a fraternal or social character, not operated or maintained for profit. The term private club shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Coastal Area: The unincorporated area of St. Johns County lying easterly of the mean high water line of the west shoreline of the Intracoastal Waterway.

Coastal Construction Control Line (CCCL): The line of that name determined by the Florida Department of Environmental Protection.

Coastal Grassland: See Significant Natural Communities Habitat.

Coastal High Hazard Area: Means the evacuation zone for a Category 1 hurricane as established in the 1998 Hurricane Evacuation Study for Northeast Florida, as may be updated from time to time.

Coastal Strand: See Significant Natural Communities Habitat.

Code Enforcement Official or Code Enforcement Officer: The Code Enforcement Official of St. Johns County, Florida or such other person or office designated by the County Administrator of St. Johns County.

Collocation: When more than one provider uses an Antenna Tower to attach Antennas or; use of a Structure whose primary purpose is other than to support Antennas, such as a utility pole.

Combined Notice: A notice of any public hearing before the Board of County Commissioners which is combined with a notice of public hearing before any other committee, agency or advisory Board to the Board of County Commissioners.

Complete Application: See Application, Complete.

Completely Enclosed Building: A Building separated on all sides from adjacent open space, or from other Buildings or other Structures, by a permanent roof and by exterior walls or party walls which are pierced only by windows and normal entrance or exit doors.

Comprehensive Design Plan: An architectural plan depicting complete Building, structural and electrical requirements, which integrates any Sign or part thereof.

Comprehensive Plan: Means the St. Johns County Comprehensive Plan adopted by the St. Johns County Board of County Commissioners, as may be amended from time to time.

Concurrency Exemption Determination: Means a decision by the County Administrator, the Concurrency Review Committee, or the Board of County Commissioners by which a Parcel is granted a Determination of Concurrency Exemption and is therefore exempt from the requirements of Part 11.00.00 through Part 11.07.00 of this Code.

Concurrency Review Committee: Means a committee as designated by the County Administrator. The Evaluating Departments will serve as resource staff to the Committee.

Concurrency Review Process: The procedures, review time frames, and Appeals process defined by this Code.

Concurrency Requirements: Means the provisions of the Comprehensive Plan requiring that public facilities for traffic, mass transit, Wastewater, potable water, recreation/open space, solid waste, and drainage are available at the Adopted Levels of Service concurrent with the impact of Development.

Confusing Sign: See Hazardous Sign.

Connected System: Means a publicly-owned or privately-owned Wastewater collection system that connects to and discharges into the a Wastewater System for purposes of treatment and disposal.

Connection, Vehicle Access: Driveways, streets, turnouts or other means of providing for the right of access to or from Public or Private Roadways.

Connection, Utility: Means the installation of a utility service connection to water or Wastewater infrastructure of a central utility system owned by any Utility Provider.

Conservation: To minimize or limit the impact of Development to the resource sought to be conserved. Conservation of the resource shall not require that the resource remain completely undisturbed.

Constrained Facility: A roadway segment on the Major Road Network that can not feasibly be widened by at least two (2) through lanes due to physical, environmental, or policy reasons.

Construction Bond: An obligation to complete Construction improvements as depicted on the approved Development Permit by a money forfeit.

Construction Plans: Means those detailed engineering plans, specifications and calculations prepared in accordance with County and other applicable regulations, codes and standards, submitted to the County for approval of a Development Plan or Final Subdivision Plat, which sets forth the specific improvements to be made in conjunction with Development as they affect the existing site, its boundary conditions, topography, drainage, access, and associated road and other Rights-of-Way and Easements.

Construction Sign: Any Sign located on Premises upon which Construction is commencing or has commenced pursuant to a valid Construction Permit, the Copy of which is limited to the identification of the contractor, the sub-contractors, the Owners, the project name and financing information.

Construction: Any activity which results in the modification of surface features, including but not limited to grading, land clearing, or the placement or alteration of Buildings, Structures or utilities, unless specifically exempted by this or any other applicable St. Johns County Ordinance. Hand clearing as necessary for land surveying shall not constitute Construction.

Contribution-In-Aid-Of-Construction: Any amount or item of money, services, or property received by a Utility, from any Person or Governmental Authority, any portion of which is provided at no cost to the Utility which represents a donation or contribution to the capital of the Utility, and which is used to offset the acquisition, improvement or Construction costs of the Utility property, facilities, or equipment used to provide Utility services.

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 five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

Convenience Store: Any retail establishment offering for sale prepackaged food products, delicatessen, household items, and other convenience goods commonly associated with the same. Convenience stores may include the retail sale of motor fuel where permitted.

Cooking Facilities: Kitchen equipment containing an oven for enclosed cooking (including microwave and toaster oven) and flat heated surfaces for open cooking (including hotplate).

Copy: Any permanent or temporary text, graphics and/or logo depicted on a Sign Face.

Corporate Undertaking: The unqualified guarantee of a Utility to pay a refund and any interest connected therewith which may be ordered by the Board of County Commissioners at such time as the obligation becomes fixed and final.

Correctional Facility: A facility for the housing of persons convicted of or being held for a crime.

Correctional Facility, Major: A prison facility regulated by the Florida Department of Corrections designed for maximum security to house persons convicted of a crime.

Community Facility: A facility designed to house persons convicted of a crime, or for the custody of persons arrested for a crime and awaiting adjudication. Such facilities shall include community correctional centers, probation and restitution center, vocational training centers and forestry camps (all as defined by the State of Florida Department of Corrections), or local government jails or detention centers.

County: The unincorporated areas of St. Johns County, Florida.

County Administrator: Means the Office of the County Administrator of St. Johns County, Florida, or the County Administrator's designee.

County Attorney: Means the Office of the County Attorney of St. Johns County.

Courtesy Message: Messages or Copy welcoming groups, persons, etc. to St. Johns County and surrounding areas, providing thoughtful words and positive remarks and similar Copy. Courtesy Messages shall not include any form of advertising or related Advertising Messages.

Covered Patio: A solid roofed Structure attached to the primary Structure which does not contain conditioned space, and which all sides not formed by the walls of the primary Structure are at least fifty percent opened or composed of screening or vinyl panel windows.

Coverage of a Lot by Buildings: That percentage of Lot area that is or may be covered or occupied by Buildings.

Critical Transportation Link: Any location where the existing or projected peak hour traffic volume (existing traffic plus vested development traffic plus reserved Development traffic plus project traffic) equals or exceeds ninety percent (90%) of the maximum service volume of the adopted Level of Service standard, or other calculated segment capacity as approved by the County.

Cumulative Beach Illumination: Artificial Light source that, as a group illuminate any portion of the surface of the beach.

(D.B.H.) Diameter at Breast Height: The standard diameter measure of a single-stemmed Tree at four and one-half (4.5) feet above grade. When a Tree has grown with cluster stems at breast height, DBH shall be equal to the aggregate diameters of the individual stems measured at four and one-half (4.5) feet above grade. Where the individual stems are less than eight (8) inch in diameter then the largest three (3) stems will be used.

Day Nurseries and Kindergartens: Any service which during all or part of the day regularly gives care to six (6) or more children, not of common parentage, who are under six (6) years of age, whether or not it has a stated educational purpose, and whether the service is known as a day care service, day nursery, day care agency, nursery school, kindergarten, play school, progressive school, or by any other name. The total number of children receiving care shall be counted including children or foster children of the owner or persons in charge, in determining the applicability of this definition.

Days: Shall mean consecutive calendar days.

Decibel (db): A unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ration of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

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.

Deficient Transportation Link: Any location where the existing or projected peak hour traffic volume (existing traffic plus vested Development traffic plus reserved Development traffic plus project traffic) exceeds one hundred percent (100%) of the maximum service volume of the adopted Level of Service standard, or other calculated segment capacity as approved by the County.

Demonstration of Compliance or "DOC": Means data, reports, drawings, or other information provided in suitable format to demonstrate that compliance with a 90-day or other governmental regulatory compliance schedule has been achieved.

Density: Means the number of Dwelling Units per acre with respect to residential land Uses as determined by the calculation methodology in the St. Johns County Comprehensive Plan as amended.

Detached Sign: See Ground Sign.

Detailed Inspection (As it applies to Antenna Towers): A close inspection of a Structure, foundation, attachments and systems by a qualified person following approved guidelines. A Detailed Inspection normally requires the inspector to climb the Structure or otherwise gain a more detailed view than is required for a Visual Inspection.

Detention: A process for collecting, temporarily storing, and releasing through a controlled outlet a defined amount of stormwater runoff generated from a runoff contributing area to downstream and lower lying area for the purpose of providing for Flood protection through attenuation of discharge rate and Flood volumes as well as detention of state regulated water quality discharges. Also, the collection and temporary storage of storm water in such a manner as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater.

Developable Land: All of a Parcel of land except:

- A. Lands lying within proposed public Rights-of-Way.
- B. Lands lying within established coastal setback lines.
- C. Marshlands, swamps, floodplains, and other Environmentally Sensitive Lands where local, state or federal regulations otherwise prohibit Development.
- D. Bodies of water such as ponds, lakes, streams either natural or manmade.

Developed Area: That portion of a plot or Parcel upon which a Building, Structure, paved ground surface area, gravel landscaping or other Improvements have been placed.

Developer's Engineer: Means an engineer or engineering firm registered with the State of Florida Department of Professional Regulation, retained by the developer to provide professional engineering services for a Project.

Developer: Means any person, individual, partnership, association, syndicate, firm, corporation, trust or legal entity engaged in developing or subdividing land under the terms of the St. Johns County Land Development Code. The term "developer" is intended to include the term "subdivider," even though the persons involved in successive stages of a Development Project may vary.

Development: Shall have the same meaning as the same term in Section 380.04, F.S., as amended.

Development Agreement: Means any agreement entered into by the County with any person having a legal or equitable interest in real property located within its jurisdiction as provided for by Sections 163.3220 and 163.3243, F.S., as may be amended from time to time.

Development Area: Means those areas depicted on the Future Land Use Map of the St. Johns County Comprehensive Plan which depict the overall growth areas for the County during the Comprehensive Plan's planning horizon time period.

Development Order: Means any Order granting, denying, or granting with conditions, an application for a Development Permit.

Development Permit: Means any Building Permit, subdivision approval, rezoning, Special Use, Variance, or any other official action of the County having the effect of permitting the Development of land.

Development Permit, Final (As it applies to Article XI of this Code): Means County approval which authorizes physical Construction for a Project which has a specific plan of Development in terms of the density, intensity, use and timing of the project. A Final Development Permit is approval of: engineered Construction Plans, a Final Subdivision Plat; approval of a Special Use when the approval authorizes commencement of Construction; or a Building Permit for Projects not requiring platting or engineered Construction Plan approval.

Development Permit, No Impact (As it applies to Article XI of this Code): Means a Development Permit authorizing Development or other activities that do not create a demand for public facilities and services. "No Impact Development Permits" include, but are not limited to: a textual amendment to the Land Use Element of the County Comprehensive Plan; conceptual or sketch plan approval; a Tree Removal Permit; Land Clearing Permit; Sign permit or any Building Permit issued solely for the erection, modification or relocation of a Sign; any Site Plan approval issued solely for the purpose of authorizing the landscaping of a paved surface area; or any Variance or Special Use approved solely for the purpose of allowing Tree removal; land clearing; the erection, modification, or relocation of a Sign; or the landscaping of a paved surface; or accessory Buildings or Structure which do not create additional impacts.

Development Permit, Preliminary (As it applies to Article XI of this Code): Means approval which does not authorize actual Construction, alterations to land or Structures or other Development. A Preliminary Development Permit may authorize a change in the allowable Use of land or a Building, and may include conceptual approvals where a series of approvals are required before authorization to commence land alteration or Construction may be given. A Preliminary Development Permit shall include, but not be limited to: an amendment to the Future Land Use Map or Land Use Element of the County Comprehensive Plan which affects land Use or Development standards; submission of preliminary sketch plans; a subdivision master plan; preliminary subdivision plan; preliminary Development Plan; Zoning Variance or Special Use when approval does not authorize commencement of Construction; a written determination of consistency with the Comprehensive Plan.

Development Review Process: The review and permitting process enacted by St. Johns County for the purpose of assessing the impacts of new Development or alterations to existing Development and ensuring that the Development has met applicable Federal, State and local regulations and permitting requirements.

Diameter at Breast Height (DBH): The standard diameter measure of a single-stemmed Tree at four and one-half (4.5) feet above grade. When a Tree has grown with cluster stems at breast height, DBH shall be equal to the aggregate diameters of the individual stems measured at four and one-half (4.5) feet above grade.

Direct Beach Illumination: Illumination of the beach, or any portion thereof, by Artificial Light or reflectors, in which the light source or reflector is visible from the surface of the beach.

Directional Sign: Any Sign which solely serves to designate the location of or provides direction to any place or area.

Directly Accessed Segment: The first road segment on the Major Road Network on which traffic from the Project's site is expected to travel. If a Development has more than one (1) access point, it may be possible for two (2) or more Directly Accessed Segments to exist.

Directory Sign: Any Sign located on a Business Site that lists the names, Use and location of more than one (1) business located on the Site.

Discharge: Means to dispose, deposit, place, emit, unload, release, or cause or allow to be disposed, deposited, placed, emitted, unloaded, released or otherwise introduce pollutants into Wastewater facilities including the collection and transmission system, the treatment plant and the reuse or disposal system, also known as the St. Johns County Wastewater System or SJCWS.

Diverted Linked Project Trips: Project trips attracted from the traffic volume on roadways within the vicinity of the Project but that require a diversion from that roadway to the project's Directly Accessed Segment(s) to gain access to the Project. Diverted Linked Project Trips add traffic to the Project's Directly Accessed Segment(s), but may not add traffic to the roadways in the vicinity of the Project on which they were originally traveling.

Division of Real Property: As used in the definition of subdivision shall include division by sale or transfer of land, it shall include division by survey and it shall include division by use of a drawing, map or plat.

Documented Onsite: The providing of a creditable occurrence record for a species at a location within a Development Project's boundaries, based upon the provision of such evidence from the developer, local, regional, state or federal agencies, or other reliable sources, including, but not limited to, scientific publications and surveys.

Domestic Waste: Means any viscous liquid, or gaseous material derived principally from the use of sanitary conveniences of residences (including apartments and hotels), office buildings, industrial plants, institutions, or commercial establishments.

Double-faced Sign: A Sign with two (2) Faces that are usually but not necessarily parallel.

Drainage/Utility Easement: A nonpossessing interest held by one person in land of another whereby the first person is accorded partial use of such land for a specific purpose. An Easement restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land.

Drinking Establishment: An establishment where alcoholic beverages are obtained within or thereon and where such beverages are consumed on the premises. If the facility also sells food, and the sale of food products represents more than fifty percent (50%) of the facility's total sales, the facility shall be considered an Eating Establishment.

Drip Line Area: The area directly under the canopy of a Tree enclosed in an imaginary curvilinear line projected to the ground, the drip line, equal to the crown spread of a Tree.

Drive-in Facility: Any portion of a Building or Structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

Drive-In Restaurant or Refreshment Stand: Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles on the premises or in other than a completely enclosed Building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

Dry Detention System: A normally dry stormwater storage area which meets the herein defined function of "Detention". Dry detention systems are similar in function to retention systems; however, due to soil and hydrological conditions full recovery of the facility within the regulatory time period cannot be accomplished through ground infiltration alone and additional measures must be implemented through secondary controlled outlets or bleed-down devices to assure these type systems will function as designed. The secondary outlet also provides for gradual release of a defined flood protection volume if applicable.

Dry Land Excavation: A land excavation that does not extend below the water table.

Dry Storage of Pleasure Watercraft: A commercial facility for removing from the water, watercraft used for recreation and pleasure purposes and storing such craft on land or above land or water on boat lifts.

Dune: A mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach and deposited by any natural or artificial mechanism.

Durable Surface: The surface course of a pavement constructed of concrete or bituminous material.

Dwelling: Any Building, or part thereof, occupied in whole or in part, as the residence or living quarters of one (1) or more persons, permanently or temporarily, continuously, or transiently, with Cooking Facilities.

Dwelling, Accessory: A Dwelling Unit which is clearly incidental to the primary Use of a Lot and contains no Cooking Facilities.

Dwelling Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or Dwelling Units which may be in the same Structure, and containing sleeping facilities and cooking facilities.

Dwelling, Multiple Family or Multi-Family: For purposes of determining whether a Lot is in multiple dwelling Use, the following considerations shall apply:

- A. Multiple dwelling Uses shall include those in which individual Dwelling Units are intended to be rented and maintained under central ownership and management; those which are under collective ownership and management including cooperative apartments, condominiums, and the like; rowhouses or townhouses in individual ownership; and all other forms of multiple dwellings, regardless of ownership, management taxation or other considerations, where such form does not meet the requirements of this Code for a Single Family Dwelling.
- B. Where an undivided Lot contains more than one (1) Building and the Buildings are not so located that the Lots and Yards conforming to requirements for Single Family Dwellings in the district could be provided, the Lot shall be considered to be in multiple dwelling Use if there is more than one (1) Dwelling Unit on the Lot, even though the individual Buildings may each contain only one (1) Dwelling Unit.
- C. Guest Houses and household employee's quarters shall not be considered as Dwelling Units in the computation of (B) above.
- D. Any multiple dwelling in which Dwelling Units are available for periods of less than one (1) week shall be considered a tourist home, a motel, or hotel as the case may be.

Dwelling, One Family or Single Family: A Building containing only one (1) Dwelling Unit. The term is not to be construed as including mobile homes, travel trailers, housing mounted on self propelled or drawn vehicles, tents, houseboats, or other forms of temporary or portable housing. For the purpose of this Code, rowhouses, townhouses, condominiums, cooperative apartments or any other form of Dwelling Units which are not in individual detached Buildings meeting all the requirements of a Single Family Dwelling shall not be construed to be Single Family Dwellings.

Dwelling, Two Family: A duplex or other attached Dwelling Unit providing two (2) Dwellings.

Easement: A nonpossessing interest held by one (1) person in land of another whereby the first person is accorded partial use of such land for a specific purpose. An Easement restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land.

Easement, Drainage/Utility: See Drainage/Utility Easement.

Eating Establishment: An establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready to consume state.

Eaves: The lowest horizontal line of a sloping roof.

Electrical Sign: Any Sign containing electrical wiring which is attached or intended to be attached to an electrical source.

Elevated Building: Means a non-basement Building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Embellishment: Any letters, figures, characters, or other representations in cut-outs, irregular forms, or similar designs which contain a portion of the Advertising Message and is attached or superimposed upon the Sign and extends beyond the Sign's border.

Emergency Work: Any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

Encroachment: The protrusion of a vehicle into a vehicular accessway, pedestrian way, or landscaped area.

Endangered or Threatened Species: See Threatened or Endangered Species.

Enforcement Actions: Means those actions taken by St. Johns County in response to violations of this Code.

Enforcing Official: The individual designated by the County Administrator of St. Johns County who shall be responsible for the administration of the provisions of this Code. The duties of the Enforcement Official may also be performed by the St. Johns County employees who work under the Enforcement Official's direction and supervision.

Engineer: A Professional Engineer registered in Florida, or other person exempted pursuant to the provisions of chapter 471, Florida Statutes, who is competent in the field of civil engineering.

Environmental Protection Agency or "EPA": Means the United States Environmental Protection Agency or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

Environmentally Sensitive Areas: When used in this Code shall mean lands, waters or areas within the County which meet any of the following criteria:

- A. Are Wetlands determined to be jurisdictional, and which are regulated by the FDEP and the SJRWMD;
- B. Are Estuaries, or estuarine systems;
- C. Are Outstanding Florida Waters & Natural Water Bodies;
- D. Are areas designated pursuant to the Federal Coastal Barrier Resource Act (PL 97-348), and those beach and dune areas seaward of the Coastal Construction Control Line;
- E. Are areas designated as Conservation or Preservation;
- F. Are Essential Habitat to Listed Species as determined by approved methodologies of the Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, and the U.S. Fish & Wildlife Service;
- G. Are areas which, because of their unique ecological or environmental nature, or their diversity of significant potential for conservation and preservation due to ownership patterns, Development status, or other factors, are designated as Environmentally Sensitive Areas by action of the Board of County Commissioners.

ERC: Means Equivalent Residential Connection, consisting of three hundred-fifty (350) gallons per day of water or Wastewater capacity.

Erect: To build, construct, reconstruct, alter, convert, move, attach, hang, place, suspend, or affix a Sign. Erect shall not include the changing of moveable copy.

Erected: The word erected includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building: Excavations, fill, drainage, demolition of an existing Structure, and the like.

Essential Habitat: Habitat which if lost would result in elimination of Endangered or Threatened Species or Species of Special Concern from the area in question. Essential Habitat typically provides functions for the Endangered or Threatened Species during restricted portions of that species' life cycle. Habitat includes the place or type of site where a species naturally or normally nests, feeds, resides, or migrates, including for example, characteristic topography, soils, and vegetative cover.

Estuary: A semienclosed, naturally existing coastal body of water which has a free connection with the open sea and within which seawater is measurably diluted with fresh water derived from riverine systems.

Evaluating Departments: Means the departments assigned to review the effect of the issuance of Development Orders on various public facilities and services, as described in this Code.

Excavating: Lowering the elevation of land to create a basin below natural land surface by digging or dredging with mechanical equipment.

Excessive Amounts: Means volumes or concentrations of materials which would create a physical hazard to a Wastewater System.

Exempt Sign: Any Sign exempted from Permit requirements as described in this Code.

Exempt Trees: For the purposes of this Code, the following are considered Exempt Trees regardless of size or location:

- | | |
|--------------------------|--------------------|
| Caurarina cunnighamiana | - Australian pine |
| Casuarina equisetifolia | - Australian pine |
| Schinus terebinthifolous | - Brazilian pepper |
| Cinnamomum camphora | - Camphor Tree |
| Melia azedarach | - Chinaberry |
| Sapium Sebiferum | - Chinese Tallow |
| Pinus clausa | - Sand Pine |
| Pinus elliotti | - Slash Pine |
| Pinus glabra | - Spruce Pine |
| Pinus palustris | - Longleaf Pine |
| Pinus Serotina | - Pond Pine |
| Pinus Taeda | - Loblolly Pine |

Existing Construction: Any Structure for which the "start of Construction" commenced before (the effective date of the first Floodplain Management Code, Ordinance, or standard based upon specific technical base Flood elevation data which establishes the Area of Special Flood Hazard) or (specific date).

Existing Manufactured Home Park or Subdivision: Means a manufactured home park or subdivision for which the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of street, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first Floodplain Management Code, Ordinance, or standard based upon specific technical base Flood elevation data which established the Area of Special Flood Hazard.

Existing Source: Means any source of discharge, the Construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Clean Water Act.

Expansion to an Existing Manufactured Home Park or Subdivision: Means the preparation of additional sites by the Construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including the installation of utilities, the Construction of streets, and either final site grading or the pouring of concrete pads).

Extended Stay Lodging Facility: A Building or group of Buildings containing self-sufficient lodging units designed for rental or lease by the day or week. Common areas associated with the facility such as recreation facilities, business meeting rooms, lobby/registration areas and parking areas, are to be utilized by guests only. A common eating area for residents only may be provided. No additional services such as restaurants and convention facilities shall be provided. No retail establishments or personal services shall be permitted.

External Trip Factor: The inverse (calculated as $[1 - (\text{internal capture} / \text{gross trip ends generated by the Project land Uses})]$) of the Internal Capture Factor which is multiplied by the Gross Project Trip Ends to calculate the Net Project Trip Ends. The External Trip Factor is applied to mixed-Use Projects.

Face: The part of the Sign, including trim and background, which contains the Message or informative contents.

Facing: All portions of the Sign Face and Automatic Changeable Faces displayed at the same location and facing the same direction.

Family Day Care Home: Means an occupied residence in which child care is regularly provided for children from at least two (2) unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, which includes those children under thirteen (13) years of age who are related to the care giver:

- A. A maximum of four children birth (0) to twelve (12) months of age.
- B. A maximum of three (3) children from birth (0) to twelve (12) months of age, and other children, for a maximum total of six (6) children.
- C. A maximum of six (6) preschool children if all are older than twelve (12) months of age.
- D. A maximum of ten (10) children if no more than five (5) are preschool age and of those five (5), no more than two (2) are under twelve (12) months of age.

Family Unit: Shall include the land owner's spouse, lineal ascendants, lineal descendants, brothers and sisters and the descendants of deceased brothers and sisters.

Family: One (1) or more persons occupying a single Dwelling Unit, provided that unless all members are related by law, blood, adoption, or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families. The term family shall not be construed to mean a fraternity, sorority, club, monastery, or convent, or institutional group.

Farm Animal: Animal commonly associated with farm use including but not limited to domestic hoofed mammals and domestic fowl.

Farm Worker Housing: Living accommodations for farm workers or for families in which the head of household is a farm worker, including residential migrant housing and migrant labor camps as defined in Chapter 10D-25, F.A.C.

Fascia Sign: Any Sign attached to or Erected against a wall of a Building, with the parallel plane to the Building wall. Fascia Sign includes Wall Signs and Signs located on the fascia of a roof or canopy, or affixed to a roof plane.

Fence Sign: Any Sign placed on or attached to an enclosing or dividing barrier. Fence Signs include Wall Signs.

Fiber Optics: A system of thin transparent fibers of glass or plastic that are enclosed by material of a lower index of refraction and that transmit light throughout their length by internal reflections.

Filling Station: See Service Station.

Final Decision: Means the final decision of the Board of County Commissioners on an application for Appeal.

Final Inspection: The last required inspection upon which a Certificate of Occupancy is issued.

Fish Camp: Places designed for passive and active recreational activities that directly involve water related and boating activities. Fish Camps normally have direct access to water and may have boat docks, boat launching facilities, and individual boat slips for transient use. Fish Camps may also include supporting facilities, such as refueling, restaurants, bait and tackle shops and retail sales of similar boating needs and specialty items, and may also include the sale of beer and wine for on or off premise consumption. Fish Camps shall not include boat repair facilities and boat storage (wet or dry) exceeding one week in length.

Five Year Schedule of Capital Improvements (or Schedule): Shall have the same meaning as the same term in the St. Johns County Comprehensive Plan, as amended from time to time.

Flag: A piece of cloth or similar material having a distinctive size, color, and design used as a symbol, standard, signal and other similar items of recognition and may include insignias of governmental, religious, charitable, fraternal or other organizations. Any Flag and pole or attachment that frequently holds a Flag shall be deemed a permanent Flag.

Flashing Sign: Any Sign which utilizes an externally-mounted or internally designed intermittent flashing or electronic light source and devices which result in changing light intensity, brightness or color or which is constructed and operated so as to create an appearance of illusion of motion or creates movement by any means. Flashing Signs include Running Lights.

Flea Market: An open air market offering hand-crafted merchandise, second hand merchandise, produce, farm products, and similar items for sale in other than a completely enclosed Building.

Flood Hazard Boundary Map (FHBM): Means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Areas of Special Flood Hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): Means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Areas of Special Flood Hazard have been defined as Zone A.

Flood Insurance Study: Is the official report provided by the Federal Emergency Management Agency. The report contains Flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base Flood.

Flood Prone: Areas shown on FEMA FIRM Maps as A or V zones.

Flood or Flooding: Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Floodway: The channel of a river, or other watercourse and the adjacent land areas that must be reserved in order to discharge the one hundred (100) year base Flood without cumulatively increasing the water surface elevation more than a designated height. For the purposes of this definition, Floodways shall include the "Regulatory Floodways" as established by the Flood Insurance Study for St. Johns County, September 18, 1985, published by the Federal Emergency Management Agency; and in addition, may also include other watercourses which have not been included and designated as "Regulatory Floodways" in the above mentioned study.

Floor Area: Except as may be otherwise specifically indicated in relation to particular districts and Uses, floor area shall be construed as the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) Buildings, excluding attic areas with a headroom of less than seven (7) feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other Building machinery and equipment, parking Structures, and basement space where the ceiling is not more than an average of forty-eight (48) inches above the general finished and graded level of the adjacent portion of the Lot.

Floor: Means the top surface of an enclosed area in a Building (including basement), i.e., top of slab in concrete slab Construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floridan Aquifer: The potable water zone located in the Ocala and Avon Park geological formations generally associated with the Eocene Age which are overlain by the Hawthorne Formation of Myocene Age which varies in thickness and depth.

Fluorescent: The property of some materials to glow or to appear to glow when excited by a stimulus, such as light or an electron beam.

Food Waste: Means any superfluous solid material produced either from the domestic or commercial preparation, cooking, consumption, or dispensing of food, or from the handling, storage, or sale of produce.

Force Main: Means a conduit (pipe) that transports Wastewater under pressure.

Foundation: Structural support for exterior walls of a Building, as described in the St. Johns County Building Code.

Franchise Certificate: A privilege granted by the Board of County Commissioners authorizing a Utility to provide service in a specific Territory pursuant to this Code, and rules and regulations promulgated pursuant to this Code.

Franchised Wastewater Utility: Means a Wastewater utility providing Wastewater service to a designated service area under a Certificate of Authority issued by the St. Johns County Water and Sewer Authority or the Florida Public Service Commission.

Franchised Water Utility: Means a community Water System providing water service to a designated service area under a Certificate of Authority issued by the St. Johns County Water and Sewer Authority or the Florida Public Service Commission.

Free-Standing Sign: Any Sign not structurally secured to the ground or to any other Structure, such as, an "A Frame" Sign.

Freeway: See Roadway Classifications.

Frontage: Linear distance measured along all abutting street Rights-of-Way.

Frontage (As it applies to Article VII of this Code): For purposes of Sign placement under Article VII, frontage shall mean the length of the property line of any one premise, for which a Sign is permitted, parallel to and along each Right-of-Way it borders.

Frontage, Building: The longest linear length of a Building (one (1) side only) facing any one of the following (1) the Right-of-Way, or (2) adjacent public or private travel lanes which house the main customer entrance to the business.

Frontage of a Lot: See Lot Frontage.

Garage, Parking: A Building or portion thereof designed or used for temporary parking of motor vehicles, and within which gasoline and oils may be sold only to parking patrons of the garage.

Garage, Private: An Accessory Structure designed or used for inside parking of private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main Structure is to be considered part of the main building. An unattached private garage is to be considered as an accessory Building.

Garage, Repair: A Building or portion thereof, other than a private storage, or parking garage or service station, designed or used for repairing, equipping, or servicing of motor vehicles. Such garages may also be used for hiring, renting, storing, or selling of motor vehicles.

Garage, Storage: A Building or portion thereof designed and used exclusively for the storage of motor vehicles, and within which temporary parking may also be permitted.

General Store: A retail establishment engaged in the selling of groceries and convenience goods to the residents of a predominantly rural or agricultural area.

Generalized Planning Maximum Service Volumes: The generalized daily, peak hour or peak hour/peak directional service volumes as defined in the Florida Department of Transportation publication entitled Level of Service Handbook, as updated from time to time, and/or as supplemented by St. Johns County.

Government or Non-Profit Use: Shall mean that the occupant or user of at least sixty-five percent (65%) of the Usable Space of a site is an agency of the Federal, State or local government, or a non-profit corporation certified by the Department of State under Section 617.0128, F.S.

Governmental Authority: A political subdivision as defined in Section 1.01, F.S., authorized to provide water or Wastewater service.

Governmental Body: Shall mean any agency of the County, State, or Federal Government.

Grab Sample: Means a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Gross Project Trip Ends: The sum of the proposed Project trips as calculated by applying the appropriate trip end estimation method as indicated in the St. Johns County P.M. Peak Hour Trip Rate and Percent New Trips Data Table or the most recent edition of the Institute of Transportation Engineers *Trip Generation Informational Report* for each Project land Use. In the case of an existing land Use on the Parcel to be replaced or modified by the proposed Project, the Project trip ends for the proposed Project are subtracted from the existing land Use(s) trip ends to determine the Gross Project Trip Ends.

Gross vehicle weight rating (GVWR) : The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

Ground Cover: Low growing plants planted in such a manner as to form a continuous cover over the ground, such as lipiope, english ivy, or like material.

Ground Level: The grade at the crown of road perpendicular to the location of a Sign.

Ground Level Barrier: Any vegetation, natural feature or artificial Structure rising from the ground which prevents Artificial Lighting from shining directly onto the beach/dune system.

Ground Sign: Any Sign which is incorporated into or supported by Structures or supports in or upon the ground and independent of support from any Building. Includes Pole Sign.

Grubbing: The removal or destruction of any living rooted vegetation; the denuding of a Parcel by digging, raking, or dragging, or bulldozing activities which disturb the roots of such vegetation or the soil in which such roots are located in a manner which is calculated to result, or likely to result, in the death, destruction or removal of such vegetation.

Guest House or Cottage: A Dwelling Unit in a Building separate from and accessory in use and size to the main residential Building on a Lot, intended for intermittent or temporary occupancy by a nonpaying guest or family member, provided however, that such quarters shall have no cooking facilities and shall not be rented. A guest house shall also meet the same required Yards as the principal Building or Structure.

Ham/CB/TV Antenna: Non-commercial amateur radio or citizens band antennas, or antennas that are designed to receive television broadcast signals.

Hatchling(s): Any species of Marine Turtle, within or outside of a nest, that has recently hatched from an egg.

Hazardous Sign: Any Sign displaying an Advertising Message that in any way simulates emergency vehicles, traffic-control Signs, or devices, or directional, informational and warning Signs that are Erected or Maintained by the State of Florida, St. Johns County, railroad, public entity or similar agency involved with the protection of the public health, safety and welfare.

Height of a Building: The vertical distance from the lowest point of the established grade surrounding the perimeter of the Building to the highest point of the roof or parapet.

Height of Sign: The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb or shoulder at the crown of the road at the location of the Sign, other than an elevated roadway, which allows the greatest height to the highest point of the Sign. The Height of a Sign shall be measured from the crown of the road immediately adjacent to the Structure or from the existing natural grade immediately adjacent to the Structure, whichever is higher.

Heliport: An area, either at ground level or elevated on a Structure, licensed or approved for the landing and take off of helicopters, and including auxiliary facilities such as a parking, waiting room, fueling and maintenance equipment.

Helistop: A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Highest Adjacent Grade: Means the highest natural elevation of the ground surface, prior to Construction, next to the proposed walls of a Building.

Historic Resource: Any prehistoric or historic district, site, Building, object, or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, engineering works, architectural interiors, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the County.

Historic Resources Inventory: Shall mean the list of known or potential Historic Resources and Landmarks within unincorporated St. Johns County which shall be mapped and periodically updated.

Historic Resource Management Plan (As it relates to Historic Preservation): Shall mean a required plan to address adverse effects which may occur as the result of a proposed Development or other activity on the site of, or within the environs of, a Historic Resource or Landmark.

Historic Resource Review Board: Shall mean the Historic Resource Review Board of unincorporated St. Johns County, which shall advise the Board of County Commissioners in the establishment of policy, priorities and procedures for the protection of Historic Resources.

Historical Site: Any place, Building, or district of historical, architectural or archaeological significance or value which has been officially identified in the National Register of Historic Places, or by the State of Florida Department of Historic Preservation, or by the County.

Historic Structure: Means any Structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Historic Tree: A Tree which has been determined by the Board of County Commissioners of St. Johns County to be of notable historic interest and value to St. Johns County because of its provable involvement in a County historic event, or historic association with the community. The Tree which has been designated as a Historic Tree by the Board of County Commissioners of St. Johns County with such designation recorded in the Official Public Records of St. Johns County following a public hearing with due notice provided in advance by certified mail mailed to the owner of the land upon which such Tree is located.

Holiday Sign: Any Sign used for emphasizing the celebration of a national, State, or locally recognized holiday.

Home for the Aged: A facility for the care of the aged with routine nursing or medical care provided.

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 2.03.07).

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 2.02.04).

Hospital: A Building or group of Buildings having facilities for overnight care of one or more human patients, providing services to in-patients and medical care to the sick and injured, and which may include as related facilities such as laboratories, out-patient services, training facilities, central service facilities, and staff facilities; provided however, that any related facility shall be incidental and subordinate to principal hospital use and operation. Only those Buildings licensed as a hospital under the laws of the State of Florida shall be included within this definition. A hospital is an institutional Use under this Code.

Hotel, Motel, Motor Hotel, Motor Lodge, or Tourist Court: A Building or a group of Buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from Multiple Family Dwellings and rooming or boarding houses, where rentals are for periods of more than one week and occupancy is generally by residents rather than transients.

Household Animal: Animal which is customarily kept for personal use or enjoyment which are not exhibited to the public, nor raised for commercial purposes. A household animal shall include domestic dogs and cats, white mice, domestic rabbits and any other animals deemed by the County Administrator to be appropriate as domestic pets.

Household Employees Quarters: Dwelling Units for domestic employees employed on the premises. Such units may be in either a principal or an accessory Building, and if in an accessory Building may be used alternatively as a guest house, but no such living quarters shall be rented, leased, or otherwise be made available for compensation of any kind except in the form of housing for employees.

Housing for the Elderly: A facility in the nature of multiple family housing, with no provision for routine nursing or medical care.

Identification Sign: Any Sign which is limited to the name, address, and number of a Building, institution or Person and to the activity carried on in the Building or institution or the occupancy thereof.

Illuminated Sign: Any Sign illuminated in any manner by an artificial light from an interior or exterior source.

Impact(s) of the Development: Means and refers to the point in time at which a Development is authorized to commence Construction pursuant to the issuance of a Building Permit or any other Development Permit authorizing the erection of a Structure intended for human habitation, occupancy or use.

Impacted Segment: Any segment on the Major Road Network on which peak hour traffic generated by a Development contributes one percent (1.0%) or more of the maximum service volume of the adopted Level of Service standard, up to a maximum of four (4) miles from the project boundaries or as extended by provisions of this Code.

Impervious Surfaces: Any Building, concrete, pools, wet retention/detention areas, pavement or compacted materials utilized for parking or roadways.

Improvement: Shall mean changes in the condition of real property brought about by the expenditure of labor or money for restoration, renovation or rehabilitation of such property. Improvements include new Construction, additions and Accessory Structures (i.e., a garage) necessary for efficient contemporary use.

Indirectly Illuminated Sign: Any Sign which reflects light from a source intentionally directed upon it by a means of flood lights, goose-neck reflectors, externally mounted florescent light fixtures and similar lighting devices.

Indirect Beach Illumination: Illumination of the beach, or any portion thereof, by artificial light or reflectors, in which the light source or reflector is not visible from the surface of the beach.

Indirect Discharge or Discharge: Means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act.

Individually Owned Package Treatment Plant: Means a package treatment plant owned by private investors serving proprietary uses and having a limited and constrained geographic service area.

Individually Owned Water Supply System: Means a water supply system owned by private investors serving proprietary uses and having a limited and constrained geographic service area.

Industrial User or "IU": Means any user discharging non domestic waste into a central Wastewater System or a connected system from any non domestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act.

Industrial Waste Surcharge: Means an additional service charge assessed against central Wastewater System industrial users whose Wastewater characteristics exceed established surcharge limits.

Industrial Waste: Means food waste, other waste, or any superfluous solid, liquid, or gaseous material resulting from manufacturing or commercial processes, or from natural resource development, recovery, or processing.

Industrial Wastewater Discharge Permit or "IWD Permit": means written authorization from the Director to discharge industrial Wastewater to a Wastewater System or a connected system and setting conditions and/or restrictions on such discharge.

Institutional Lender: A financial intermediary such as a State or federally chartered bank, a life insurance company or other similar entity subject to regulatory oversight for the protection of depositors, investors or policy holders.

Instantaneous Maximum Allowable Discharge Limit: Means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Instrument Runway: A runway having an existing or planned instrument approach procedure utilizing air navigation facilities or area type navigation equipment.

Intensity: Means the number of square feet of Development per acre by land Use type for non residential land Uses.

Interference: Means a discharge which, alone or in conjunction with a discharge or discharges from other sources which cause an inhibition or disruption of the a Wastewater System, its treatment processes or operations, or its sludge processes, use, or disposal which is a cause of, or significantly contributes to, either a violation of any requirement of a Utility Provider's National Pollution Discharge Elimination System ("NPDES") Permit or to the prevention of sludge use or disposal by the a Wastewater System in accordance with any criteria, guidelines, or regulations developed pursuant to the Clean Water Act, Solid Waste Disposal Act, the Clean Air Act, as amended (42 U.S.C. 7401 et seq.), the Toxic Substances Control Act, as amended (15 U.S.C. 2601 et seq.), or more stringent state criteria applicable to the method of disposal or use employed by the Wastewater System.

Interior Area: The entire Parcel of land to be developed exclusive of the front, rear and side perimeter set backs as required by zoning and/or landscape areas.

Interior Light Fixture: Any light fixture or point source of light which is located within an enclosed Structure.

Internal Capture: Trips generated by a mixed Use Project which travel to another on-site land Use.

Internal Capture Factor: The percentage of the total trips generated by a mixed Use Project that travel from one (1) on-site land Use to another on-site land Use.

International Golf Parkway Scenic Roadway: That portion of International Golf Parkway (formerly known as Nine Mile Road) that passes through Twelve Mile Swamp.

Interior Property Line: Any property line, other than fronting on a Public or Private Roadway Right-of-Way or Access Easement.

Intersection Analysis: A mathematical analysis of two intersecting roadways to determine its vehicular capacity and Level of Service.

Joint Use Driveway: A single connection that serves as a driveway to more than one (1) residential or non-residential property or Development, including those of different ownership.

Junk Yard: Place, Structure, or Lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are brought, bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and Building material yards, house-wrecking yards, heavy equipment wrecking yard, and yards or places for the storage, sale, or handling of salvaged house wrecking for structural steel materials. This definition shall not include automobile wrecking for storage yards, or pawnshops, and establishments for the sale, purchase, or storage of second hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded or salvaged materials incident to manufacturing activity. However, establishments for the sale, purchase or storage of second hand refrigerators, stoves, plumbing fixtures, and similar merchandise shall be considered a junk yard for the sole purpose of requiring that such establishments display their merchandise behind a visual barrier as required for junk yards in this Code.

Kennel: Any place or premises where four (4) or more dogs over four (4) months of age are kept for pay or for sale. This definition shall not apply to veterinarians operating under license from the State of Florida who board dogs.

Kindergarten: See Day Nurseries.

Lake: A body of standing water occupying a natural basin or man-made depression in the earth's surface.

Lake Cleaning: Land excavation to restore a lake, as defined in this Code, to its natural or artificially constructed depth; and/or its natural or artificially constructed shape by the removal of land excavation materials.

Lake Creation: The land excavation which will result in the creation or enlargement of a lake as defined.

Land Alteration: Any activity which removes vegetation or changes the topography of the land by grubbing, Tree removal, clearing, grading, filling, or excavation, except for activities undertaken to maintain existing grounds.

Land Clearing: The Grubbing, by any means, of any type of vegetation from land not including, however, activities governed by Tree Removal Permit.

Land Development Code (LDC), St. Johns County: Means those regulations adopted by St. Johns County governing the Development of land within the unincorporated area of the County.

Land Development Regulations: Shall have the same meaning as the same term in Section 163.3164, F.S., as amended.

Land Development Traffic Assessment: A traffic impact study that is required for all major Developments generating thirty (30.0) or more average peak hour trips. The Land Development Traffic Assessment (LDTA) summarizes existing conditions in the Development's impact area; estimates the traffic that will be generated by the proposed Development; projects the future traffic conditions with the proposed Development traffic; and outlines roadway Improvements which are needed to maintain the adopted Level of Service standards on the Major Road Network.

Landscape Development: Trees, shrubs, ground cover, vines, or grass installed in planting areas for the purpose of fulfilling the requirements of this Code.

Landscape Dividing Strips: Landscape areas containing ground cover, shrubs and Trees, or other landscaping used to partition parking areas into individual bays.

Land Alteration: Land Alteration is any activity which removes vegetation or changes the topography of the land by Grubbing, Tree removal, clearing, grading, filling, or excavating, except for activities undertaken to maintain existing grounds.

Land Excavation: The excavation and offsite hauling of sand, peat, clay, stone, shell, and the like, disturbing one thousand (1000) square feet or more of land.

Landmark: A Building, Structure or location of architectural, archaeological or historic significance to St. Johns County and which meets one or more of the criteria for designation. A landmark may include an historical site which was the location of a significant historical event. References to Landmarks shall include any or all designated Landmarks, Landmark Sites, Archaeological Sites.

Landmark Site: The land on which a Landmark and its associated Structures, grounds, premises and settings are located. A Landmark Site shall only be designated in conjunction with the designation of a Landmark and shall be identified through its legal description. A Landmark Site may include part of one or more Parcels.

Leachate: Means a liquid waste as a result of chemical and biochemical reactions of the landfilled waste and the percolation of liquids through solid waste while it simultaneously extracts dissolved or suspended materials. The sources of the liquid include moisture contained in the landfilled solid waste, rainfall, and surface groundwater infiltration.

Leaf Drop Area: That area directly under the branches of a Tree, and may also be known as Drip Line Area.

Legal Positive Outfall: An outfall to a Natural Water Body such as the ocean, a river or a creek, or State of Florida jurisdictional Wetlands contiguous to a Natural Water Body or to some other legally established drainage way which has the hydraulic capacity to accept and convey the proposed stormwater discharge. "Legally established drainage way" refers to a drainage way within a public Right-of-Way, a recorded or platted Easement, or an implied Easement or servitude under Florida law.

Level 1 Development Review: This review is intended to be for Projects considered minor in nature which can be handled at the counter level; do not require in-depth reviews, are subject to a minimum of inter-departmental involvement, and are not subject to State and/or federal permitting requirements.

Level 2 Development Review: This review category is an in-depth inter-departmental review for all private and public projects which are not subject to action or approval from the St. Johns County Planning & Zoning Agency or St. Johns County Board of County Commissioners.

Level 3 Development Review: This review category is an in-depth inter-departmental review for all private and public Projects which are subject to action or approval from the St. Johns County Planning & Zoning Agency or St. Johns County Board of County Commissioners.

Level of Service: Shall have the same meaning as the same term in Chapter 9J-5, Florida Administrative Code.

Licensed Sign Contractor: Any Person certified by the State of Florida as a Sign Contractor and/or licensed by St. Johns County and registered with the State of Florida to build, Erect, Maintain or install Signs within St. Johns County, Florida.

Life Care Center: A facility which provides one or more levels of personal care services to residents but which provides an independent or semi-independent lifestyle to its residents and which is not licensed as an Adult Congregate Living Facility or Community Residential Home by the Florida Department of Children and Families. A life care treatment facility may be built in combination with a congregate living facility or a nursing convalescent and extended care facility.

Light Fixture: A stationary artificial light source composed of lamp(s), reflectors(s), globe(s), and other elements necessary to produce and direct light.

Link Improvement: A change in the physical or operating characteristics of a portion of a roadway segment that results in increased capacity and/or improvements to the general quality, Level of Service and safety characteristics of the link.

Link: A portion of a roadway segment located on the Major Road Network defined by two consecutive intersecting roadways.

Listed Species: Species so listed as Threatened or Endangered Species and Species of Special Concern by the Florida Fish and Wildlife Conservation Commission, Florida Department of Agriculture and Consumer Services, and U.S. Fish & Wildlife Service.

Liquor Store: An establishment engaged in the retail sale of packaged alcoholic beverages for consumption off-premises.

Loading Space, Off-Street: Space logically and conveniently located for pickups or deliveries or for loading or unloading, scaled to deliver vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Location: Any Lot, Premise, Building, Structure, wall or other places that a Sign is attached, Erected or otherwise placed or may be attached, Erected or otherwise placed.

Lot Frontage: The front of an interior Lot shall be construed to be the portion nearest the street. For the purpose of determining Yard requirements on corner Lots and through Lots, all sides of a Lot adjacent to street shall be considered frontage, and Yards shall be provided as set out in this Code.

Lot Frontage (As it applies to Article VII of this Code): For purposes of Sign placement under Article VII, Lot Frontage shall be the linear frontage of an individual Lot or Lots or Business Site on the street or streets serving the business or businesses constructed or located thereon, as measured along a straight line extending between the two points where property corners intersect street Right-of-Way lines.

Lot Measurement, Depth: Depth of a Lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the Side Lot lines in front and rearmost points of the Side Lot lines in the rear.

Lot Measurement, Width: Width of a Lot shall be considered to be the distance between straight lines connecting Front and Rear Lot lines at each side of the Lot, measured across the rear of the required Front Yard, provided, however, that the width between Side Lot lines at their foremost points (where they intersect with the Street Line) shall not be less than eighty percent (80%) of the required Lot width except in the case of Lots on the turning curve of a road or the circle of a cul-de-sac, where the eighty percent (80%) requirements shall not apply. The minimum Lot widths of Lots on the turning curve of a road or the circle of a cul-de-sac shall be twenty-five (25) feet at the Street Line.

Lot of Record (As it applies to Article XI of this Code): Means:

- A. A Lot which is part of a subdivision which has been recorded in the office of the Clerk of the Circuit Court of the County prior to March 4, 1991.
- B. A Lot or Parcel described by metes and bounds, the description of which has been so recorded on or before March 4, 1991.

Lot: Shall have the same meaning as the same term in Chapter 177, F.S.

Low Profile Light Fixture: Any light fixture, set on a base, where the point source of light is no higher than forty-eight(48) inches off the ground, and is designed in such a way that light is directed downward from a hooded light source.

Maintain: To cause or allow any Sign, Sign Structure, or any part of either, to continue in existence; or to replace, repair or refurbish less than one-sixth of the Sign Structure annually.

Maintenance Bond: An obligation for timely maintenance as a guarantee against faulty workmanship, construction and materials by a money forfeit.

Major Event (As it applies to Antenna Towers): An event, which is likely to exceed the design limits, or significantly reduce the structural integrity, of the Structure. Hurricanes with winds exceeding the design limits, and earthquakes, are examples of Major Events.

Major Intersection: The location at which two (2) roadway segments located on the Major Road Network cross or intersect each other.

Major Road Network Map: A map illustrating all existing and planned roadway segments within St. Johns County that comprise the roadway network to be used when evaluating the traffic impacts of proposed Development.

Major Road Network: A listing of all existing and planned roadway segments within St. Johns County that comprise the roadway network to be used when evaluating the traffic impacts of proposed Development.

Management Plan: A plan prepared to address conservation and management of Environmentally Sensitive Areas, which is approved by the County in accordance with Article IV of this Code. The Management Plan describes and depicts the location of areas to be conserved or preserved, including any protective buffers. The Management Plan indicates the location of Significant Natural Communities Habitat, Listed Species, and Essential Habitat. The plan identifies habitat management activities and contains an action plan with specific implementation activities, schedules, and assignments of responsibilities.

Manual Changeable Copy Sign: Any Sign on which copy is changed manually.

Manufactured/Modular Building: Means a closed Structure, Building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished Building or as part of a finished Building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. This definition does not apply to Manufactured/Mobile Homes. Manufactured/Modular Building may also mean, at the option of the manufacturer, any Building of open Construction made or assembled in manufacturing facilities away from the Building site for installation, or assembly and installation, on the Building site.

Manufactured/Modular Home: A Manufactured (Mobile) Home unit fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the Building site, with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standard Act as administered by United States Department of Housing and Urban Development (HUD).

Manufactured/Mobile Home: A Structure, transportable in one or more units or sections, which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Manufactured/Mobile Home Park: Means a development as described in Chapter 723, F.S.

Manufactured/Mobile Home Subdivision: A manufactured/mobile home subdivision is a Parcel of land set aside where Lots are sold to mobile home owners for the purpose of placing mobile homes thereon for living and sleeping purpose, including any land, Building, Structure or facilities used by occupants of mobile homes on such premises.

Manufacturing, Agricultural: This Use involves establishments primarily engaged in the grading, sorting, packing, refining and processing of raw agricultural Products. The processed material is typically grown, cultivated or produced onsite and is an integral part of the agricultural enterprise.

Marine Turtle(s): Any specimen belonging to the species *Caretta caretta* (loggerhead turtle), *Chelonia mydas* (green turtle), *Dermochelys coriacea* (leatherback turtle), *Eretmochelys imbricata* (hawksbill turtle), or any other Marine Turtle using St. Johns County Beaches as a nesting habitat.

Marina: An establishment and/or Parcel of land with a waterfront location, including adjacent submerged lands that are privately owned, leased or controlled and the waters above them, used for (i) the docking and/or refueling of watercraft used for pleasure purposes, (ii) providing minor repair services for such watercraft, (iii) providing wet and/or dry berthing or storage of watercraft used for pleasure purposes, and/or (iv) providing an entranceway, exitway, or parking for persons using, servicing or boarding watercraft used for pleasure purposes. A Marina may include, as Accessory Uses, the sale of watercraft used for pleasure purposes, a restaurant, a snack bar, motel, boatel, launching facilities, and other customary accessory facilities. Additionally, watercraft used for commercial purposes as such, watercraft are defined in Article XII of this Code, definition for Port. Watercraft that are in (i) transit but stop, moor, or dock at a Marina for less than five (5) days in an three (3) month period, (ii) that do not generate a need for Parking Spaces for privately owned or leased vehicles of their passengers or crew may dock and refuel at Marinas provided all zoning off street requirements for Marinas are being met.

For the purpose of this definition, "watercraft" and "watercraft used for pleasure purposes" shall consist of:

- A. Watercraft and vessels used solely for the personal pleasure of its owner and the owners family and friends. Other than as provided in this subsection (a), such watercraft or vessel may not be leased, rented or otherwise let for money or other valuable consideration or used for commercial purposes. The occasional sale of non commercial quantities of surplus fish caught by the owner or the owners family or friends shall not by itself prevent the watercraft or vessel from being considered a watercraft used for pleasure purposes. Also, the occasional and infrequent rental or charter of a watercraft or vessel that is used predominantly for the personal pleasure of its owner and the owners family and friends shall not by itself prevent the watercraft or vessel from being considered a watercraft used for pleasure purposes provided that the owner, operator or custodian of such watercraft or vessel, and their agents, do not advertise or promote its availability for hire, rental or charter and provided further that such owner, operator, custodian or agent is not known or recognized in the community or at the Marina as desiring or seeking fee paying users of such watercraft or vessel; and
- B. Watercraft and vessels engaged in an activity wherein a fee is paid by a user, either directly or indirectly, to the owner, operator, or custodian of the watercraft or vessel, but only when the activity is for pleasure purposes such as charter fishing or local sightseeing or other such pleasure purposes ordinarily and customarily associated with watercraft or vessels that are lawfully capable of carrying no more than ten (10) passengers and crew at a time. Watercraft and vessels under this subsection (b) shall not be capable of lawfully carrying more than fifteen (15) persons at a time, including passengers and crew. The number of passengers and crew lawfully capable of being on a watercraft or vessel will be determined by the maximum number indicated on the Coast Guard Certificate of Inspection, or as indicated on a substantially similar government regulatory document, pertaining to the watercraft or vessel.

A Parcel of land that serves without charge only those watercraft and vessels (i) that are owned by one or more owner(s) or lessee(s) of the land (whether the land is owned or beneficially owned in fee simple, as a common element or as a community facility) and/or by their friends and (ii) that are used for pleasure purposes as defined above shall not be deemed to be a Marina. As examples, a residential Lot with a dock that serves the Lot owner's pleasure ski boat is not a Marina; a condominium Lot with a boat ramp that serves the personal pleasure boats of the condominium owners and their friends is not a Marina. Government owned public parks, boat ramps and docks shall not be deemed to be Marinas.

Maritime Hammock: See Significant Natural Communities Habitat.

Marquee: Any permanent roof-like Structure projecting beyond a Building wall at an entrance to a building or extending along and projecting beyond the Building wall and generally designed and constructed to provide protections against the weather.

Marquee Sign: Any Sign attached to or hung from a Marquee.

Mean Sea Level: Means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Code, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Medical Waste: Means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

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.

Minimum Enroute Altitude: The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

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 twenty-two (22) miles of a VOR.

Minimum Requirements (As it applies to Article XI of this Code): Means the criteria for determining whether adequate public facilities are available to accommodate the impacts of a Project, or will be available when the impacts of the Project occur. The minimum requirements refer to the point in time at which facilities must be available at the Adopted Level of Service in order to satisfy the adequate public facilities review in accordance with this Code or, if otherwise provided, the mechanism for ensuring that such facilities will be adequate concurrent with the impacts of Development.

Minimum Specifications: To determine minimum specifications for all plant material for which credit will be given in complying with the requirements of this Code.

Mining: Any surface excavation for the principal purpose of removing material from the site and transporting to another site for sale, processing, refining, filling, Construction or disposal. Mining includes the operation of "Borrow Pits" for soil, shell, clay, rock, and similar materials. Projects which remove material for sale as a secondary function in the creation of a storm water management system within the scope of a Site Plan shall be exempted from the provisions of this Code pertaining to Mining and Borrow Pit Operations.

Mobile Sign: See Portable Sign.

Monument Sign: Sign placed upon the ground independent of support from the face of a Building constructed of solid material and Construction design.

Motel: See Hotel, etc.

Motor Hotel or Motor Lodge: See Hotel, etc.

Motor Vehicle: Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles.

Moving Copy: See Animated Copy.

Multi-Family Dwelling: see Dwelling, Multiple Dwelling.

Multi-message: Any Sign Face that contains more than one Advertising Display Area, when viewed from one direction.

Multi-Prism Sign: See Automatic Changeable Message Sign.

Multi-Trunk Tree: Any Tree that is well shaped, well branched, and well foliated which normally grows with two (2) or more trunks and to an overall height in excess of fifteen (15) feet and which develops an average mature spread of crown greater than ten (10) feet in St. Johns County.

National Categorical Pretreatment Standard: Means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

National Geodetic Vertical Datum (NGVD): As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

National Pollutant Discharge Elimination System Permit or "NPDES Permit": Means a Permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).

National Register of Historic Places: Shall mean the list of historic properties significant in American history, architecture, archaeology, engineering and culture, maintained by the Secretary of the Interior, as established by the National Historic Preservation Act of 1966, as amended.

Natural Preserves: Publicly or privately owned lands or waters set aside for preservation in their natural state.

Natural Water Body: Includes rivers, streams, lakes, navigable waters and associated tributaries, canals, meandered lakes, enclosed Water Systems, and other surface waters owned by the State of Florida.

Neon Sign: A Sign using neon gas or similar substance for lighting.

Nest (As it applies to Marine Turtles): An area where Marine Turtle eggs have been naturally deposited or subsequently relocated.

Nesting Season (As it applies to Marine Turtles): The period from May 1st through October 31st of each year.

Net New Project Trip Ends: The result of the New Project Trip Ends multiplied by the Percent New Trips Factor. The Net New Project Trip Ends are the Project trips assigned to the Major Road Network.

Net Project Trip Ends: The result of the Gross Project Trip Ends multiplied by the appropriate External Trip Factor.

New Construction: Any Structure for which the "start of Construction" commenced after the effective date of the first Floodplain Management Code, Ordinance, or standard based upon specific technical base Flood elevation date which establishes the Area of Special Flood Hazard. The term also includes any subsequent improvements to such Structure.

New Source: Means:

- A. Any Building, Structure, facility, or installation from which there is (or may be) a discharge or pollutants, the Construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act (33 U.S.C. 1347) which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
 - 1. The Building, Structure, facility, or installation is constructed at a site at which no other source is located; or
 - 2. The Building, Structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - 3. The production or Wastewater generation processes of the Building, Structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the Construction does not create a new Building, Structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

- C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - 1. Begun, or caused to begin, as part of a continuous onsite Construction program; or
 - 2. Any placement, assembly, or installation of facilities or equipment; or
 - 3. Significant site preparation work including clearing, excavation, or removal of existing Building, Structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

4. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Night-time or Night: The period between sunset and sunrise as published in The St. Augustine Record newspaper.

Non-Conforming Sign: Any Sign which was lawfully erected but which does not comply with the land Use, setback, size, spacing, and lighting provisions of State or local law, rule, regulation, or Ordinance passed at a later date or a Sign which was lawfully erected but which later fails to comply with State or local law, rule, regulation, or Ordinance due to changed conditions.

Non-Conforming Use: Any preexisting Structure or use of land which is inconsistent with the provisions of this Code or any amendments thereto.

Non-Contact Cooling Water: Means water used for cooling which does not come into direct contact with any raw material, intermediate produce, waste produce, or finished product of the factory or facility using such water.

Non-Electrical Sign: Any Sign that does not contain electrical wiring or is not attached or intended to be attached, to any electrical energy source.

Notice of Significant Violation or "NOSV" (As it applies to Wastewater Systems): Means a written notice provided by the County when it has been determined that a significant violation has occurred.

Notice to Show Cause or "NSC" (As it applies to Wastewater Systems): Means a written notice issued by the County giving a Person or an industry opportunity to demonstrate to the County why a Permit should not be revoked or service terminated.

Nursery, Plant: Land devoted to the raising of plants, Trees, and shrubs for personal use, wholesale use, wholesale sale, or sale to individuals. A nursery shall not include the sale of fertilizers, tools, pots, or any other such items.

Nursing Home: A public or private facility, institution, Building, residence, or other place, profit or non-profit, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, maintenance, personal care or nursing for three (3) or more persons not related by blood or marriage to the operator, who by reason of illness or physical infirmity or advanced age are unable to care for themselves, as defined in Chapter 464, F.S.; provided that this definition shall include homes offering services for less than three persons when the homes are held out to the public to be establishments which regularly provide nursing and custodial services. Only those homes, Buildings or places licensed under the laws of the State of Florida as Nursing Homes shall be included within this definition.

Obscene Sign: Any Sign containing statements, words, pictures or symbols of an obscene nature. The word Obscene shall be as defined in Section 847.001, F.S., as amended from time to time.

Obstruction: Any existing or proposed manmade object or object of natural growth or terrain that violates that federal obstruction standards contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29.

Occupied: The word occupied includes arranged, designed, built, altered, converted to, or intended to be used or occupied.

Office, Business or Professional: An office for such operations as real estate agencies, advertising agencies (but not Sign shop), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title insurance companies, management consultants, stockbroker, and the like; or an office for the use of a person or persons generally classified as professionals such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians (but not including treatment or boarding of animals on the premises), psychiatrists, psychologists, and the like. For the purpose of this Code, a barber or beauty shop shall not be deemed a business or professional office.

Official Date of Filing: The date upon which it has been determined by the County Administrator, that the Applicant has filed the minimum filing requirements as established by this Code.

Official Zoning Atlas: See Zoning Atlas, Official.

Off-premise Sign: Any Sign whose purpose is to advertise, display, identify, direct attention to or in any other way present to the public a Message that relates to a product, business, merchandise, service, institution, residential area, entertainment, charitable organization, religious organization or any other organization or activity conducted by any company, Person or organization, which is not located, purchased, rented, based, offered, furnished or otherwise associated with the property on which the Sign is located. For purposes of clarification, a Sign that does not convey such a message but which is available to convey such a message shall also be defined as being an Off-premise Sign.

Offsite Conservation Land Bank: An area of land approved by the County that is appropriate for off-site conservation or preservation of Environmentally Sensitive Areas as provided in Article IV of this Code and which is in either public or private ownership or has been acquired by a nonprofit conservation organization for the purpose of being used as a land bank for the conservation, preservation or restoration of land.

Off-site Sign: See Off-Premise Sign.

On-premise Sign: Any Sign identifying or advertising a business, Person, activity, goods, product, commodity, service or entertainment located on the Premises where the Sign is installed and Maintained. Any Sign used for the purpose of identifying or advertising a business, Person, activity, goods, product, commodity, service, or entertainment located off the Premises where the Sign is installed shall not be considered an On-premise Sign.

On-site Construction Sign: A Sign identifying the developer, architect, contractor or Realtor and which is located on property upon which there is active Construction or upon which a Development Permit is issued.

On-site Sign: See On-Premise Sign.

Orders of the Authority:

A. Final Order

Any order of the Authority disposing of procedural matters issued in conjunction with proceedings or hearings.

B. Preliminary Order

1. Recommends the issuance, modification, denial, transfer or revocation of a Franchise Certificate.
2. Fixes or changes a rate or a charge, service availability charges or conditions, or matters of service, quality or quantity. All Preliminary Orders are subject to confirmation by the Board.

C. Recommended Order

Any Order of the Authority recommending an interim rate, and also any other Order of the Authority resulting from a hearing held pursuant to a Combined Notice.

Origin/Destination Survey: The collection of data at a land Use resulting from an on-site interview to determine characteristics about travel to and from the land Use.

Other Waste: Means municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals, and all other substances as distinct from domestic waste, Industrial Waste, or food waste.

Owner: Means the Owner of the freehold estate, as appears by deed of record, agreement for deed, or properly executed contract for purchase.

Package Store: A place where alcoholic beverages with an alcoholic content in excess of fourteen percent are dispensed or sold in containers for consumption off the premises.

Parapet or Parapet Wall: That portion of a Building wall that rises above the lowest level of the eaves.

Parcel: Means a tract of land or group of contiguous, compact Lots under single ownership, identified as a Parcel on the Property Appraiser's maps.

Park, Community: Shall have the same meaning as described in the Comprehensive Plan.

Park, Neighborhood: Shall have the same meaning as described in the Comprehensive Plan.

Park, Regional / Open Space: Shall have the same meaning as described in the Comprehensive Plan.

Park, Urban: Means a County-wide park designed to serve the needs of the entire County.

Parking Area: A paved ground surface area used for the temporary parking of vehicles by employees or customers, either for compensation, or to provide an accessory service to a commercial, industrial, or residential Use.

Parking Bays: Parking areas subdivided into uninterrupted rows of Parking Spaces which are generally separated by only single or double painted lines.

Parking Space, Off-Street: An unobstructed area for the temporary parking of a personal motor vehicle located totally outside of a street, alley or Right-of-Way. Each parking space must have a means of access from a public street and be located in a manner that does not require backing onto a street, alley or Right-of-Way.

Parking Spaces: A paved ground surface area used for the temporary storage of a single vehicle to serve a primary use. Groups of spaces and abutting Accessways are called Parking Bays.

Party: Any Person having an identifiable interest in an agency proceeding of St. Johns County.

Pass Through: Means the discharge of pollutants through a central Wastewater System in quantities or concentrations which, alone or in conjunction with the discharge or discharges from other sources, cause the effluent therefrom, to violate any of the requirements of the Wastewater treatment facility Permit, or applicable State or federal standards (including any increase in the magnitude or duration of a violation).

Passerby Trips: Trips that enter and exit a site that would have been traveling on the street adjacent to the site regardless of whether they enter or exit the site.

Patio: An open courtyard used for either passive recreation or relaxation located with the house or immediately adjoining the house.

Paved Ground Surface Area: Any paved ground surface area (excepting public Right-of-Way) used for the purpose of driving, parking, storing or display of vehicles, boats, trailers and mobile homes, including new and used car lots and other open-lot Uses. Parking Structures, covered drive-in parking areas to the drip line of the covering or garages, shall not be considered as paved ground surface areas.

Pavement: The subgrade, base and surface course installed within the roadbed to specific design criteria which, in combination, constitute the roadway.

Peak Hour Volume: The number of vehicles that pass a point on a roadway segment during the highest one (1) hour traffic volume on a typical day in the peak season.

Pennants: Any single flag-like piece of cloth, plastic or paper attached to any staff, cord, building, or other structure at only one (1) or two (2) edges, the remaining hanging loosely; lacking insignia of a Flag.

Percent New Trips Factor: A factor by which the trip rate is multiplied to calculate only those new trips that are added to the roadway by new Development. This factor is calculated by the formula [1 minus (passerby trips/total trips generated by the land use)]. Factors for each land use are contained in the St. Johns County P.M. Peak Hour Trip Rate and Percent New Trips Data Table in Appendix A of this Code.

Permit: Means written approval by a County agency that allows a person to proceed with something regulated by this Code.

Person: Means individual, corporation, firm, company, joint venture, partnership, sole proprietorship, association, or any other business entity, any State or political subdivision thereof, any municipality, any interstate body and any department, agency, or instrumentality of the United States and any officer, agent, or employee thereof, and any organized group of Persons whether incorporated or not.

pH: means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter (g/l) of solution. Neutral water, for example, has a pH value of seven (7) and a hydrogen ion concentration of 10^{-7} .

Place of Assembly: A place designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or dance performances, speeches or ceremonies, and other such entertainment events, and including but not limited to coliseums, athletic centers, concert halls, and auditoriums.

Plan, Preliminary Subdivision: Includes the Site Plan; Tree location map or aerial photographic overlay; preliminary engineering plans, specifications and calculations; and other necessary materials for a Development or Project phase or the entirety.

Plan, Site: Includes the Site Plan, statements of Use and unified control, preliminary and/or final engineering plans, specification and calculations; and other required certifications, as built drawings, performance guarantees, bonds, agreements, approvals and materials for a Development.

Planted Pines: Commercially grown slash pines or sand pines planted by man in typical row configuration in a remaining group of at least six (6) trees where the planting pattern is discernable.

Planting Area: Any area designed for landscape planting having a minimum of ten (10) square feet of actual plantable area and a minimum inside dimension of eighteen (18) inches on any side.

Plat, Final Subdivision: Includes the plat to be recorded; final engineering plans, specifications and calculations; certification of Improvements, as built drawings, or performance guarantee; and other required certifications, bonds, agreements, approvals, and materials for a Development or Project phase or the entirety of a Parcel of land.

Plot: See Lot.

Point Source of Light: The actual light source such as the bulb, fluorescent tube, lamp, etc., from which light emanates.

Pole Light: Any light fixture, set on a base or pole where the point source of light is higher than forty-eight (48) inches off the ground.

Pole Sign: See Ground Sign.

Political Campaign Sign: Any temporary Sign, not otherwise authorized under this Code, Erected for the purpose of advertising a candidate or stating a position regarding an issue which will appear on any primary, general, or special election ballot in the unincorporated area of the County.

Political Message Sign: Any Sign containing a non-commercial opinion or endorsement message and not containing a commercial message.

Pollution: Means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Porch: A roofed-over space, with the roof impervious to weather, attached to the outside of an exterior wall of a Building, which has no enclosure other than the exterior walls of such Buildings. Open mesh screening shall not be considered an enclosure.

Port: An establishment and/or Parcel of land with a waterfront location, including adjacent submerged lands that are privately owned, leased, or controlled and the waters above them, used for (i) the docking and/or refueling of watercraft used for commercial purposes, (ii) providing minor repair services for such watercraft, (iii) providing wet and/or dry berthing or storage of watercraft used for commercial purposes, and/or (iv) providing an entranceway, exitway, or parking for persons using, servicing or boarding watercraft used for commercial purposes. A Port may include, as Accessory Uses, the sale of watercraft used for commercial purposes, a restaurant, a snack bar, motel, boatel, launching facilities and other customary accessory facilities. Additionally, "watercraft used for pleasure purposes" (i) that are in transit but stop, moor or dock at a Port for less than five (5) days in any three (3) month period and (ii) that do not generate a need for Parking Spaces for privately owned or leased vehicles of their passengers or crew may dock and refuel at Ports provided that all zoning off street parking requirements for Ports are being met. For the purpose of this definition, "watercraft" and "watercraft used for commercial purposes" shall consist of:

- A. Watercraft and vessels primarily engaged in the taking or landing of saltwater fish or saltwater products or freshwater products, from within and without the waters of this state for sale either to the consumer, retail dealer, or wholesale dealer; and
- B. Watercraft and vessels engaged in any lawful activity wherein a fee or other valuable consideration is paid by the user, either directly or indirectly, to the owner, operator, or custodian of the watercraft or vessel.
- C. Watercraft and vessels that are not "watercraft used for pleasure purposes" as described in Article XII of this Code, definition of Marina.

A Parcel of land that serves without charge only those watercraft and vessels (i) that are owned by one or more Owner(s) or lessee(s) of the land (whether the land is owned or beneficially owned in fee simple, as a common element or as a community facility) and/or by their friends and (ii) that are used for commercial purposes as described in this definition shall not be deemed to be a Port. Government owned public parks, boat ramps, and docks shall not be deemed to be Ports.

Portable Housing Unit: Means those units defined as Recreational Vehicle, and also Park Models as defined in Florida Statutes and Florida Administrative Code.

Portable Sign: A Sign that has no permanent attachment to a Building or to the ground by means of a footing, including but not limited to, an A-frame Sign, Sign with wheels designed to be pulled or towed on a trailer or similar device, pull attachments.

Power Generation Facility: A facility that generates electricity by means of geothermal power, burning of coal, oil, or gas, or by hydropower. Accessory generators for hospitals, schools, and other similar Uses shall not be considered a power generation facility.

Potable Water Facilities: The same as defined in the St. Johns County Comprehensive Plan.

Poultry: Any chickens, turkeys, ducks, geese, guineas, or other fowl.

PRD: For the purposes of this Code, a Planned Rural Development (PRD) shall mean a development proposed within the areas designated as Agricultural-Intensive (A-I) or Rural/Silviculture (R/S) on the Future Land Use Map of the Comprehensive Plan. Such development shall proceed under unified control and pursuant to a unified plan of Development. Residential, Agricultural and Silvicultural Uses, and Uses ancillary to and supportive of said Uses may be allowed within PRD's. PRD's consisting of greater than one hundred (100) Dwelling Units may include Neighborhood Business and Commercial Uses within the PRD.

Premise: See Lot.

Preservation: To prevent Development's impact on the resource sought to be preserved. "Preservation" of the resource shall require that the resource remain completely undisturbed.

Pretreatment Requirements: Means any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on an Industrial User under any federal or State law, rule, or regulation, or this Code, or any orders issued by the County.

Pretreatment Standards: Means the Prohibited Discharge Standards, the State of Florida's Pretreatment Standards contained in Title 62 of the F.A.C., the National Categorical Pretreatment Standards, and the pollutant discharge limits for any specified pollutant contained in this Code, whichever standard is the most stringent.

Pretreatment: Means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a Wastewater System. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Rule 62-625.410(5), F.A.C.

Primary Dune: The first natural or man-made mound or bluff of sand which is located landward of the beach and which has substantial vegetation, height, continuity and configuration.

Primitive Campground: Places designed for passive outdoor recreational activities, that may include tents and/or outdoor campsites. Primitive Campgrounds may also include park-like amenities such as picnic tables, grills, open shelters, restroom facilities, nature trails and similar passive recreational uses. Primitive Campgrounds shall not include Recreational Vehicle Campgrounds.

Private Pleasure Craft: A vessel which is privately owned or leased primarily for aquatic recreational purposes. Private pleasure craft do not include commercial, official, or scientific vessels. Private pleasure craft may or may not contain facilities qualifying them as Dwelling or lodging Units.

Professional Engineer: An engineer registered in the State of Florida in good standing with the Florida Board of Engineers as defined by Florida Statutes, Chapter 471.

Prohibited Discharge Standards or Prohibited Discharges: Means the absolute prohibitions against the discharge of certain substances under this Code.

Project: Means the proposed Development of a particular Parcel or Parcels of land involving a land Use or group of land Uses at a particular density and/or intensity pursuant to a Development Order.

Projecting Sign: Any Sign which is affixed to any Building, wall or Structure and extends beyond the Building wall, Structure, Building line, or property line more than thirty (30) inches.

Proposed Development: See Project.

Protected Area: An area surrounding a Protected Tree, a Historic Tree, or a Specimen Tree within which physical intrusion is prohibited in order to prevent damage to the Tree and the roots and soil around the Tree base; the dimensions of which shall be one-half (1/2) of the Drip Line Area, centered at the Tree.

Protected Flowering Tree: Any of the following having a DBH exceeding four (4) inches within St. Johns County:

- | | |
|-------------------------|----------------------|
| Cercis Canadensis | - American Redbud |
| Cornus Florida | - Dogwood |
| Ilex Opaca | - American Holly |
| Lagerstroemia | - Crape Myrtle |
| Gordonia lasianthus | - Loblolly Bay |
| Magnolia grandiflora | - Southern Magnolia |
| Magnolia virginiana | - Sweet Bay Magnolia |
| Liriodendron tulipifera | - Tulip Poplar |

Protected Tree: Any Tree having a DBH of eight (8) inches or more within the interior part of St. Johns County and six (6) inches or more within the Coastal Corridor; all Specimen Trees and Historic Trees; excluding Exempt Trees. Native Southern Red Cedar (*Juniperus silicicola*) with a DBH greater than two (2) inches shall be a Protected Tree whenever it occurs within three (3) miles of the Atlantic Ocean and any Endangered Trees are to be Protected Trees. All Mangroves are protected per Florida Statutes.

Protective Barrier: Any Structure, device, or visual barrier which effectively identifies, protects and segregates the parameters of the Protected Area.

Provider (As it applies to Antenna Towers): An individual or entity, authorized to do business in the County, who offers commercial mobile services, Unlicensed Wireless Services, common carrier wireless exchange access services, as defined in Title 47, United States Code, Section 332(c)(7)(C), or the holder of a valid FCC broadcast license.

Public Facilities and Services: Means the following types of facilities:

- A. Roadways and roadway intersections, including Freeways, Arterials and Collectors within the jurisdiction of St. Johns County, or Freeways, Arterials and Collectors within the jurisdiction of the Florida Department of Transportation that are located within the boundaries of the unincorporated area.
- B. Wastewater facilities, as defined in Section 9J 5.003(87), F.A.C., or any successor provisions thereto, and any central Wastewater System.
- C. Potable water facilities, as defined in Section 9J 5.003(71), F.A.C., or any successor provisions thereto.
- D. Drainage facilities, as defined in Section 9J 5.003(28), F.A.C., or any successor provisions thereto.
- E. Solid waste facilities, as defined in Section 9J 5.003(94), F.A.C., or any successor provisions thereto.
- F. Parks and open space acreage, including neighborhood, community, and regional/open space parks.
- G. Mass transit facilities, which shall refer to transportation disadvantaged services.

Public Sign: Any Sign Erected and Maintained by St. Johns County, the State of Florida, the United States Government, any municipalities in St. Johns County, railroad, public utility, School District, or other public agency doing work in St. Johns County. Public Signs include public information Signs, public identification Signs, public Directional Signs, Traffic Control Signs, and Warning Signs.

Public Directional Sign: See Public Sign.

Public Identification Sign: See Public Sign.

Public Informational Sign: See Public Sign.

Publicly Owned Treatment Works or POTW: Means a "treatment works," as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the County, the City of St. Augustine, the Town of Hastings, or any other governmental entity. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Wastewater or industrial wastes of a liquid nature and any conveyances which convey Wastewater to a Treatment Plant.

Publicly Owned Wastewater Treatment Plant: Means any Wastewater Treatment Plant owned or operated by the County, the City of St. Augustine, the Town of Hastings, or any other governmental entity.

Publicly Owned Water Supply System: Means any water supply system owned or operated by the County, the City of St. Augustine, the Town of Hastings, or any other governmental entity.

PUD: For the purposes of this Code, a Planned Unit Development (PUD) shall mean the Development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with Uses and Structures substantially related to the character of the entire Development. Permissible Uses may include any Use which is permitted or permissible by Special Use in any zoning district.

Qualifying Property: Shall mean any real property in the County which, at the time the preconstruction application is submitted, (a) is Historic Property or (b) for the purpose of receiving the exemption on one hundred percent (100%) of the Assessed Value of the property, as improved, under the criteria set forth in Section 5 hereof, the property is either (i) Historic Property or (ii) the Florida Division of Historical Resources or the Review Board has determined that the property meets the criteria established in rules adopted by the Florida Department of State pursuant to Section 196.1996, F.S.

Raw Classification Points: The rating system for proposed new and/or existing Billboards nominated for Swapdown. Such Points are based upon the physical characteristics of the Billboard Face, the supporting Structure, and the site location. Such Raw Classification Points may also be termed "Classification Points", "Raw Points" or "Points" within Article VII.

Real Estate Sign: A Sign installed by the Owner or his agent, which advertises that a particular Lot or a Building or Structure thereon is for sale, rent or lease. Real Estate Signs shall include real estate "directional," "open house" and "model home" Signs.

Reasonable Collocation Terms: Terms, including but not limited to, monetary compensation, duration and renewability of lease, and facilities provided, that are consistent with industry and local customs.

Reconstruction: Rehabilitation or replacement of a Structure or Structures which either have been removed or damaged, or altered to an extent of seventy percent (70%) or more of the assessed valuation of such Structure or Structures or seventy percent (70%) of the combined assessed valuation of such Structures and land as shown on the most recent tax roll of St. Johns County, Florida.

Recreational Vehicle: A vehicular portable Structure built on a chassis with its own wheels, either self-propelled or towed by another vehicle, designed to be used as a temporary dwelling for travel, vacation, camping or recreational purposes and including travel trailers, camping trailers, pickup campers, converted buses, motor homes, tent trailers, pop-up trailers, boats and boat trailers and similar devices.

Recreational Vehicle Campground: Places designed for passive outdoor recreational activities that include individual sites for the parking and accommodation of a Recreational Vehicle. Recreational Vehicle Campgrounds may include supporting facilities, which may include but are not limited to, an area for Primitive Camping, such as picnic tables, grills, open shelters, swimming pool, restroom facilities, restaurant facilities and camp store with limited retail sales, nature trails and similar passive recreational uses.

Recyclable Household Goods: Small household goods which are utilized in residential units and can be recycled and reused. Such items include but are not limited to aluminum cans, glass bottles, old newspapers, and used clothing.

Recyclable Household Goods Collection Facilities: A facility where recyclable household goods are collected for recycling. Such facilities do not recycle the goods or distribute them as new products; they are just points of collection.

Recyclable Material Recovery Facilities: A facility where recovered materials (generally newspapers, plastics, metals, glass and paper) are delivered for further processing (sorting, bailing, condensing, etc.) for shipment to recovered material markets.

Recyclable Metal Recovery Facilities: A facility for the recovery of various metal material or parts of items whose value is in the salvage of scrap metals for future reduction to its raw state. Such items include but are not limited to inoperable machinery, appliances, automotive vehicles, etc., excluding small household items such as aluminum cans and similar items.

Reflective: Any substance or material capable of reflecting light or images.

Regularly and Frequently Open to Public: Shall mean a property in which public access to the property is provided not less than fifty-two (52) days a year on an equitably spaced basis, and at other times by appointment. Owners of such property are not prohibited from charging a reasonable nondiscriminating admission fee.

Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the one hundred (100) year base Flood without cumulatively increasing the water surface elevation more than the designated height. The location and extent of Regulatory Floodways are defined in the Flood Insurance Study for St. Johns County, September 18, 1985, published by the Federal Emergency Management Agency, as may be updated or amended from time to time.

Remove or Removal: The actual physical removal of a Tree or plant or the effective removal through damaging, poisoning or other direct or indirect action resulting in or likely to result in, the death of a Tree or plant.

Renovation or Rehabilitation: Shall mean the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, cultural and archaeological significance or are severely deteriorated, "Renovation" or Rehabilitation" means the act or process of applying measures designed to sustain and protect the existing form and integrity of a property, or reestablish the stability of an unsafe or deteriorated property while maintaining the essential form of the property as it presently exists.

Reservation Fee: Means the impact fee applicable to a public facility or service, which may be paid by an Applicant in order to extend the expiration of the Final Certificate of Concurrency.

Reserved Development: All Development Projects approved after the effective date of the Concurrency Management Ordinance for which a Certificate of Concurrency has been issued.

Resource Recovery Facility: A facility in which garbage, minerals, glass, tin cans, paper, rags, and other materials are reclaimed or converted into energy.

Restaurant: An establishment where food is ordered from a menu, prepared, and served for pay primarily for consumption on the premises in a completely enclosed room, under the roof of the main Structure, or in an anterior court. A drive-in restaurant as defined here is not a restaurant. A cafeteria shall be deemed a restaurant as defined herein.

Restoration: Shall mean the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of removal of later work or by the replacement of missing earlier work.

Retention: A process for collecting and permanently storing with subsequent release through ground infiltration or evaporation a defined amount of storm water runoff from a runoff contributing area without release to downstream and lower lying areas.

Retention System: A normally dry stormwater storage area which meets the herein defined function of "Retention". In general, retention systems are limited to areas where soil and hydrological conditions do not influence the systems infiltrative capacity and/or recovery rates. In general, these systems are shallow and/or limited to areas where the seasonal high groundwater table is well below the ground surface such as in areas consisting of Hydrological Soil Group A (see definition of Stormwater Management System).

Retreat: A place designed to provide privacy and promote well-being through relaxation, meditation, study, or prayer. Retreats may include overnight lodging and restaurant facilities for guests only. Retreat does not include health clubs, gyms, spas, or similar places.

Revolving Sign: A Sign so erected or constructed as to periodically change the direction toward which any plane containing part of the Sign Area is oriented.

Rezoning Petition: Means a request to amend the Zoning Atlas.

RF Engineer: An individual who; is a Professional Engineer or, is retained and designated a radio frequency engineer by a firm regulated by the FCC or, holds an FCC General Radiotelephone license or equivalent.

Right-of-Way: Any strip or area of land, including surface, overhead, or underground, granted by deed for fee ownership, for construction and maintenance according to designated Use, such as for drainage and irrigation canals and ditches; electric power, telegraph, and telephone lines; gas, oil, water, and other pipe lines; retention and detention; highways, and other roadways, including right of portage; sewers; flowage or impoundment of surface water; and tunnels.

Right-of-Way Width: The shortest distance across a public Right-of-Way, measured from one side to the other, perpendicular to the centerline thereof.

Roadway: Means Arterials, Collectors (Major and Minor), and Local Roads.

Roadway Classifications:

Arterial: A part of the roadway system serving as a principal network for through traffic flow, including all State Roads and any other roadway serving a similar function as designated by the St. Johns County Board of County Commissioners.

Major Collector: A part of the roadway system serving as a principal network for through traffic flow. The routes connect areas of principle traffic generators (See Roadway Functional Classifications in Appendix E of this Code).

Minor Collector: A distributor and collector roadway servicing traffic between Major Collectors and Local Roads (See Roadway Functional Classifications in Appendix E of this Code). In addition, roadways serving as major entrances to residential or commercial Developments will be classified as Minor Collectors when the traffic volume is projected to exceed two thousand (2000) vehicles per day (VPD) at build out.

Local Road: Roadway used primarily for direct access to Residential Driveways, Commercial Driveways, or other abutting roads.

State Road: Any Street, road, highway or other way open to travel by the public generally and dedicated to public use according to law or by prescription and designated by the Florida Department of Transportation, as provided by law, including Freeways, Principal Arterials, and Minor Arterials, as part of the State Highway System.

Commercial Driveway: Roadways used for direct access from Local Roads or Collector Roadways to commercial, office, industrial, institutional Uses, or multi-family residential Projects.

Residential Driveway: A cleared or improved driveway located on a privately owned Parcel or located within a Right-of-Way or Easement owned by property owners adjoining the driveway. The Right-of-Way or Easement must be recorded. A residential driveway located entirely within a single Parcel need not be located within an Easement. A residential driveway does not serve more than three (3) Dwelling Units and does not extend beyond property lines of those units served.

Roadway, Private: An improved street or road located within a Right-of-Way or access Easement owned by a Property Owners' Association, private individuals or any entity other than St. Johns County, the State of Florida, or another local government. Ownership of Private Roadways serving residential Development shall be vested jointly by all abutting land owners or in a Property Owners' Association whose voting members include such abutting land owners. A developer retaining ownership of Private Roadways after construction and approval shall grant a recorded Easement to all abutting properties which will provide for the use of the Private Roadways by all future Lot owners, their guests, invitees, successors and assigns. The grant of Easement may be accomplished by recorded plat.

Roadway, Public: A street or road located within a Right-of-Way owned by St. Johns County, the Florida Department of Transportation, or another local governmental entity. The roadway must have been dedicated or deeded to, and accepted by, the governmental entity.

Roof Line: The top edge of the roof or the top of a parapet, whichever forms the top line of the Building silhouette.

Roof Sign: A Sign painted on or affixed to the roof of a Building and primarily supported by that roof Structure and extending above the ridge of the roof, except Fascia Signs, as defined herein.

Rule of the Board: A regulation approved by the St. Johns County Board of County Commissioners by Ordinance or Resolution as may be hereafter enacted or amended.

Runway: A defined area on an Airport prepared for landing and take-off of aircraft along its length.

Rural Area (As it applies to Article VII of this Code): Any area predominantly developed with low density and characterized by social, economic, and institutional activities which may be largely based on Agricultural Uses or the extraction of natural resources in unprocessed form, or areas containing large proportions of undeveloped, unimproved or low density property.

Rural Home Industry: An occupation conducted as an Accessory Use in the Open Rural zoning district which is incidental and accessory to the Agricultural and/or residential Use.

Running Lights: See Flashing Sign.

Sand Dunes: Means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sandhill: See Significant Natural Communities Habitat.

Sanitarium: A facility for the recuperation and treatment of physical or mental disorders, without provision for major surgery.

Sanitary Convenience: Means facilities such as toilets, sinks, and drains which are used to convey sanitary Wastewater.

Sanitary Landfill: Means the places set aside by the Board of County Commissioners for the reception of solid waste or sludge, including the County Solid Waste Complex or any successor or additional facilities needed to attain the solid waste Adopted Level of Service.

Satellite dish antenna: Used for receiving satellite television signals, of a size greater than two and one-half (2.5) feet in diameter.

SBC: "Standard Building Code" latest edition of the technical detailed regulations for Structures as promulgated by the Southern Building Code Congress, Inc. and adopted by St. Johns County in accordance with Chapter 553, F.S.

Scenic Highway: Any road or highway, so designated by the St. Johns County Board of County Commissioners, the Federal or State government.

Scenic Highway or Scenic Roadway (As it applies to Antenna Towers): Means SR 13/CR 13 from Duval County line to SR 207 (William Bartram Scenic Highway); SR A1A from Duval County line to Flagler County line (Buccaneer Trail); or any highway designated by an Act of Florida Legislature or the St. Johns County Board of County Commissioners as a Scenic Highway or Scenic Roadway.

Scenic Resources: Natural and manmade features that give remarkable character to the visual landscape. These resources are striking in appearance and provide a pleasing and memorable experience for viewers.

Scenic Vistas: Specific points and areas along a roadway that have beauty due to the natural environment, topography, cultural and Historic Resources.

Scintillating: See Flashing Sign.

Scrub: See Significant Natural Communities Habitat.

Search Area: A geographic area in which a Provider's Antenna is intended to be located to serve all or part of the Provider's coverage area.

Seasonal Sales Lot: A temporary location from which a holiday-oriented products are sold, such as Christmas trees, pumpkins, and fireworks.

Seasonal Sign: See Holiday Sign.

Security Sign: Signs measuring no larger than three (3) square feet in size and indicating that the premises are protected by security.

Segment: A series of sequential links identified on the Major Road Network in which the beginning and ending points are defined by the County using criteria that includes changes in roadway operating characteristics, locations of signalized intersections and municipal boundaries.

Septic Tank Waste: Means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Serial Sign: A series of Signs occurring in a row, following one after the other, providing a single Advertising Message. Serial Signs shall not include legally Erected Billboards placed in succession with a single Advertising Message.

Service Area, Potable Water: Means the geographic area served by a franchised water supply system, an individually owned water supply system, or a publicly owned water treatment.

Service Area, Wastewater: Means the geographic area served by an individually owned package treatment plant, a franchised Wastewater Treatment Plant, or a publicly owned Wastewater Treatment Plant.

Service Station: An establishment for the dispensing of motor fuels and related products at retail and having pumps, underground storage tanks and other facilities for such activity and which may include the retail sale and service of minor automobile parts and accessories, and which may also include the inspection, servicing or minor repair of motor vehicles in not more than three (3) enclosed service bays or stalls. These services shall not include body repair and painting, welding, or tire recapping and vulcanizing.

Service: The readiness and ability on the part of Utility to furnish and maintain water and/or wastewater service to the point of delivery for each Lot or tract (pursuant to applicable rules and regulations of applicable regulatory agencies).

Sewage: Means human excrement and gray water (household showers, dishwashing operations, etc.).

Shall: Designates a mandatory condition. Where certain requirements in design or application are described with the "shall" stipulation, it is mandatory that these requirements be met.

Shopping Center: A group of commercial establishments, with a common parking lot and/or using a common name.

Should: Designates an advisory condition. Where the word "should" is used, it is considered to be advisable usage, recommended but not mandatory.

Shrubs: Self-supporting woody species of plants characterized by persistent stems and branches springing from the base or berm.

Sign: Any identification, description, illustration, or device illuminated or non-illuminated, which is visible from any outdoor place, open to the public and which directs attention to a product, service, place, activity, person, institution, or business thereof, including any permanently installed or situated merchandise; or any emblem, painting, banner pennant, placard, or Special Event Sign designed to advertise, identify, or convey information, with the exception of Window Displays, official public notices and court markers required by Federal, State or local regulations; also excepting, newspapers, leaflets and books intended for individual distribution to members of the public, attire that is being worn, badges, and similar personal gear.

Sign Contractor: Any Person authorized to Erect Signs within St. Johns County.

Sign Label: A label affixed either on the Face or the channel of a Sign denoting the name of the manufacturer or designated servicing company for purpose of identification by County officials.

Sign Legend: See Copy.

Sign Structure: Any Structure which supports, has supported, or is capable of supporting a Sign, including decorative cover.

Sign Walker: Persons who walk, pace, jog, run or otherwise move, along Right-of-Ways wearing boards, costumes, clothes, or other forms of advertising for the purpose of advertising a product or products, business or businesses.

Significant Event (As it applies to Antenna Towers): An event, which is likely to significantly accelerate normal fatigue and aging processes. Accumulation of ice near design limits, and high winds near design limits, are examples of Significant Events.

Significant Industrial User: Means, except as provided in (C) below, the following:

- A. All dischargers subject to Categorical Pretreatment Standards under 40 CFR Section 403.6 and 40 CFR Chapter I, Subchapter N and adopted by reference in Chapter 62-660 F.A.C.

- B. All noncategorical Discharges (those discharges not included under 40 CFR Section 403.6 and/or 40 CFR Chapter I, Subsection N) that have a reasonable potential to violate any pretreatment standard or requirement, or to adversely affect the operation of a central Utility Provider, or that contribute a process waste stream which makes up five percent (5) or more of the average dry weather hydraulic or organic capacity of a central Wastewater System treatment plant, or that discharge an average of twenty-five thousand (25,000) gallons per day or more of Wastewater to the Wastewater System of a central Utility Provider.
- C. The County need not designate any noncategorical Industrial User meeting the criteria in (B) above as a Significant Industrial User when:
1. with the agreement of the FDEP, such noncategorical Industrial User has no potential for adversely affecting a central Wastewater System's operation or for violating any Pretreatment standard or requirement. The agreement of FDEP is not necessary in cases where the noncategorical Industrial User discharger would have been designated as a Significant Industrial User only because of an average discharge of twenty-five thousand (25,000) gallons per day or more of process Wastewater; or
 2. Such noncategorical Industrial User has successfully petitioned the County to be deleted from the list of Significant Industrial Users on the grounds that it has no potential for adversely affecting a central Wastewater System's operation or violating any Pretreatment standard or requirement.

Significant Natural Communities Habitat: The following natural communities are established as Significant Natural Communities Habitat:

Beach Dune: Beach Dune is characterized as a wind-deposited, foredune and wave-deposited upper beach that are sparsely to densely vegetated with pioneer species, especially sea oats. Other typical pioneer species include beach cordgrass, sand spur, dune or bitter panic grass, railroad vine, beach morning glory, seashore paspalum, beach elder, dune sunflower, sea purslane, and sea rocket. Typical animals include ghost crab, six-lined racerunner, kestrel, red-winged blackbird, savannah sparrows, beach mouse, and raccoon. Beach Dune, especially along its ecotone with the unvegetated beach, is also the primary nesting habitat for numerous shorebirds and marine turtles, including many rare and endangered species. Beach Dune may also be referred to as: sand dunes, pioneer zone, upper beach, sea oats zone, and coastal strand.

Coastal Grassland: Coastal Grassland is characterized as a treeless flat land or gently undulating land with barren sand or a sparse to dense ground cover of grasses, prostrate vines, and other herbaceous or suffrutescent species that are adapted to harsh maritime conditions. Older, more established sites may include scattered or small clumps of trees or cordgrass, dune panic grass, beach morning glory, sea oxeye, beach elder, sea purslane, glasswort, sand spurs, evening primrose, pennywort, ground cherry, sedges, crowfoot grass, dropseed, prickly pear cactus, rushes, love grass, wax myrtle, and groundsel bush. Typical animals include ghost crab, blackbirds, and savannah sparrows. Some shorebirds also nest in this community. Coastal Grasslands may also be referred to as: overwash plain, deflation plain, salt flat, and coastal savannah.

Coastal Strand: Coastal Strand is characterized as stabilized, wind-deposited Coastal Dunes that are vegetated with a dense thicket of salt-tolerant shrubs, especially saw palmetto. Other typical plants include sand live oak, cabbage palm, myrtle oak, yaupon, sea grape, cat's claw, nakedwood, lantana, greenbrier, buckthorn, cocoplum, nickerbean, coin vine, beach jacquemontia, pinweed, bay cedar, necklace pod, sea lavender, Spanish bayonet, woody goldenrod and Florida rosemary. Typical animals include gopher tortoise, six-lined racerunner, southern hognose snake, coachwhip snake, diamondback rattlesnake, and beach mouse. Coastal Strand may also be referred to as: scrub zone, maritime thicket, and coastal scrub.

Maritime Hammock: Maritime Hammock is characterized as a narrow band of hardwood forest lying just inland of the Coastal Strand community. Live Oak, cabbage palm, and redbay generally combine to form a dense, wind-pruned canopy whose streamlined profile deflects winds and generally prevents hurricanes from uprooting the trees. Other typical plants include American holly, southern magnolia, red cedar, sea grape, false mastic, paradise tree, lancewood, gumbo-limbo, strangler fig, poisonwood, wild olive, saw palmetto, beautyberry, poison ivy, coral bean, coontie, prickly ash, wild coffee, snowberry, myrsine, caper tree, mariberry, rouge-plant, and ferns. Typical animals include squirrel treefrogs, ring-necked snake, rat snakes, and gray squirrel. Migrating birds rely on these forests for food and shelter following trans-oceanic or trans-gulf migrations. Maritime Hammock may also be referred to as: coastal hammock, maritime forest, tropical hammock.

Sandhill: Sandhills are characterized as a forest of widely spaced pine trees with a sparse understory of deciduous oaks and a fairly dense ground cover of grasses and herbs on rolling hills of sand. The most typical associations are dominated by longleaf pine, turkey oak, and wiregrass. Other typical plants include bluejack oak, sand post oak, sand post oak, sparkleberry, persimmon, winged sumac, pinewoods dropseed, Indian grass, wild buckwheat, queen's delight, yellow foxglove, dropseed, Indian grass, wild buckwheat, queen's delight, yellow foxglove, bracken fern, runner oak, goats rue, partridge pea, milk pea, dollarweeds, wild indigo, gopher apple, and golden-aster. Typical animals include tiger salamander, barking treefrog, spadefoot toad, gopher frog, gopher tortoise, worm lizard, fence lizard, mole skink, indigo snake, coachwhip snake, pine snake, short-tailed snake, crowned snake, eastern diamondback rattlesnake, bobwhite, ground dove, red-headed woodpecker, rufous-sided towhee, fox squirrel and pocket gopher. Sandhill may also be referred to as: longleaf pine - turkey oak, longleaf pine - xerophytic oak, longleaf pine - deciduous oak, high pine.

Scrub: Scrub occurs in many forms, but is often characterized as a closed to open canopy forest of sand pines with dense clumps or vast thickets of scrub oaks and other shrubs dominating the understory. The ground cover is generally very sparse, being dominated by ground lichens or, rarely, herbs. Open patches of barren sand are common. Where the overstory of sand pines are exposed to more intense sunlight. Typical plants include sand pine, sand live oak, myrtle oak, Chapman's oak, scrub oak, saw palmetto, hog plum, silk bay, beak rush, milk peas, and stagger bush. Typical animals include red widow spider, scrub wolf spider, oak toad, Florida scrub lizard, blue-tailed mole skink, sand skink, yellow-rumped warbler, rufous-sided towhee, Florida mouse, and spotted skunk. Scrub may also be referred to as: sand pine scrub, Florida scrub, sand scrub, rosemary scrub, oak scrub.

Significant Non-Compliance (As it applies to Wastewater Systems): Means:

- A. One or more of the following violations of Wastewater discharge limits:
1. **Chronic violations.** Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period (any magnitude of exceedance).
 2. **Technical Review Criteria (TRC) violations.** Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six (6) month period. There are two groups of TRCS:

Group I for conventional Pollutants
(BOD, TSS, fats, oil, and grease) TRC = 1.4
Group II for all other pollutants TRC = 1.2

3. Any other violation(s) of user's effluent limit (average or daily maximum) that the County Administrator reasonably believes has caused, alone or in combination with other discharges, Interference (e.g., slug loads) or pass-through; or endangered the health of the Wastewater treatment personnel or the public.
 4. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment and has resulted in the central Wastewater System provider to exercise its emergency authority to halt or prevent such a discharge.
- B. Violations of compliance schedule milestones, contained in a Permit or Enforcement Order, for starting Construction, completing Construction, and attaining final compliance by ninety (90) days or more after the schedule date.
 - C. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within thirty (30) days from the due date.
 - D. Failure to accurately report non-compliance.
 - E. Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the pre-treatment program, except when the FDEP is acting as the control authority.

Significant Violation (As it applies to Wastewater Systems): Means a violation which remains uncorrected forty-five (45) days after notification of non-compliance, or which is part of a pattern of non-compliance over a twelve (12) month period; or which involves a failure to accurately report non-compliance; or which resulted in the County Administrator exercising emergency authority.

Silvicultural Use: The use of the land for bona fide Silvicultural purposes as determined by the County Administrator taking the following factors into consideration:

- A. "Silviculture Best Management Practices, 1993", as updated, Florida Department of Agriculture and Consumer Services, Division of Forestry.
- B. Comply with the requirements of Chapters 373 and 403, F.S.
- C. Comply with the St. Johns River Water Management District Silviculture Rule, Chapter 40C-400.500, F.A.C.

Single Family Dwelling Unit: See Dwelling, One Family

Single Family: Pertains to Single Family constructed housing unit or mobile home unit.

Site Plan: The maps or drawings accompanying a Development Application showing the specific location and design of Improvements to be installed in accordance with the requirements of this Code.

Slaughterhouse: An establishment where animals are killed, butchered and prepared for further processing.

Sludge: Means any solid or semisolid waste generated from a municipal, commercial, or industrial Wastewater Treatment Plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a Wastewater Treatment Plant.

Slug: Means any discharge of water, Wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow could cause Interference with the performance of a central Wastewater System or a violation of the prohibited discharge standard.

Small Project: Means Projects which generate less than fifty (50) Average Daily Trips or less than five (5) peak hour trips.

Snipe Sign: Any Sign of any material, including paper, cardboard, wood or metal when tacked, nailed or attached in any way to Trees, poles, stakes, fences or other objects where such Sign may or may not be applicable to the present use of the Premises upon which Sign is located.

Solid Waste Facility: Shall have the same meaning as Solid Waste Management Facility in Rule 62-701, F.A.C.

Special Cabaret: Any bar, dance hall, restaurant, or other place of business which features persons who display or expose Specified Anatomical Areas to others, or any such establishment advertising for, or a Sign or Signs identifying which, use the words, "adult", "topless", "nude", "bottomless", or other words of similar import.

Special Care Housing: Housing that provides a family living environment and may provide limited care and supervision to meet the physical, emotional and social needs of one or more individuals. Special Care Housing includes group homes, congregate care homes, assisted living facilities, and foster homes. Special Care Housing does not include Nursing Homes, except as accessory to congregate care homes and assisted living facilities. Further, Special Care Housing does not include out-patient treatment or rehabilitation centers, medical clinics, or psychiatric care treatment facilities.

Special Event: Sales, activities and promotions (commercial or non-commercial) that require special advertising for the public.

Special Event Sign: A Sign which carries a message recording, advertising or indicating a Special Event.

Special Use: Means a Use that would not be appropriate generally or without restriction throughout a zoning division or district but which if controlled as to number, area, location, or in relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such Uses may be permissible in a zoning classification or district upon the granting of a Special Use and meeting the requirements of this Code.

Species of Special Concern: Species so listed by the Florida Fish and Wildlife Conservation Commission.

Specifications: Means the specifications contained in the S&D or W&WW Manual.

Specified Anatomical Areas: Less than completely and opaquely covered: human genitals or pubic region; buttock; female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activity: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy, whether actual or simulated; fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Specimen Tree: A Tree proven by measurements documenting the Tree by species, height, crown spread, D.B.H. and overall condition or its species equal to or exceeding seventy percent (70%) of the current Florida State Champion Tree as published in "Big Trees of the Florida Register" for all species except fifty percent (50%) for Live Oak, Laurel Oak, Southern Magnolia and Southern Red Cedar.

Spinner: Any device used to attract attention to the Premises on which it is located through mechanical means or by the atmosphere.

Spot Light: See Beacon.

Stable: A Building, Structure or area for the housing of Farm Animals including accessory facilities.

Stabilized Drive: A minimum twenty (20) foot wide compacted surface which can support an eighty thousand (80,000) pound fire truck.

Standard Drawings: Means the detailed drawings in the S&D or W&WW Manual.

Standard Industrial Classification (SIC) Code: Means a classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

Standards and Detail Manual (S&D Manual): The detailed criteria and standards which graphically depict typical roadway and drainage design for Construction including exhibits, within unincorporated St. Johns County, and which are consistent with the objectives and standards of this Code.

Start of Construction: (For other than new Construction or substantial Improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial Improvement, and means the date the Building Permit was issued, provided the actual start of Construction, repair, reconstruction, or Improvement was within one hundred eighty (180) days of the Permit date. The actual start means the first placement of permanent Construction of a Building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, Construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent Construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of street and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory Buildings, such as garages or sheds not occupied as Dwelling Units or not part of the main Building. For a substantial Improvement, the actual start of Construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.

Stormwater Management System: A system designed and constructed or implemented to control discharges which are necessitated by rainfall events. These systems incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse stormwater to prevent or reduce Flooding, overdrainage, environmental degradation and water pollution or otherwise affect the quantity and quality of the discharges from a Project to downstream and lower lying areas. In general, all stormwater management systems within St. Johns County, unless exempt from the discharge requirements in this Code, will function as "Detention" or combination of "Retention" and "Detention" as defined herein.

Stormwater: The flow of water which results from, and which occurs immediately following a rainfall event.

Streamer: See Spinner.

Street: A public highway, road, or thoroughfare which affords the principal means of access to adjacent premises.

Street Line: That line limiting the Right-of-Way of the street and being identical with the property line of persons owning property fronting on the street.

Structural Maintenance (As it applies to Antenna Towers): The performance of work as required for the continued safe operation of the Structure. Repairs must comply with all structural Code requirements in effect at the time the Structure was built. The replacement of an existing Antenna Tower with a new Antenna Tower of like design, of the same or lesser height, on the same site, built to current Code, shall be considered Structural Maintenance. Structural Maintenance for the purpose of this definition shall mean work that strengthens a weakened element or prolongs the tower's life by mechanical means.

Structural Modification (As it applies to Antenna Towers): Addition or deletion of structural members, guys, or guy hardware, as well as, cutting, grinding, drilling, welding, bolting, unbolting, riveting or bending of any structural component of a Structure, or any like action that is likely to have a significant effect on the integrity of that Structure. The addition or removal of non-structural antennas, transmission lines and/or appurtenances using accepted industry standards and practices shall not be considered a Structural Modification.

Structure: Means a walled and roofed Building that is principally above ground, including screened enclosures, a Manufactured/Mobile Home, a gas or liquid storage tank, or other man-made facilities or infrastructures including, but not limited to, towers, smokestacks, utility poles, and overhead transmission lines.

Structure Analysis (As it applies to Antenna Towers): An analysis performed, reported and sealed by a Professional Engineer in accordance with the current edition of TIA/EIA-222 and/or other applicable or superseding standards as may be in effect.

Structure Manufacturer (As it applies to Antenna Towers): The individual or entity that represents itself as the manufacturer of the Structure, or the prime contractor in the case of a Structure not prefabricated, or the design engineer, for the purpose of providing loading, Construction, inspection or other recommendations.

Study Area: Means a geographical area analyzed through the Land Development Traffic Assessment which assesses the transportation needs of a Development Project. For single phase Projects, the Study Area and Traffic Impact Area are equivalent. For multi-phase Projects, the Study Area is defined by the Traffic Impact Area for the total build out of the Project. However, the phase(s) of the Project seeking a Certificate of Concurrency will be evaluated for transportation concurrency based only on the Traffic Impact Area for the phase(s) seeking a Certificate of Concurrency and shall include the Development for which a Certificate of Concurrency is being sought and the cumulative Development within the project for which a Certificate of Concurrency has been issued subsequent to March 4, 1991.

Subdivider: Any person, partnership or corporation, or duly authorized agent who undertakes the subdivision of land as defined herein.

Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more Lots, Parcels, sites, plots, tracts, or interests for the purpose of offer, sale, or Development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or Development of residentially and nonresidentially zoned land, whether by deed, metes and bounds description, devise, intestacy, map, plat, or other recorded instrument. Subdivision includes resubdivision.

Subdivision Entrance Sign: Any Sign which is designed to identify a subdivision, neighborhood or multi-family Project.

Subgrade: The portion of a Private or Public Roadway, which has been prepared as specified, upon which the base course is to be placed.

Suburban Area (As it applies to Article VII of this Code): Any area located outside Urban Areas and characterized by social, economic and institutional activities which are predominantly based on the manufacture, production, distribution, or provision of goods and services in an area which may include residential and non-residential uses typically in a low to medium density setting, and may include a mixture of rural and urban Development patterns.

Sufficient Application: See Application, Sufficient.

Surface Course: An asphalt or concrete wear surface of specified thickness and quality placed over the base course.

Surficial Aquifer: The potable water zone located 50 to 100 feet below the land surface otherwise known as the water table aquifer.

Suspended Solids: Means tiny particles of solids disbursed but undissolved in a solid, liquid, or gas, which are removable by laboratory filtration.

Swapdown: The procedure detailed in Article VII of this Code under which existing Billboards are voluntarily removed by Owners in exchange for new Billboard Permits.

Swale: A manmade trench which:

- A. Has a top width-to-depth ratio of the cross-section equal to or greater than six-to-one (6:1), or side slopes equal to or greater than three (3) feet horizontal to one (1) foot vertical: and,
- B. Contains contiguous areas of standing or flowing water only following a rainfall event: and,
- C. Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake: and,
- D. Is designed to take into account the soil erodibility, soil percolation, slopes, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Swimming Club: A recreational facility containing one (1) or more swimming pools and may contain Accessory Uses such as diving facilities, administrative offices, or locker room.

Swing Sign: Any Sign installed on an arm or spar that is not simultaneously permanently fastened to an adjacent wall or upright pole.

Sworn Statement: Means an affidavit properly executed and notarized stating that all information, included in the application or provided by the declarant is true and correct to the best of the declarant's knowledge.

Telecommunications: The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Temporary Antenna Support Facility: A facility that is designed and constructed to serve, on a temporary basis, as a means of supporting Antennas and is used typically to provide emergency wireless communications service or to provide wireless communications service to special events.

Temporary Medical Hardship Mobile Home: A mobile home, located on the same zoning Lot as an existing principal residence, which is used as a principal residence in cases of medical hardship in which the infirm resident requires continuous supervision.

Temporary Mobile Home While Constructing: A mobile home to be used as the principal residence of the property owner who is constructing, or having constructed, a conventional Single-Family Dwelling on the same property.

Territory: The geographical area described in a Franchise Certificate.

Threatened or Endangered Species: Species so listed by the Florida Fish and Wildlife Conservation Commission, Florida Department of Agriculture and Consumer Services, and U.S. Fish & Wildlife Service.

Tinted Glass: Any glass treated to achieve an industry approved inside to outside light transmittance value of forty-five percent (45%) or less. Such transmittance is limited to the visible spectrum (400 - 700 nanometers) and measured as the percentage of light that is transmitted through the glass.

Title Certification: Every plat of a subdivision submitted to the Board of County Commissioners must be accompanied by a title opinion of an attorney-at-law, licensed in Florida, or a title insurance company policy confirming that the lands as described and shown on the plat are titled in the name of the person, persons or organization executing the dedication as it is shown on the plat and that the developer has title to the lands. The title opinion or policy shall also show all liens, mortgages and other encumbrances on the land to be platted.

Tourist Home: A Building, or part thereof, other than a motel or hotel, where sleeping accommodations only are provided for transient guests with daily charge, without service of meals, and which also serves as the residence of the operator or owner.

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 (or which is legally non-conforming) for the purposes of locating an Antenna Tower.

Tracker Light: A system of lights that shine upwards and move independently of each other and normally portable.

Traffic Analysis Zone: A geographic sub-area of the County used to tabulate socio-economic and trip characteristic information used in transportation modeling and traffic impact studies.

Traffic Assignment: The procedure of estimating the extent to which trips to a specific segment on the Major Road Network as travel occurs from a proposed Development to other locations.

Traffic Control Sign: See Public Sign.

Traffic Count Station: A location established by the County where periodic traffic counts are recorded by the Florida Department of Transportation, St. Johns County, or local jurisdiction; and where additional traffic counts may be required as part of the submission requirements of a traffic impact study.

Traffic Impact Area: Means all roadways and intersections on the Major Road Network in which peak hour traffic attributable to a Development is equal to or greater than one percent (1%) of the maximum service volume of the adopted Level of Service standard for any such roadway, up to a maximum radius of four (4) miles from the Project site boundaries, or as extended by provisions of this Code.

Traffic Impact Study Methodology and Procedures: Means a document prescribing the procedures for evaluating the potential impacts of a Project on the Major Road Network, and for determining whether roadway facilities will be available at the Adopted Levels of Service concurrent with the impacts of the Project consistent with Article XI of this Code.

Traffic Pre-Application Conference: A meeting between the Applicant and the County that occurs prior to conducting a traffic impact study for the purposes of identifying key issues, unique considerations, review of assumptions and procedures to be used in a traffic impact study.

Trailer, Boat: A conveyance drawn by other motor power and used for transporting a boat.

Trailer, Horse: A conveyance drawn by other motor power and used for transporting horses or other animals.

Trailer, Luggage or Utility: A conveyance drawn by other motor power and used for the primary purpose of transporting general goods or luggage or household furnishings.

Trailer Sign: See Portable Signs.

Trailer, Travel or Camping: See Recreational Vehicle.

Transfer of Sale: Shall include the change in ownership or either legal title, an equitable interest, or the beneficial interest, of a Lot or Parcel within a subdivision and shall include but not be limited to contracts for sale and agreements for deeds; provided, however, it shall not include any contract for sale that specifically provides in bold print that the sale is contingent upon the recordation of a subdivision plat pursuant to this Code.

Transportation Disadvantaged Services: Means passenger vehicles operated by the St. Johns County Council on Aging designed to meet the needs of the transportation disadvantaged.

Transportation Disadvantaged: Shall have the same meaning as the same term in Chapter 9J-5, F.A.C.

Treated: Means reducing the pollution content in Wastewater.

Tree Credit: A unit of measurement detailed in Article IV used in evaluating the quantity of Trees in a unit land area.

Tree Removal & Land Clearing Permit: A formal St. Johns County Permit issued to legitimize removal of a Protected Tree and/or allowing clearing of vegetation from a Parcel provided limited to the scope of work stated on it.

Tree Survey: A sealed drawing prepared by a registered land surveyor which provides the location, DBH size and common name of all Protected Trees, Protected Flowering Trees, and potential Specimen Trees located on a given Parcel of land intended for Development or a site planned as a single Lot, tract, or Building site and shall also include an overlay of vehicle use areas, Building footprints, drainage and utility areas and any proposed grade changes with Protected Trees shown as preserved (to remain) or proposed for removal. A Tree survey need not encompass contiguous property of the applicant which is not to be included within the actual limits of Development Construction.

Tree: A woody plant having a well-defined stem, a more or less well-defined crown, and which is capable of attaining a height of at least fifteen (15) feet with a trunk diameter of not less than two (2) inches, or a cluster of main stems having an aggregate diameter of not less than two (2) inches, at a point four and one-half (4 ½) feet above ground.

Trip Generation Rate: The number of vehicular trips generated by a unit of land use as defined in the St. Johns County P.M. Peak Hour Trip Rate and Percent New Trips Data Table; the Institute of Transportation Engineers, *Trip Generation Informational Report*, as updated; site specific data collected according to the procedures in this Code; or other professionally accepted methodology.

Truck Stop: An establishment where the principal Use is primarily for the refueling and servicing of trucks and tractor-trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

Turning Movement Count: The collection of data at an intersection which determines the volume and direction of vehicles entering and exiting the intersection during the peak periods of 7:00 a.m. to 9:00 a.m., and 4:00 to 6:00 p.m., or as otherwise specified by the County.

Twenty Five Tree Credit Rule: A requirement that there be at least twenty five (25) Tree Credits per acre or that proportion of credits depending on the size of area to be cleared and distributed throughout the Parcel, with Tree Credit per Tree as detailed in Part 4.05.00.

Two Family Dwelling Unit: See Dwelling, Two Family.

Ultralight Flightpark: Land designed and used or intended to be used as a take off and landing area exclusively by ultralight vehicles involved in sport and recreational activities, including related support activities such as sales or rental of ultralight vehicles, fuels and other support materials.

Under Canopy or Marquee Sign: Any Sign suspended below the ceiling or roof of a canopy or marquee.

Understory: A layer of low native vegetation usually associated with and developing under Trees.

Unlawful Sign: Any Sign Erected or Maintained in violation of the terms of this Code or which the County Administrator may declare as unlawful, if dangerous to public safety by reason of dilapidation or Abandonment; except that Non-conforming Signs are not Unlawful Signs unless the County Administrator declares any such Sign as dangerous to public safety by reason of dilapidation or Abandonment .

Unlicensed Wireless Service: The offering of telecommunications services using duly authorized devices which do not require individual licenses, but not the provision of direct-to-home satellite services.

Unsafe Sign: Any Sign which poses a threat to health, safety, or welfare of public.

Untreated: Means Wastewater which does not receive any treatment prior to discharge.

Urban Area (As it applies to Article VII of this Code): An area of or for Development characterized by social, economic and institutional activities which are predominantly based on the manufacture, production, distribution, or provision of goods and services in a setting which typically includes residential and non-residential Development Uses other than those which are characteristic of rural Uses.

Usable Space: Shall mean that portion of the space within a Building which is available for assignment or rental to an occupant, including every type of space available for use of the occupant.

Use of Land: Includes use of land, water surface, and land under water to the extent covered by zoning districts, and over which the County has jurisdiction.

Use: The purpose for which land or water or a Structure thereon is designated, arranged, or intended to be occupied or utilized or for which it is occupied or maintained by the Owner, occupant, lessee, or trustee.

User: Means any person that discharges, causes, or allows the discharge of Wastewater into a central Wastewater System or any connected system.

Utility: Any Person or business entity of any kind, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing Construction of a system, who is providing, or proposes to provide, water, including non-potable water, Wastewater services, or a bulk water utility within the unincorporated area of St. Johns County, to the public for compensation, but it shall not include:

- A. The sale, distribution, or furnishing of bottled water;
- B. Systems owned, operated, managed, or controlled by Governmental Authorities;
- C. Manufacturers providing service solely in connection with their operations;
- D. Public lodging establishments providing service solely in connection with service to their guests;
- E. Landlords providing service to their tenants without specific compensation for the service; and
- F. Property Owners Associations providing reuse or surface water for irrigation.

Utility Provider: Any franchised water or Wastewater utility or System owned and operated by the St. Johns County Board of County Commissioners or other utility systems operated by municipalities or private utilities within St. Johns County.

Utility, Stormwater: Means any person, business entity, association or unit of local government owning or operating a Water System, Wastewater System or stormwater management system, or proposing Construction of a system, who is providing, or proposes to provide water, Wastewater, or storm water management service to the public within the unincorporated area of St. Johns County.

Variance: A deviation to the provisions of this Code.

Variance, Non-Zoning: A case-by-case deviation to the rules of this Code, when it is demonstrated that compliance with the Code would be a practical impossibility, and/or upon showing of good cause, an alternative to the Code is provided that conforms to the general intent and spirit of the Code. The Board of County Commissioners may require such conditions that will, in its judgement, substantially secure the same objectives of the standards or requirements so varied or modified.

Variance, Zoning: Variance is a relaxation of the terms of this Code where such Variance will not be contrary to the public interest, and where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or by reason of the Use or Development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Code would cause either undue hardship to carry out the spirit and purpose of this Code, or would be contrary to the spirit and purpose of this Code. In this context personal, family or financial difficulties, loss of prospective profits and neighboring violations or hardships created by any act of the owner are not considered hardships justifying a Variance.

Variance, Floodplain: A case-by-case deviation to the National Flood Insurance Program (NFIP) regulations and rules of this Code. Floodplain Variance criteria pertain to a piece of property and are not personal in nature. A hardship must be demonstrated for a Floodplain Variance to be granted. The hardship must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of neighbors cannot, as a rule, qualify as exceptional hardships.

Vehicle Auction: The sale of vehicles where the method of sale is through competitive bidding and the price is determined by the highest bid offered.

Vehicle Recycling: Land Use for the recycling of inoperable vehicles for parts such as engines, transmissions, body parts, etc., including the storage, stripping, compacting rebuilding, sales and shipping of vehicles or parts thereof.

Vehicle Sign: Any Sign on or affixed to a motorized vehicle, other than a registered logo, trademark or service mark.

Vehicle: A form of transportation, including motorized and non-motorized vehicles designed and required to be licensed for use upon a highway in the State of Florida.

Vehicle Sign: Any Sign on or affixed to a motorized vehicle, other than a registered logo, trademark or service mark.

Vehicular Use Area: An area used for the display or parking of any and all type of vehicles and equipment, whether self-propelled or not, and all land upon which vehicles traverse the property as a function of the principal Use.

Vendor: An individual selling products from a temporary location on private, commercially-zoned property.

Vested Development: Development Projects which are exempt from some or all of the provisions of this Code.

Vines: Any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or by means of tendrils, or which may simply sprawl over the ground or other plants.

Visual Inspection (As it applies to Antenna Towers): An inspection of a Structure, foundation, attachments and systems for defects following approved guidelines. A Visual Inspection is normally conducted from the ground using binoculars or similar optical aids.

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, a military services approved military Airport layout plan, or by any planning document submitted to the FAA by competent authority.

Volume (Traffic): Means the number of vehicles to pass a predetermined location during a specified period of time.

Volume Sensitive: Land locked, closed-basin with insufficient or no outlet.

Wall Sign: See Fascia Sign.

Warning Sign: See Public Sign.

Wastewater Line: A gravity collection system or pressurized Wastewater force mains that collect and convey Wastewater to a central Wastewater Treatment Plant.

Wastewater System: Wastewater System shall mean and shall include any plant, system, facility or property, and additions, extensions and Improvements thereto at any future time constructed to acquire as part thereof, useful or necessary or having a present capacity for future Use in connection with the collection, treatment, purification and disposal of Wastewater of any nature or originating from any source, and without limiting the generality of the foregoing definition, shall embrace treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains and all necessary appurtenances and equipment, all Wastewater mains and laterals for the reception and collection of Wastewater from premises connected therewith, and shall include all real and personal property and any interest therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.

Wastewater Treatment Plant or Treatment Plant: Means that portion of the POTW which is designed to provide treatment of municipal Wastewater and industrial waste.

Wastewater: Means the combination of the liquid and water-carried pollutants from a residence, commercial Building, industrial plant, or institution, together with any groundwater surface runoff, or leachate that may be present.

Water and/or Wastewater Treatment Capacity: Means the maximum demand that can be accommodated by the central Utility System without exceeding the Adopted Level of Service.

Water Line: Means a water transmission or distribution line.

Water System: Water System shall mean and include any plant, system, facility or property, and additions, extensions and Improvements thereto at future times, constructed or acquired as part thereof, useful or necessary or having the present capacity for future Use in connection with the Development of sources, treatment or purification and distribution of water, and, without limiting the generality of the foregoing, shall include dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals and pipes for the purpose of carrying water to the premises connected with such system, and shall include all real and personal property and any interest therein, rights, Easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.

Water System, Community: Means a central Water System which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

Wellhead Resource Protection Areas: The areas around public potable water supply wells which were established to give some degree of protection from identified sources of potential ground water contamination.

Wet Detention System: A permanently wet stormwater detention storage area normally used in areas where soil and hydrological conditions are not conducive to "Dry Detention" or "Retention" systems as defined herein. In addition to the herein defined function of "Detention", these systems provide through a secondary controlled outlet or bleed-down device, detention of a defined stormwater treatment volume per state regulations for removal of dissolved and suspended pollutants by taking advantage of physical, chemical, and biological processes within the pond. The secondary outlet also provides for detention of a defined flood protection volume if applicable under Article X of this Code.

Wetlands: Those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in Wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in Wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida Wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida Wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The delineation of actual Wetland boundaries may be made by professionally accepted methodology consistent with the type of Wetlands being delineated but shall be consistent with any unified statewide methodology for the delineation of the extent of Wetlands ratified by the Legislature.

Wildlife: Any member of the animal kingdom, with the exception of man and domestic animals, including but not limited to any animal to any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate.

Wildlife Corridor: Contiguous stands of wildlife habitat which facilitate the natural migratory patterns, as well as other habitat requirements of wildlife.

William Bartram Scenic Highway: State Road 13/County Road 13 between Duval County Line and State Road 207.

Window Display: The exhibition or demonstration of merchandise in a store window.

Window Sign: Any Sign placed inside a window of a building, facing the outside and which is intended to be seen from the exterior.

Window Treatment: Any type of material that prevents or reduces the amount of interior light escaping outside, including, but not limited to, curtains, drapes, blinds, solar screens, non-reflective film and storm shutters.

Window Tint or Film: A material applied to the entire glass area of a window or door which attains a shading coefficient comparable to that prescribed for tinted glass.

Working Days: Normal working days for St. Johns County to include Monday through Friday except County holidays.

Xeriscape: Water conserving landscaping utilizing native or drought tolerant vegetation and water efficient irrigation systems.

Yard: A required open space other than a court unoccupied and unobstructed by a Structure or portion of a Structure from thirty (30) inches above the general ground level of the graded Lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any Yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front: A required Yard extending between Side Lot lines across the front of a Lot adjoining a public or private street.

Yard, Rear: A required Yard extending across the rear of the Lot between inner side Yard lines. In the case of through Lots and corner Lots, there will be no Rear Yards, but only Front and Side Yards.

Yard, Side: A required Yard extending from the rear line of the required Front Yard to the Rear Lot line, or in the absence of any clearly defined Rear Lot line to the point of the farthest from the intersection of the Lot line involved in the public street. In the case of through Lots, Side Yards are from the rear lines of Front Yards required. In the case of corner Lots, Yards remaining after Front Yards have been established on both frontages are considered Side Yards.

Yard, Special: A Yard behind any required Yard adjacent to a public or private street required to perform the same functions as a Side or Rear Yard, but adjacent to a Lot line and so placed or oriented that neither the term "Side Yard" nor the term "Rear Yard" clearly applies.

Yard Waste Composting Facility: A central facility where the yard trash and wood fraction of solid waste for multiple residential properties is processed by natural or mechanical means to aid the microbial decomposition of the organic material.

Yard Waste Air Curtain Incinerator: A low technology facility for the burning of yard trash and wood waste.

Yard Waste Transfer Facility: A facility where yard trash and wood waste from several relatively small vehicles is placed into a large vehicle before being transferred to a yard waste composting or disposal facility.

Zoning Atlas, Official: The official record of St. Johns County depicting the zoning districts on property in the unincorporated area of St. Johns County.

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July 29, 1999

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APPENDIX A

TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES

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ST. JOHNS COUNTY TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES

1. Purpose

- (a) The purpose of a traffic impact study is to identify the potential impacts of new Development on the St. Johns County transportation system and to provide information which will allow a concurrency determination to be made on each impacted segment. The traffic impact study will identify Development traffic volumes on each impacted segment, identify those segments on which the adopted Level of Service cannot be maintained, include link and intersection analysis, and recommend potential solutions for those segments and intersections on which the adopted Level of Service is not being met.

2. Intent

- (a) The intent of this document is to define the requirements, procedures and methodology for the submission of a traffic impact study in St. Johns County and to provide an equitable, consistent and systematic means of determining the future impact of proposed Developments while maintaining the adopted service levels on all roadways.
- (b) Nothing contained in this document shall waive any requirement contained elsewhere in the St. Johns County Land Development Code.

3. Applicability

- (a) The requirements, procedures and methodology for a traffic impact study contained in this Section shall apply to all Development Orders in unincorporated St. Johns County. In all cases, it will be the responsibility of the Applicant to demonstrate to the County that a proposed Development will not unduly impact the road system.
- (b) A traffic impact study for a multi-phase project shall be submitted in conjunction with the first application for Concurrency Determination for the project and shall include all future Development phases. The traffic study shall remain valid and in effect for a one (1) year period. Subsequent Development phases seeking a Final Concurrency Determination shall be required to update the traffic impact study with current data if the application for Concurrency Determination for said Development phases is submitted more than one (1) year from the project's original application for Concurrency Determination. All applications for Development phases seeking a Final Concurrency Determination shall be required to submit intersection and

segment capacity analyses prescribed under Sections (14) and (15) notwithstanding the time limits specified above.

4. Types of Traffic Impact Studies

(a) Small Projects

Developments generating less than four (4.0) average weekday peak hour trips will be considered to have a negligible impact on the Major Road Network. No further review of the transportation impacts of Small Projects will be required and a Final Concurrency Determination may be issued subject to other provisions of Article XI of this Code.

(b) Minor Traffic Review

1. Developments generating four (4.0) or more average weekday peak hour trips, but less than thirty (30.0) average weekday peak hour trips (4.0 to 29.9 average weekday peak hour trips) will be required to submit a Minor Traffic Review.
2. The Minor Traffic Review will include: a description and location of the project, land Use category and number of units from the Trip Rate and Percent New Trips Data Table, an estimate of the number of p.m. peak hour trips generated, the number of net new project trip ends that will impact the public road system (e.g. after internal capture and/or adjacent street capture is considered), the existing vested and reserved traffic p.m. peak hour volumes on each Directly Accessed Segment and one (1) additional segment in all directions, the Generalized Planning Maximum Service Volume of the Directly Accessed Segment and one (1) additional segment in all directions, and identification of any improvements to the Directly Accessed Segment and one (1) additional segment in all directions, and identification of any improvements to the Directly Accessed Segments and one (1) additional segment in all directions and the improvement schedule. If the project does not access a Directly Accessed Segment, then the impact of the project traffic on the first directly Accessed Segment and one (1) additional segment in all directions on the Major Road Network at minimum, shall be evaluated relative to its adopted Level of Service. Based upon this information, a determination shall be made by the County whether or not the road facilities are adequate to maintain adopted service levels upon build-out of the proposed Development. A Certificate of Concurrency may then be issued according to the procedures identified in the Article XI of this Code.

3. If the information submitted pursuant to Section (4)(b)2. above indicates the Level of Service will fall below the adopted standard, then the Applicant may undertake a more detailed evaluation of future roadway operating conditions to demonstrate acceptable operating conditions, or the Applicant may propose roadway improvements to restore acceptable conditions.
4. The appeals process for a Minor Traffic Review shall be governed by the procedures set forth in Article XI of this Code.

(c) Land Development Traffic Assessment (LDTA)

1. A Land Development Traffic Assessment shall be required for all Developments generating thirty (30.0) or more average weekday peak hour trip ends.
2. Submission of a Land Development Traffic Assessment is required for a Determination of Application Completeness in the Concurrency Review Process.
3. The Applicant is required to attend a pre-application conference to discuss the traffic study requirements and final report outline as it pertains to the specific Development prior to conduct of the study.
4. Each Land Development Traffic Assessment must meet the following submission requirements to receive a Determination of Application Completeness.
 - a. Three (3) copies of the completed Land Development Traffic Assessment must be submitted to the County at the time of the submittal of the Concurrency Determination Application.
 - b. The format of the Land Development Traffic Assessment must follow the outline identified in Section (4)(c), Format of Land Development Traffic Assessment.
 - c. A Land Development Traffic Assessment must be submitted by an individual with an engineering or planning degree with responsible transportation planning experience and must be a registered professional engineer (PE) or certified through the American Institute of Certified Planners (AICP), acting as the designated representative of the owner.
5. The County shall determine if all required data has been submitted and is acceptable. This determination, as well as the determination that additional data

is necessary, will be made according to the procedures and time frames identified in Article XI of this Code.

6. The Appeals process for a Land Development Traffic Assessment shall be governed by the procedures set forth in Article XI of this Code.
7. Site access for a proposed Development shall be consistent with the requirements identified in the St. Johns County Code. The Applicant is required to provide a site access plan at the pre-application conference. The site access plan is subject to review and approval by the County. This review will be made according to currently accepted traffic engineering principals.
8. Format of Land Development Traffic Assessment

To simplify staff review, each Land Development Traffic Assessment will be required to follow the outline below. Further definition and clarification of the items listed in the outline may be found in subsequent sections. Figures and maps are to be used to the maximum extent possible.

- a. Letter of transmittal
- b. Title page
- c. Table of Contents
 1. List of Figures
 2. List of Tables
- d. Introduction (includes description and location of project, current and proposed zoning, both address and map format, size of the project, summary of methodologies agreed to in pre-application conference and statement of approval sought).
- e. Area of influence (determination of impacted road segments to be included on study network, based on criteria of Section (7)(a)).
- f. Inventory of existing conditions (including listing of all segments within the study area, existing traffic volumes and identification of roadway characteristics).
- g. Trip generation estimate (from P.M. Peak Hour Trip Rate and Percent New Trips Data Table, the most recent edition of the Institute of Transportation

Engineers *Trip Generation* Information Report or other professionally accepted methodology).

- h. Percent new trips and internal capture estimates (from P.M. Peak Hour Trip Rate and Percent New Trips Data Table and Section (11) and Section (13)).
 - i. Traffic distribution and assignment methodology.
 - j. Projected traffic volumes within the study area.
 - k. Intersection analysis (required when the peak hour traffic volume on one (1) or more links forming a leg of a major intersection is equal to or exceeds ninety percent (90%) of the maximum service volume of the adopted Level of Service standard).
 - l. Roadway needs (identification of proposed improvements and cost).
 - m. Internal site circulation and access needs.
 - n. Appendix (as applicable to the specific traffic impact study)
 - 1. Traffic count data
 - 2. Trip generation, internal and adjacent street capture worksheets
 - 3. Trip distribution and assignment worksheets
 - 4. Intersection capacity analysis worksheets using the 1997 Highway Capacity Manual or latest edition.
 - 5. Link capacity analyses
 - 6. Computerized modeling documentation (if performed)
 - 7. Other analysis worksheets
5. Pre-Application Conference
- (a) The purpose of the mandatory pre-application conference for a Land Development Traffic Assessment is to provide guidance and direction to the Applicant concerning the conduct of the study. For a Minor Traffic Review, it is strongly recommended that the Applicant request a pre-application conference to discuss submission requirements.

- (b) The Applicant shall request a pre-application conference, and shall transmit a general description of the proposed Development and study methodologies to the County at least five (5) working days prior to the meeting.
- (c) At a minimum, the following topics will be discussed and approval obtained from the County at the pre-application conference.
1. The Applicant will provide a site access and internal circulation plan.
 2. Review the format of a traffic impact study.
 3. Vested Developments in the vicinity of the proposed Development will be identified and procedures to estimate their associated traffic volumes shall be identified.
 4. The Major Road Network form will be provided to the Applicant.
 5. Procedure to track the project's traffic will be defined.
 6. Availability and use of County data.
 7. Procedures for traffic counts, the location of current traffic count stations, and the identification of possible additional locations.
 8. Source of trip generation for project traffic.
 9. Selection of origin / destination survey sites for determination of percent new trips factor.
 10. Traffic distribution and assignment technique.
 11. Justification of an internal capture factor if different than those presented in Section (13)(b).
 12. Methodology and approach for intersection analysis.
 13. Methodology and approach for segment analysis.
- (d) Failure by the Applicant to discuss and obtain resolution to the above topics may result in disapproval of the traffic impact study or a request for additional information.
- (e) The methodologies and assumptions agreed upon at the pre-application conference will be valid for a period of ninety (90) days from the date of the pre-

application conference. If the Concurrency Determination Application is not submitted to the County within ninety (90) days of the pre-application conference, the Applicant must obtain approval from the County for the continued use of these methodologies and assumptions, or revise the methodologies and assumptions as necessary with updated information.

6. Level of Service Standards

- (a) The Level of Service standards used for concurrency determination shall be consistent with the Transportation Element of the St. Johns County Comprehensive Plan.
- (b) When two (2) roads of differing classification or performance standards intersect and an intersection analysis is required, the lower Level of Service performance standard shall govern the intersection.

7. Traffic Impact Area

- (a) The following procedure will be used to determine the extent of the Traffic Impact Area.
 - 1. Peak hour traffic attributable to the Development will be assigned to all segments on the Major Road Network that are impacted by the Development traffic at a level equal to or greater than one percent (1.0%) of the maximum service volume of the adopted Level of Service standard up to a maximum radius of four (4) miles from the project site boundaries. The four (4) mile radius will be extended to include the next major intersection if an intersection analysis is required under the provisions of Section (14)(a).
 - 2. Additional impacted segments, over and above those required by Section (7)(a)1., may be added to the study network when, as determined by the County, it would be in the best interest of St. Johns County to do so to maintain the adopted Level of Service standards.
 - 3. Phased projects will be required to perform a traffic study which analyzes both the impact of the phase(s) seeking a Certificate of Concurrency and the ultimate build out of the entire project. The analysis of the total build out of the project will be performed as part of the concurrency application for the first phase of the project to assess the ultimate transportation needs of the entire project, but shall not be used as a basis for a determination of transportation concurrency or for issuance of a Certificate of Concurrency. The methodology for performing the analysis shall be based on the following:

- a. The Study Area of the total build out of the project will be determined by the extent of all impacted segments for the total project, including future phases and phases which have previously received a Certificate of Concurrency or Concurrency Exemption. The phase(s) of the project seeking a Certificate of Concurrency will be evaluated for transportation concurrency based on the Traffic Impact Area using the criteria contained in Section (7)(a)1. above for the phase(s) seeking the Certificate of Concurrency and the cumulative Development within the project for which a Certificate of Concurrency has been issued subsequent to March 4, 1991.
 - b. Projects that consist of an expansion or an addition to existing Development constructed or permitted prior to March 4, 1991, will be analyzed based upon the cumulative impact of all Development for which a Concurrency Determination has been issued subsequent to March 4, 1991.
4. When a project's impacts are such that no roadways are impacted at the threshold defined in Section (7)(a)1., then the impact of the project traffic on the first Directly Accessed Roadway Segment(s) shall be evaluated for ensuring the maintenance of the adopted Level of Service standard on those roadways.
 5. For the purpose of the LDTA project traffic will be assigned only to those roadways and future roadways:
 - a. Shown on the Major Road Network;
 - b. Proposed for inclusion as part of the Major Road Network and scheduled for initiation of Construction within the first three (3) years of the FDOT, St. Johns County, or other responsible jurisdiction's financially feasible adopted five (5) year work program, or
 - c. Scheduled for completion prior to the initial date of project impact on the roadway, if such roadway or improvement is to be completed pursuant to a local government Development Agreement or binding contract and proposed for inclusion as part of the Major Road Network.
 6. Where an improvement based on a local government Development Agreement or order is relied upon to achieve the acceptable Levels of Service, default on any such agreement by any party other than St. Johns County, shall be identified as a basis for reconsideration and, if necessary, invalidation of the Development Order and Certificate of Concurrency.

8. County Data

(a) The County shall maintain and update several types of data. These types of data are described below.

1. Traffic Count Data

St. Johns County maintains traffic count data on all segments of the Major Road Network. New traffic counts as well as traffic count data from approved traffic impact analyses will be used to update the traffic counts in the concurrency management database on an annual basis. The Applicant may be required to supplement the traffic count data where needed, such as locations where data is not currently available, or counts conducted on weekends, holidays, or other time periods in which the project's peak trip generation does not coincide with the average weekday peak hour.

2. P.M. Peak Hour Trip Rate and Percent New Trips Data Table

A P.M. Peak Hour Trip Rate and Percent New Trips Data Table shall be available for use in traffic impact studies. This table will be updated periodically with trip rate and percent new trips information from traffic impact studies as approved by the County and from information contained in the most recent edition of the ITE *Trip Generation* Informational Report or other published studies as approved by the County Administrator.

3. Development Size Data

Development Size Data will be maintained by the County and will provide examples of the maximum size of Development by land Use category for Small Projects, and for those which a Minor Traffic Review is required. The Development Size Data will be provided in the P.M. Peak Hour Trip Rate and Percent New Trips Data Table. Development sizes greater than those indicated by land Use category for a Minor Traffic Review will be required to submit a Land Development Traffic Assessment.

4. Roadway Characteristics Inventory

A Roadway Characteristics Inventory will be maintained on each link in the St. Johns County Comprehensive Plan. The inventory will include the Major Road Network segment identification number, Florida Department of Transportation count station number, roadway name (including street name and state or County road number), roadway segment termini (from / to), existing roadway area type, roadway functional classification, roadway

number of lanes (existing and committed), and existing Right-of-Way. This inventory will be updated with new information on a periodic basis.

5. Transportation Analysis Spreadsheet

A Transportation Analysis Spreadsheet will be maintained for each roadway segment on the Major Road Network. The spreadsheet will include the Major Road Network road segment identification number, Florida Department of Transportation count station number, roadway name (including street name and state or County road number), roadway segment termini (from / to), existing roadway area type, approved road type (functional classification), planning area, adopted LOS standard, segment length in miles, traffic count date (year), Annual Average Daily Traffic count, annual growth factor, link K-factor, peak hour traffic, exempt Development traffic, approved concurrency traffic, total committed peak hour traffic, percent of service volume utilized, link status, traffic study service volume, and approved peak hour service volume. The Transportation Analysis Spreadsheet will be updated with new information periodically.

6. Major Road Network Map

A Major Road Network Map will be maintained by the County that illustrates all roads on the St. Johns County traffic impact study network. This Map will include road improvements scheduled for completion within the first three (3) years of the FDOT, St. Johns County, and local jurisdictions five (5) year capital improvement programs, and those roads scheduled for completion within three (3) years that will be built pursuant to a local government Development Agreement. All future roads added to the map must be approved by the County. Additionally, the map will illustrate those segments that are backlogged and/or constrained as well as those critical transportation segments in which the peak hour traffic volume equals or exceeds ninety percent (90%) of the maximum service volume of the adopted Level of Service standard.

7. Traffic Impact Study File

The County shall maintain a file of approved Minor Traffic Reviews, LDTA's and DRI/FQD reports. The County shall provide information and data, when available, to prevent duplication of efforts and unnecessary costs. The County shall approve the use of a prior study.

9. Procedures for Traffic Counts

- (a) The Concurrency Management Database will contain an inventory of all current traffic count locations and the most recent daily and peak hour traffic counts.
- (b) The Applicant may use available traffic count information for all impacted segments from the concurrency management database. If traffic count information is unavailable for the current calendar year on an impacted segment, the Applicant may elect to conduct a current traffic count according to the procedures identified in Section (9)(c) and (d). Traffic counts not collected in the current calendar year will be factored by the approved annual growth rate to determine the current year traffic volume.
- (c) The Applicant will provide segment traffic counts, by direction, for a minimum of seventy-two (72) consecutive hours between 12:00 p.m. Monday and 12:00 p.m. Friday. Legal holidays or other days as specified by the County shall be excluded. Friday, weekend, or holiday counts may be required for land Uses active on weekends, as determined by the County. The data will include a summary of traffic volumes by direction in fifteen (15) minute increments. The a.m., p.m. and other peak hours should be identified as well as the peak hour-to-daily traffic ratio and peak hour directional split. The average daily traffic counts will be adjusted to Annual Average Daily Traffic (AADT) using appropriate FDOT seasonal adjustment factors and truck axle adjustment factors. The peak hour segment volume will be determined by applying the approved K-factor for that segment to the AADT volume. All data will be subject to review and acceptance by the County.
- (d) The Applicant will provide intersection turning movement counts as required by the County. These turning movement counts shall be made on one (1) typical weekday (Tuesday, Wednesday or Thursday) from 7:00 a.m. to 9:00 a.m., and 4:00 p.m. to 6:00 p.m., or as otherwise specified by the County. Legal holidays or other days as specified by the County shall be excluded. Friday, weekend, or holiday turning movement counts may be required for Development proposals for land Uses active on weekends, as determined by the County. The data will include a summary of traffic volumes in fifteen (15) minute increments, with a.m., p.m. and other peak hours being identified. All data will be subject to review and acceptance by the County.

10. Trip Generation

- (a) Each traffic impact study will list all project land Uses, applicable ITE Land Use Code, Building size and/or Dwelling Units.
- (b) Allowable sources for trip generation rates for each land Use listed in (a) above are identified below:

1. The trip generation rate for the specific land Use as identified in the St. Johns County P.M. Peak Hour Trip Rate and Percent New Trips Data Table.
2. The trip generation rate from a previously approved St. Johns County traffic impact study of a similar land Use.
3. The trip generation rates or equations contained in the most recent version of the ITE *Trip Generation* Informational Report as approved for use by the County.
4. A site specific trip generation study of the same type or similar land Use approved by the County at the pre-application conference. Such a site specific study will be conducted at three (3) separate similar land Use sites. The survey data will be collected for at least a continuous seventy-two (72) hour period between Monday 6:00 p.m. and Friday at 6:00 a.m., or as otherwise determined by the County. Legal holidays or other days specified by the County will be excluded. Selection of other trip generation study times will be made when it is determined by the County that collection of the data between the above times will not result in a reasonable estimation of the trip generating characteristics of the proposed land Use. The data will include a summary of traffic count data by fifteen (15) minute increments, average daily volume, volume during the a.m. and p.m. peak hours of the adjacent street. The accuracy of the traffic counts will be verified by performing manual counts and comparing them to machine count volumes twice daily; once in the a.m. and once in the p.m. for each day of the traffic counts. All data will be subject to review and acceptance by the County. This review will be based on currently accepted traffic engineering principals.

11. Percent New Trips

- (a) The percent new trips factor represents the percent by which the trip rate is multiplied to obtain only those new trips that are added to the roadway by the proposed Development. Thus, those trips going to the proposed Development that would have been on the roadway anyway and are included in the trip rate must be deducted from the total trips.
- (b) Each traffic impact study will list all land Uses, applicable ITE Land Use Code, Building size and/or number of Dwelling Units.
- (c) Allowable sources for the percent new trips factor for each land Use identified in (b) above are listed below:

1. The percent new trips factor identified in the St. Johns County P.M. Peak Hour Trip Rate and Percent New Trips Data Table.
2. Percent new trips factor from a previously approved study of a similar land Use or a published study as approved by the County.
3. A site specific origin/destination survey of an identical or similar land Use as approved by the County.
 - a. The origin/destination survey shall collect, at a minimum, the following information:
 1. Date
 2. Location
 3. Time of Interview
 4. Time of the interviewee trip
 5. From where did the interviewee trip begin immediately prior to arriving? (1) home (2) work (3) retail (4) other
 6. The city, area or zip code where the trip began (the last destination before arriving at the site being studied).
 7. The nearest intersecting streets closest to the location of where the trip began (the last destination before arriving at the site being studied).
 8. Transportation mode (1) car (2) walk (3) bike (4) bus (5) taxi drop off.
 9. Where the interviewee trip will end immediately upon leaving (1) home (2) work (3) retail (4) other.
 10. The city, area or zip code nearest the trip's next destination
 11. The nearest intersecting streets closest to the trip's next destination.
 - b. The location at each origin an destination will be plotted graphically on a map and the trip lengths calculated. To determine whether the trip is to be considered a new trip, a rectangle will be drawn on the

map in such a manner so as to locate the origin of the trip in one (1) corner and the destination of the trip in the opposite corner. If the interview location is outside the rectangle., the trip is considered to be a new trip and if the interview site is inside the rectangle, then the trip is not classified as a new trip. The percent new trips is computed by dividing the number of new trips by the total number of trips generated by the site.

- c. Copies of the original surveys and maps indicating trip ends will be submitted as part of the study. All data will be subject to review and acceptance by the County. This review will be based on currently accepted traffic engineering principles.

12. Traffic Distribution and Assignment

- (a) The distribution and assignment of project traffic shall be made in accordance with the following procedures and in conformity with accepted traffic engineering principles, such as those documented in NCHRP Report 187, "Quick-Response Urban Travel Estimation Techniques and Transferable Parameters - Users Guide".
 - 1. Use of a gravity model as approved by the County.
 - 2. Observations of similar Developments in the vicinity of the proposed Development.
 - 3. Traffic distribution may be based upon a previously approved traffic impact study of a similar land Use in the vicinity of the proposed Development. Such use of a prior study must be justified, based upon sound traffic engineering principles and techniques and approved for use by the County.
- (b) The County will make available a summary listing of previously approved traffic impact studies within the Planning Area of the project.
- (c) The traffic distribution and assignment technique must be presented by the Applicant at the pre-application conference, and reviewed and approved by the County. This review will be based on currently accepted traffic engineering principles.

13. Internal Capture

- (a) The use of an internal capture factor will be allowed for certain types and sizes of mixed Use Developments.

(b) Allowable sources for internal capture rates for each land Use listed in (a) above are identified below:

1. The internal capture rate from a previously approved St. Johns County traffic impact study of a similar land Use.
2. The internal capture rates or equations contained in the most recent version of the *ITE Trip Generation Handbook* as approved for use by the County.
3. A site specific internal capture study of the same type or similar Development approved by the County at the pre-application conference. Such a site specific study will be conducted at three (3) separate similar land Use sites. The survey data will be collected for at least a two consecutive hour period each day for three (3) days between Tuesday at 12:00 p.m. and Thursday at 8:00 p.m., or as otherwise determined by the County. Legal holidays or other days specified by the County will be excluded. Selection of other internal capture study times will be made when it is determined by the County that collection of the data between the above times will not result in a reasonable estimation of the internal capture characteristics of the proposed project. The data will include a summary of internal capture data by fifteen (15) minute increments during the p.m. peak hours of the adjacent street. All data will be subject to review and acceptance by the County. This review will be based on currently accepted traffic engineering principals.

(c) Requests for use of internal capture factors other than those identified above must be submitted along with justification at the pre-application conference. All data will be subject to review and acceptance by the County. This review will be based on currently accepted traffic engineering principles.

(d) The total internal capture trip ends shall not exceed twenty-five percent (25%) of the gross project trip ends.

14. Intersection Analysis

(a) An intersection analysis must be performed on each major intersection (including signalized intersections, unsignalized intersections and those proposed to be signalized), where the total peak hour traffic volume on one (1) or more links forming a leg of the intersection is projected to equal or exceed ninety percent (90%) of the maximum service volume of the adopted Level of Service standard for any phase of the project for which a Final Concurrency Determination is being sought.

- (b) The procedure for performing an intersection analysis will be based upon the methodology contained in the most recent edition of the Highway Capacity Manual, Transportation Research Board Special Report 209, or other professionally accepted methodology. Any questions, issues or methodology other than that referenced in the above publication must be submitted at the pre-application conference and will be subject to the review and approval from the County.
- (c) For each intersection at which the total traffic results in a Level of Service below the acceptable adopted Level of Service, the Applicant will recommend improvements to the intersection analysis by including:
 - 1. Printouts and worksheets for all highway capacity analysis performed on the intersections or roadway links.
 - 2. Copies of any traffic counts performed or used in the analysis, including the source of count data.
 - 3. Documentation of any assumptions used in the analysis including trip generation data, if not already specified for the analysis.
 - 4. Turning movement volumes and documentation of methodology used to project existing, prior vested and project traffic.
 - 5. Any other applicable data or information.

15. Segment Analysis

- (a) If the peak hour traffic on an impacted segment is projected to exceed the maximum service volume of the adopted Level of Service standard for any phase of the project for which a Final Concurrency Determination is being sought, a transportation analysis must be performed to determine if the actual roadway segment operating characteristics are such that additional capacity is available.
 - 1. The Applicant will submit, in writing, the methodology and approach to be used for each segment analysis prior to conducting the analysis, and will be subject to review and approval by the County. This review will be based on currently accepted traffic engineering principles.
- (b) A segment capacity analysis may be performed to review signal spacing and timing, as well as signal coordination. Such segment capacity analysis shall be performed in accordance with accepted traffic engineering principles and techniques using such computer software programs as the Highway Capacity Software, ART_TAB, ART_PLAN, Transyt-7F, Passer II, or Traf_Netsim at the discretion of the County.

- (c) A travel study may be performed to determine the operating speed and corresponding Level of Service at which the roadway is operating. All data and analysis from each travel time study must be submitted as part of the report. The methodology for conducting a travel time study, including the number of sample runs, time periods, and length of the relevant roadway link, must be submitted in writing and receive approval by the County prior to conducting the study.

Table 1

St. Johns County P.M. Peak Hour Trip Rate and Percent New Trips Data

ITE Land Use Code	Land Use Description	Independent Variable	P.M. Peak Hour Trip End Estimation Method	Land Use Maximum Size Threshold By Unit			Percentage New Trips
				Small < 4.00 PHT Trips	Minor 4.00 to 29.99 PHT Trips	Major (LDTA) >= 30.00 PHT Trips	
022	General Aviation Airport	Average Flights Per Day	0.30	13	99	> 99	90%
110	General Light Industrial < 150,000 sf GFA	1,000 sf GFA	0.98	4,000	30,607	> 30,607	92%
110	General Light Industrial > or = 150,000 sf GFA	1,000 sf GFA	$T = 1.433(X) - 163.421$	N/A	N/A	> 0	92%
130	Industrial Park	1,000 sf GFA	$\ln(T) = 0.854 \cdot \ln(X) + 0.712$	N/A	23,306	> 23,306	92%
140	Manufacturing	1,000 sf GFA	$T = 0.776(X) - 12.885$	N/A	55,257	> 55,257	92%
150	Warehousing	1,000 sf GFA	$\ln(T) = 0.754 \cdot \ln(X) + 0.826$	N/A	30,421	> 30,421	92%
151	Mini-Warehousing	1,000 sf GFA	$\ln(T) = 1.015 \cdot \ln(X) - 1.487$	16,938	123,444	> 123,444	92%
210	Single Family Detached Housing	Dwelling Units	$\ln(T) = 0.901 \cdot \ln(X) + 0.527$	2	24	> 24	100%
220	Apartment	Dwelling Units	$T = 0.541(X) + 18.743$	N/A	20	> 20	100%
230	Residential Condominium/Townhouse	Dwelling Units	$\ln(T) = 0.827 \cdot \ln(X) + 0.309$	3	42	> 42	100%
240	Mobile Home Park	Occupied Dwelling	$\ln(T) = 0.897 \cdot \ln(X) - 0.044$	4	46	> 46	100%
252	Congregate Care Facility	Occupied Dwelling	0.17	23	178	> 178	74%
270	Residential Planned Unit Development (PUD)	Dwelling Units	$\ln(T) = 0.896 \cdot \ln(X) + 0.265$	3	33	> 33	100%
310	Hotel	Occupied Rooms	$\ln(T) = 1.150 \cdot \ln(X) - 1.255$	N/A	57	> 57	71%
311	All-Suites Hotel	Occupied Rooms	0.55	N/A	54	> 54	71%
320	Motel	Occupied Rooms	$T = 0.532(X) + 5.947$	N/A	45	> 45	59%
330	Resort Hotel	Occupied Rooms	$\ln(T) = 1.130 \cdot \ln(X) - 1.524$	N/A	78	> 78	75%
412	County Park	Acres	0.06	66	499	> 499	90%
416	Campground/Recreational Vehicle Park	Occupied Camp Sites	0.39	10	76	> 76	90%
417	Regional Park	Acres	0.20	19	149	> 149	90%
420	Marina	Berths	0.19	N/A	157	> 157	90%
430	Golf Course	Acres	$T = 0.128(X) + 31.301$	N/A	N/A	> 0	90%
432	Golf Driving Range	Driving Positions	1.25	3	23	> 23	75%
444	Movie Theatre with Matinee	Movie Screens	44.53	N/A	N/A	> 0	85%
492	Racquet Club	1,000 sf GFA	1.83	N/A	16,390	> 16,390	75%
494	Bowling Alley	1,000 sf GFA	3.54	N/A	8,473	> 8,473	75%
520	Elementary School	1,000 sf GFA	3.12	N/A	9,813	> 9,813	80%
530	High School	1,000 sf GFA	1.02	N/A	29,406	> 29,406	90%
540	Junior/Community College	1,000 sf GFA	1.77	N/A	16,946	> 16,946	90%
550	University/College	Students	$T = 0.193(X) + 125.350$	N/A	N/A	> 0	90%
560	Church (without school)	1,000 sf GFA	0.66	6,053	45,446	> 45,446	90%
565	Day Care Center	1,000 sf GFA	$\ln(T) = 0.664 \cdot \ln(X) + 3.028$	N/A	1,759	> 1,759	74%
590	Library	1,000 sf GFA	7.09	N/A	4,230	> 4,230	90%
610	Hospital	1,000 sf GFA	$\ln(T) = 0.842 \cdot \ln(X) + 0.908$	N/A	19,314	> 19,314	77%
620	Nursing Home	1,000 sf GFA	$\ln(T) = 0.929 \cdot \ln(X) - 0.688$	9,313	81,576	> 81,576	75%
630	Clinic	1,000 sf GFA	5.18	N/A	5,790	> 5,790	92%
710	General Office Building < 21,000 sf GFA	1,000 sf GFA	1.49	2,681	20,130	> N/A	92%
710	General Office Building > or = 21,000 sf GFA	1,000 sf GFA	$T = 1.121(X) + 79.295$	N/A	N/A	> 24,999	92%
720	Medical/Dental Office Building	1,000 sf GFA	$\ln(T) = 0.921 \cdot \ln(X) + 1.476$	N/A	8,086	> 8,086	77%
732	United States Post Office	1,000 sf GFA	10.79	N/A	2,779	> 2,779	25%
750	Office Park	1,000 sf GFA	$T = 1.213(X) + 108.215$	N/A	N/A	> 0	92%
760	Research and Development Centers	1,000 sf GFA	$\ln(T) = 0.832 \cdot \ln(X) + 1.060$	N/A	16,672	> 16,672	92%
770	Business Park	1,000 sf GFA	$\ln(T) = 0.915 \cdot \ln(X) + 0.782$	N/A	17,502	> 17,502	92%
813	Free-Standing Discount Superstore	1,000 sf GFA	3.82	N/A	7,852	> 7,852	61%
814	Specialty Retail Center	1,000 sf GLA	2.59	N/A	11,581	> 11,581	50%
815	Free-Standing Discount Store	1,000 sf GFA	$\ln(T) = 1.139 \cdot \ln(X) + 0.764$	N/A	10,127	> 10,127	83%
820	Shopping Center	1,000 sf GLA	$\ln(T) = 0.660 \cdot \ln(X) + 3.403$	N/A	N/A	> 0	Equation
823	Factory Outlet Center	1,000 sf GFA	$\ln(T) = 0.430 \cdot \ln(X) + 3.678$	N/A	N/A	> 0	Equation
831	Quality Restaurant	1,000 sf GFA	7.49	N/A	4,004	> 4,004	56%
832	High-Turnover (Sit-Down) Restaurant	1,000 sf GFA	10.86	N/A	2,761	> 2,761	57%
833	Fast-Food Restaurant without Drive-Through Window	1,000 sf GFA	26.15	N/A	1,147	> 1,147	57%
834	Fast-Food Restaurant with Drive-Through Window	1,000 sf GFA	33.48	N/A	N/A	> 0	50%
835	Fast-Food Restaurant with Drive-Through & No Indoor Seat	1,000 sf GFA	153.85	N/A	N/A	> 0	50%
836	Drinking Place	1,000 sf GFA	11.54	N/A	2,599	> 2,599	56%
837	Quick Lubrication Vehicle Shop	Servicing Positions	5.19	N/A	5	> 5	72%
843	Automobile Parts Sales	1,000 sf GFA	$T = 7.868(X) - 14.860$	2,397	5,702	> 5,702	72%
845	Gasoline/Service Station with Convenience Market	Vehicle Fueling Positions	13.38	N/A	2	> 2	23%
847	Self-Service Car Wash	Wash Stalls	5.79	N/A	5	> 5	67%
848	Tire Store	Service Bays	3.47	1	8	> 8	72%
849	Wholesale Tire Store	Service Bays	3.17	1	9	> 9	72%
850	Supermarket	1,000 sf GFA	$\ln(T) = 0.870 \cdot \ln(X) + 2.902$	N/A	1,774	> 1,774	64%
851	Convenience Market (Open 24 Hours)	1,000 sf GFA	53.73	N/A	N/A	> 0	39%
853	Convenience Market with Gasoline Pumps	Vehicle Fueling Positions	19.22	N/A	1	> 1	34%
861	Discount Club	1,000 sf GFA	3.80	N/A	7,893	> 7,893	83%
862	Home Improvement Superstore	1,000 sf GFA	2.87	N/A	10,451	> 10,451	52%
863	Electronics Superstore	1,000 sf GFA	4.50	N/A	6,665	> 6,665	60%
880	Pharmacy/Drugstore without Drive-Through Window	1,000 sf GFA	7.63	N/A	3,931	> 3,931	47%
881	Pharmacy/Drugstore with Drive-Through Window	1,000 sf GFA	10.40	N/A	2,884	> 2,884	51%
890	Furniture Store	1,000 sf GFA	0.45	8,877	68,654	> 68,654	47%
896	Video Rental Store	1,000 sf GFA	$\ln(T) = 0.929 \cdot \ln(X) + 2.609$	N/A	2,345	> 2,345	70%
911	Walk-In Bank	1,000 sf GFA	33.15	N/A	N/A	> 0	80%
912	Drive-In Bank	Drive-In Windows	63.33	N/A	N/A	> 0	53%
N/A	Auto Repair/Detailing Center (a)	1,000 sf GFA	2.75	1,452	10,907	> 10,907	83%
N/A	Veterinary Clinic (b)	1,000 sf GFA	5.54	N/A	5,414	> 5,414	70%

Sources:

Institute of Transportation Engineers, Trip Generation, Sixth Edition, 1997.
 Institute of Transportation Engineers, Trip Generation, Fifth Edition, 1991.
 Institute of Transportation Engineers, Trip Generation Handbook, 1998.
 Tindale, Oliver & Associates, Inc.

Notes:

- a Land Use 843 peak hour rate (5.98) divided by daily rate (61.91) produces a peak-to-daily ratio of 0.097. Auto Repair/Detailing Center daily rate (28.40) multiplied by 0.097 produces a 2.75 peak hour average rate.
- b Land Use 630 peak hour rate (1.31) divided by daily rate (7.75) produces a peak-to-daily ratio of 0.169. Veterinary Clinic daily rate (32.80) multiplied by 0.169 produces a 5.54 peak hour average rate.

APPENDIX B

CHARACTERISTICS OF, FINDINGS OF FACT, AND DECLARATION OF POLICY FOR SCENIC HIGHWAYS

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**CHARACTERISTICS OF, FINDINGS OF FACT, AND DECLARATION OF POLICY FOR
SCENIC HIGHWAYS**

A. William Bartram Scenic Highway

The Board of County Commissioners of St. Johns County, Florida hereby finds and determines that:

1. A portion of State Road 13 from Julington Creek to SR 207, near the St. Johns River in St. Johns County was designated a part of the William Bartram Scenic Highway by the 1980 Florida Legislature (Laws of Florida Chapter 80-427); the portion of road between Julington Creek and State Road 207 being hereinafter referred to as the William Bartram Scenic Highway or Highway. The preservation of the scenic and historic characteristics of this area affects the public economic welfare. Because much of this highway is a two-lane road, the uncontrolled proliferation of signs and similar structures presents an additional visual distraction to motorists and thus affects the public safety, as well as being a detraction from the scenic and historic character of the Highway and its intersecting roads. The preservation of the scenic and aesthetic characteristics of the William Bartram Scenic Highway and certain of its intersecting roads is justified on the basis of conserving the value of property and encouraging the most appropriate use of land. There are known historic and pre-historic resources along the Highway. Along with maintaining the scenic quality of the William Bartram Scenic Highway, it is important to maintain its cultural integrity and preserve its cultural resources. Any development which disturbs archaeological sites destroys their significance as cultural resources, shall be restricted and regulated. Regulation of outdoor advertising, signs and satellite dishes along the William Bartram Scenic Highway and certain of its intersecting roads is therefore the proper subject for adoption under a County Ordinance under the authority of Section I, Article VIII of the Florida Constitution, Florida Statute, Chapter 125, especially Section 125.01 and Florida Statute Section 479.155.
2. For the purposes of Sign placement, there is a need for those roads between Julington Creek and State Road 207 that intersect the William Bartram Scenic Highway for 2500 feet from its centerline in either direction follow the same guidelines in order to remain compatible with the scenic Highway, for aesthetic quality and to maintain the established integrity and stability of the Corridor as hereafter defined, for visual continuity at the intersections, and to promote the safety of persons and vehicles at these intersections.

B. International Golf Parkway (formally known as Nine-Mile Road)

The Board of County Commissioners of St. Johns County, Florida hereby finds and determines the following:

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1. International Golf Parkway (formally known as Nine-Mile Road) was named Nine-Mile Road because its early eastern terminus at Kings Road was nine miles from St. Augustine. Kings Road was built in 1775 and is located near the present US 1. Between US 1 and SR.16, the road passes through portions of Twelve Mile Swamp and crosses land granted to the Indian trading firm of Panton Leslie and Co. by the British Crown, sometime after 1763. In 1813, the same tract of 10,000 acres was passed to Antonio Huertas through a grant from the Spanish governor, Sebastian Kindelan. From the early 1800s the pine flatwoods bordering the road were used for turpentine production and cattle grazing. Recently, archaeologists found two spear points, along the road, indicating human presence in area, approximately 2000-5000 years ago. (Information and data supplied by the St. Johns County Commission in cooperation with the St. Augustine Historical Society, 1996)

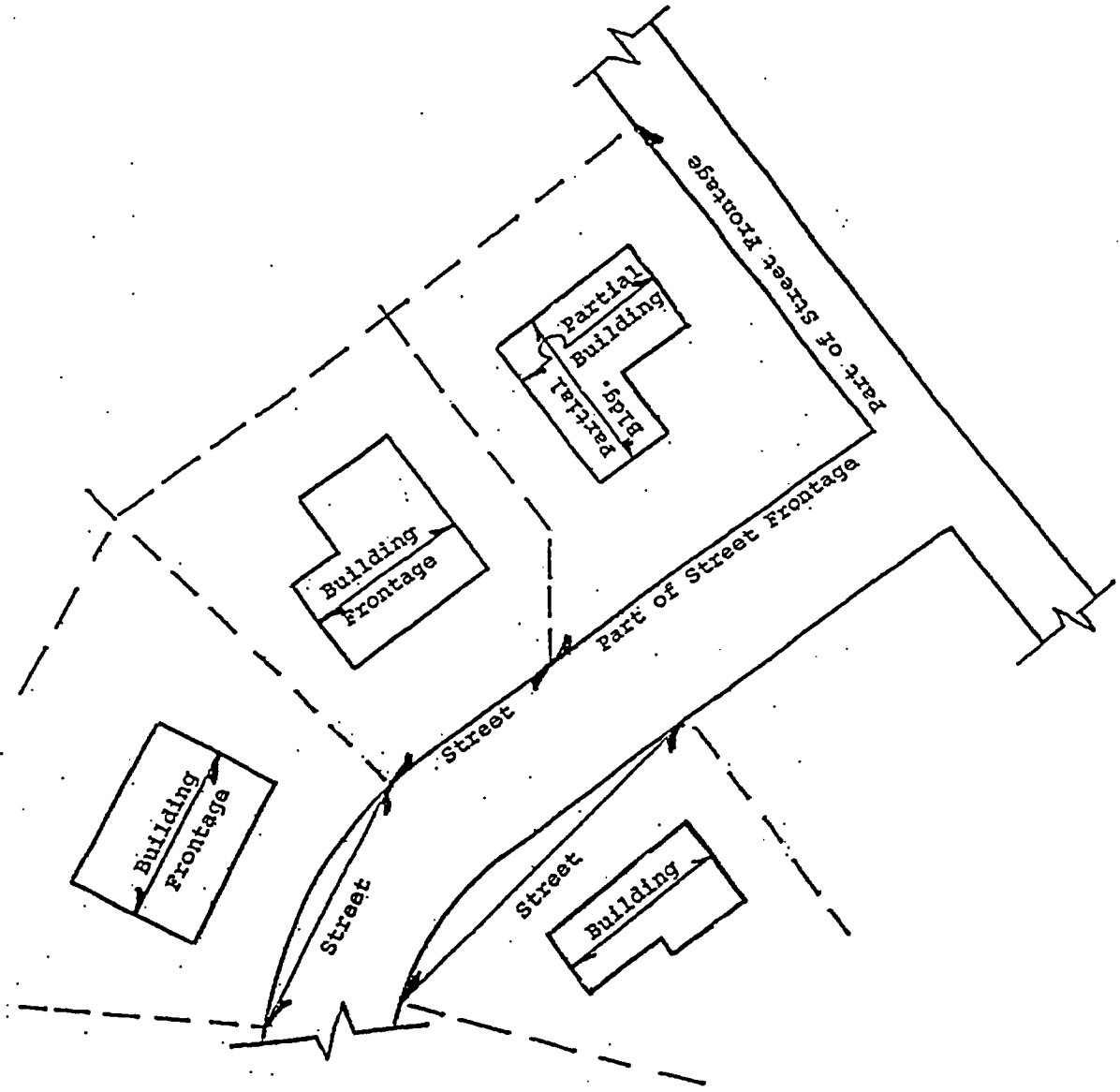
2. In 1994, the Board of County Commissioners declared that portion of International Golf Parkway (formally known as Nine-Mile Road) that passes through Twelve Mile Swamp as a St. Johns County Scenic Roadway, finding that the road encompasses a wide variety of scenic land and water vistas, that provide natural views to the motoring public. In 1998, the Board of County Commissioners further recognized International Golf Parkway (formally known as Nine-Mile Road) by the placement of two (2) plaques which state its historical significance.

APPENDIX C

FRONTAGE ILLUSTRATION

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FRONTAGE ILLUSTRATION



C-1

July 29, 1999

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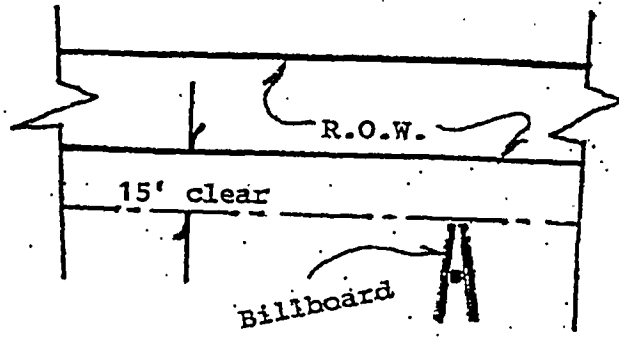
APPENDIX D

SETBACKS AND SPACING

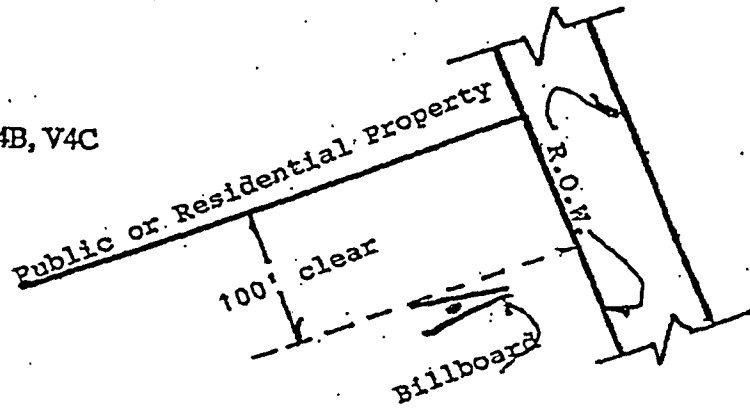
ORDINANCE BOOK 23 PAGE 578

SETBACKS & SPACING ILLUSTRATIONS

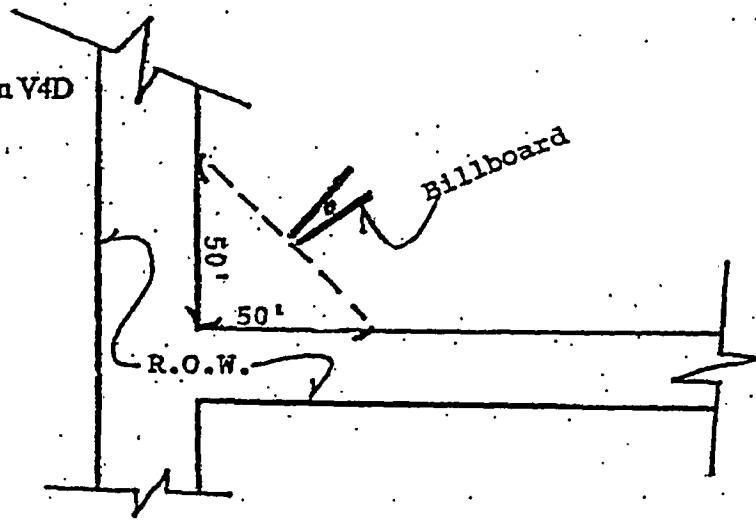
Section V4A



Section V4B, V4C



Section V4D



APPENDIX E

ROADWAY FUNCTIONAL CLASSIFICATIONS

ROADWAY FUNCTIONAL CLASSIFICATIONS

MAJOR COLLECTORS

A1A Beach Boulevard
CR 13
CR 13A
CR 13B (Fruit Cove Road)
CR 16A
CR 16A (Lewis Speedway)
CR 203 (Ponte Vedra Boulevard)
CR 204
CR 208
CR 210 (Corona Road)
CR 210 East (Palm Valley Road)
CR 210 West
CR 210A (Roscoe Blvd./Solana Rd.)
CR 214 (W. King Street)
CR 305
CR 5A (Old Moultrie Road)
Dobbs Road - Kings Estate Rd. to
 Dobb Rd. Cutoff
Dobbs Road Cutoff
Flagler Estates Boulevard
Four Mile Road/Volusia Street
Greenbriar Road
Holmes Boulevard
Inman Road
International Golf Parkway
Kenton Morrison Road
Leo Maguire Road
Masters Drive/Palmer Street
Mickler Road
Race Track Road
Roberts Road
Vail Point Road
Wildwood Drive
Woodlawn Road

MINOR COLLECTORS

11th Street
16th Street
A Street
Agricultural Center Drive
Allen Nease Road/Vermont Blvd.
Bishop Estates Road
Canal Boulevard
Cowpen Branch Road
Cracker Swamp Road
Davis Pond Boulevard
Deltona Boulevard
Dobbs Road
Durbin Creek Boulevard
Faver Dykes Road
Federal Point Road
Flora Branch Boulevard
Francis Road
George Miller Road
Hastings Boulevard
Hastings Road
Joe Ashton Road
Kings Estate Road/Hilltop Road
Landrum Lane
Lewis Point Road
Lightsey Road
Mizell Road
Old Dixie Hwy. - US 1 to CR 5A
Old Dixie Hwy. - Ray Rd. to CR 210
Pope Road
Reid Packing House Road
Rolling Hills Drive
Russell Sampson Road
St. Ambrose Road
Shore Drive
Shores Boulevard
Southpark Boulevard
Varella Avenue
Watson Road

APPENDIX F

EXAMPLES OF CLASSIFICATION POINTS AND SWAPDOWN

EXAMPLES OF CLASSIFICATION POINTS AND SWAPDOWN

EXAMPLE 1.

Pursuant to Section 7.01.05.E of this Code, Raw Classification Points on a proposed, new compliant 30 foot tall monopole, with a single face of 378 square feet in Commercial Intensive (CI) zoning, in a well built-out Urban Area with lighting from the top, and located away from a building would be as follows:

Monopole	6 Raw Points
Height - 30 feet	3 Raw Points
Size - 200-400 square feet	2 Raw Points
Top Lights	2 Raw Points
Located within an Urban Area	<u>3 Raw Points</u>
Total	16 Raw Points
	<u>x 1</u> based on single face
Total Raw Classification Points	16

The total Raw Classification Points would be 16 on this new Billboard, pursuant to 7.01.05.F. 1, since it is fully compliant.

EXAMPLE 2.

Pursuant to Section 7.01.05.E of this Code, Raw Classification Points on an existing 45 foot high monopole, with two (2) faces of 560 square feet, hanging above a building in Commercial General (CG) zoning, on a busy developed road, with from below, would be as follows: (This example incorporates the adjustment factor non-compliance with zoning, as provided in Section 7.01.05.F.2.(c).)

Monopole	6 Raw Points
Height over 35 feet	5 Raw Points
Size over 400 square feet	3 Raw Points
Bottom Lights	3 Raw Points
Hanging above a building	4 Raw Points
Located within an Urban Area	<u>3 Raw Points</u>
Total	24 Raw Points
	<u>x 2</u> based on Double Face
	48
Zoning Adjustment factor	<u>x0.62</u>
Total Raw Classification Points	29.76

The total Raw Classification Points available for Swapdown use would be 29.76 on this existing Billboard.

EXAMPLE 3.

Pursuant to Section 7.01.05.E of this Code, Raw Classification Points on a small, old, wooden pole Billboard, with one (1) face measuring 12 feet x 24 feet, on an isolated part of US 1 North in Open Rural (OR) zoning, 23 feet in height with no lights, would be as follows: (This example incorporates the adjustment factor non-compliance with zoning, as provided in Section 7.01.05.F.2.(c).)

Wooden Poles	1	Raw Point
Height - 20 feet to 25 feet	2	Raw Points
Size - 200-400 square feet	2	Raw Points
No Lights	0	Raw Points
Located within a Rural Area	<u>1</u>	<u>Raw Points</u>
Total	6	Raw Points
	<u>x 1</u>	based on Single Face
	6	
Zoning Adjustment factor	<u>x0.62</u>	
Total Raw Classification Points	3.72	

The total Raw Classification Points available for Swapdown use would be 3.72 on this existing Billboard.

Findings.

1. To permit a new Single Face Billboard in Example 1 above needing 16 Classification Points, a Billboard Owner could elect to:
 - (a) Use 16 Classification Points from removal of a large, old, monopole, as used in Example 2 above and add 13.76 Points to a credit bank, or
 - (b) Use five (5) old wooden Billboards, as used in Example 3 above and add 2.6 Points to a credit bank, or
2. If Example 1 had been a Double Face new monopole similar to the Single Face Billboard, it would require 32 Classification Points. (2x16=32)
 - (a) If three (3) wooden Billboards were used on Swapdown, nine would be removed with 1.48 points added to a credit bank.

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 **Linda Y. Murray**
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 PUBLIC
HEARING DISPLAY ADVERTISEMENT

in the matter of LAND USE

in the Court, was published in said newspaper in the issues of

JULY 3, 1999

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, for a period of one year 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 JULY , 1999,

by *Linda Y. Murray* who is personally known to me
or who has produced PERSONALLY KNOWN as identification.

Zoe Ann Moss
(Signature of Notary Public)



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

Zoe Ann Moss

ORDINANCE BOOK 23 PAGE 585

He insisted that his research was done in libraries, not amid gangsters.

"Where would I have time to be in the Mafia?" he asked. "I starved before the success of 'The Godfather.' If I was in the Mafia I would have made enough money so I wouldn't have to write."

And anyway, he asked, "Just because a guy's a murderer, he can't have endearing traits?"

Puzo spent the last three years working on "Omerta," a book about a mob family on the brink of legitimacy. "Omerta" is the mob code of silence.

"It's vintage Puzo," said his editor, Jonathan Karp. "He was a virtuoso storyteller right up to the end."

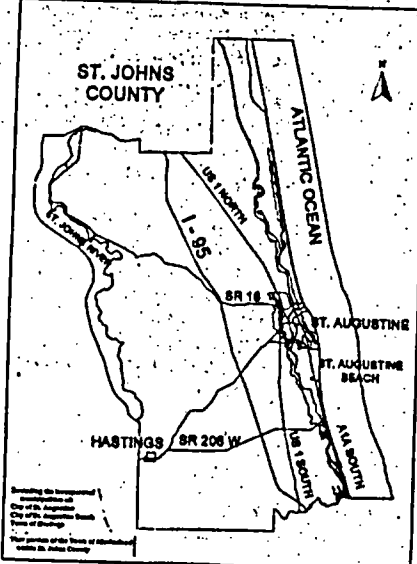
When not writing, Puzo lived what he liked to call the "bourgeois life," splitting time between his homes in Los Angeles and Long Island. He loved tennis, sports and gambling; Puzo loved to visit Las Vegas.

Puzo is survived by his children, Anthony, Dorothy, Eugene, Virginia and Joseph; a sister, Evelyn Murphy, a brother, Anthony Cleri; his companion of 20 years, Carol Gino; and nine grandchildren.

His wife, Erika, died in 1978. A private family service is planned for Monday, Olson said.

NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OF ORDINANCE/REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at a regular meeting on Tuesday, July 13, 1999 at 5:30 p.m. and Monday, July 26, 1999 at 9:00 a.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 adoption of the following proposed ordinance:



AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ADOPTING BY REFERENCE A ST. JOHNS COUNTY LAND DEVELOPMENT CODE GENERALLY AND SPECIFICALLY REGULATING THE DEVELOPMENT OF LAND AND WATERS IN ST. JOHNS COUNTY, IN TWELVE ARTICLES: ARTICLE I - GENERAL PROVISIONS (INCLUDING GEOGRAPHIC JURISDICTION, PROHIBITIONS, EXCEPTIONS, AND OTHER GENERAL PROVISIONS); ARTICLE II - ZONING DISTRICTS AND SPECIAL USES (INCLUDING ZONING DISTRICT REGULATIONS, USES ALLOWED WITHIN ZONING DISTRICTS,

PROVISIONS FOR SPECIAL COMMERCIAL, PROFESSIONAL, STRUCTURAL, EDUCATIONAL, RELIGIOUS, RESIDENTIAL, AND OTHER USES, PROVISIONS FOR PROHIBITED USES INCLUDING CERTAIN GAMBLING AND GAMING, COMMERCIAL, RESIDENTIAL, VEHICULAR AND OTHER USES); ARTICLE III - SPECIAL DISTRICTS (INCLUDING HISTORIC PRESERVATION, WELLHEAD PROTECTION, FLOOD DAMAGE CONTROL, AIRPORT OVERLAY DISTRICT, PONTE VEDRA ZONING DISTRICT, PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT, SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT, AND OTHER PROVISIONS RELATING TO SPECIAL DISTRICTS); ARTICLE IV - NATURAL RESOURCES (INCLUDING PROVISIONS REGULATING SOIL AND WATER, TREES AND VEGETATION, ENVIRONMENTALLY SENSITIVE AREAS AND WATERS, CERTAIN ANIMAL SPECIES AND WILDLIFE, LIGHTING MANAGEMENT FOR THE PROTECTION OF MARINE TURTLES, COASTAL CONSERVATION, NATURAL PRESERVES, ONSITE AND OFFSITE CONSERVATION, PROCEDURES, AND OTHER PROVISIONS RELATING TO NATURAL RESOURCES); ARTICLE V - DEVELOPMENT OPTIONS (INCLUDING PROVISIONS FOR CONSERVATION, COMPLIANCE, SUBDIVISION, SITE PLANS, PLANNED UNIT DEVELOPMENT, PLANNED RURAL DEVELOPMENT, DEVELOPMENT AGREEMENTS, COMMUNITY DEVELOPMENT DISTRICTS, VARIOUS DEVELOPMENT BONUSES, AND OTHER PROVISIONS RELATING TO DEVELOPMENT OPTIONS); ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS (INCLUDING PROVISIONS FOR BUILDING LOT, SUBDIVISION DESIGN STANDARDS AND GUIDELINES, SITE PLAN DESIGN, ROADWAY, DRAINAGE AND UTILITY STANDARDS, PARKING AND LOADING, LANDSCAPING AND BUFFERING, HEIGHT REGULATION, SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES, INCLUDING CERTAIN

HESTER'S FLOOR COVERING

Shaw CARPET & FLOOR CENTER



St. Johns County's Leading Flooring Covering Company
 • CARPET • VINYL • TILE
 • WOOD • LAMINATE
 The Finest in Floor Coverings
 • Trustmark • Philadelphia • Sutton
 • Home Foundations • Custom Weave
 • Salem • Pergo • Armstrong
 • Mannington • Demco

COMMERCIAL, PROFESSIONAL, RESIDENTIAL, RECREATIONAL, EDUCATIONAL, STRUCTURES, FACILITIES AND USES, AND OTHER PROVISIONS RELATING TO SPECIFIED USES); ARTICLE VII - SIGNS (INCLUDING PROVISIONS RELATING TO BILLBOARDS, ON-PREMISE SIGNS, AND OTHER SIGN REGULATIONS); ARTICLE VIII - AGENCIES AND BOARDS (INCLUDING PROVISIONS RELATING TO THE PLANNING AND ZONING AGENCY, FLOOD DAMAGE CONTROL ADMINISTRATOR, AND OTHER PROVISIONS); ARTICLE IX - ADMINISTRATION (INCLUDING PROVISIONS RELATING TO DEVELOPMENT APPLICATIONS, PERMITS, SUBDIVISION AND HORIZONTAL CONSTRUCTION PLANS, SPECIAL USES, VARIANCES AND TEMPORARY USE PERMITS, REZONING AND COMPREHENSIVE PLAN AMENDMENTS, LAND USE POLICY DECISIONS, HEARINGS, APPEALS AND OTHER ADMINISTRATIVE PROVISIONS); ARTICLE X - INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT (INCLUDING PROVISIONS RELATING TO INTERPRETATIONS, VESTED RIGHTS, NONCONFORMING LOTS, USES, AND STRUCTURES, VARIANCES, ENFORCEMENT, PENALTIES, AND OTHER PROVISIONS); ARTICLE XI - CONCURRENCY MANAGEMENT (INCLUDING PROVISIONS RELATING TO APPLICATIONS REVIEW, DETERMINATIONS, DATA REQUIREMENTS, MEASUREMENT OF LEVEL OF SERVICE STANDARDS, APPEALS, DEVELOPMENT AGREEMENTS, EXEMPTIONS, AND OTHER PROVISIONS RELATING TO CONCURRENCY MANAGEMENT); AND ARTICLE XII - DEFINITIONS, WHICH ARTICLES TOGETHER CONTAIN VARIOUS TITLED PARTS AND SECTIONS GENERALLY PROVIDING FOR PURPOSE, INTENT, APPLICATIONS, PERMITTING, REVIEW, CRITERIA, PROHIBITIONS, EXEMPTIONS, SPECIAL TREATMENT DESIGNATION, ADMINISTRATION, ENFORCEMENT, PENALTIES AND OTHER PARTICULARS RELATED TO EACH ARTICLE. THIS ORDINANCE ALSO PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, AND REPEAL OF CONFLICTING ORDINANCES, AND PROVISIONS; AND PROVIDING FOR 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. 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 the hearings, such person 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 the 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 date of the hearing.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk**

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 **Linda Y. Murray**
who on oath says that she is an 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 ADVERTISEMENT

in the matter of **NOTICE OF PUBLIC HEARING**

**ESTABLISHMENT OF ORDINANCE/REGULATIONS AFFECTING
THE USE OF LAND**

in the Court, was published in said newspaper in the issues of
Friday, July 16, 1999

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, for a period of one year 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 **16TH** day of **JULY** 1999,

by *Linda Y. Murray* who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Zoe Ann Moss
(Signature of Notary Public)



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

Zoe Ann Moss

calculator before approving the sale — \$4,000 for a mini AK-47 rifle.

His customer, an Israeli Arab elegantly dressed in slacks and a silky shirt, had picked the weapon from a large stash of semiautomatic weapons and pistols carefully stacked in cardboard boxes and covered with green wool blankets.

Satisfied after lowering the price by \$150 in 20 minutes of bargaining, the customer placed the gun in a black duffle bag and walked away.

The arms dealer, a 30-year-old Palestinian police officer who had exchanged his uniform for jeans and tennis shoes to do business, allowed a reporter to witness the sale on condition that neither he nor his customer be identified.

The dealer said he was proud of his selection. "We have everything," he said, a cellular phone strapped to his belt so he is always reachable. A 14 mm Belgian-made pistol was the current favorite, he said, a smile lighting his eyes.

Those looking for black market weapons know the Balata refugee camp is one place to find them, along with several other such camps in the West Bank.

In Balata, a Palestinian-controlled shantytown of 20,000 residents near the town of Nablus, deals are made in broad daylight. Young men walk along the narrow, sewage-strewn alleys with guns strapped to their belts. The sound of bullets being test-fired is as common as the honking of cars.

Balata is a stronghold of Palestinian leader Yasser Arafat's Fatah faction. Most of the dealers either belong to Fatah or serve in the security forces.

They feel they are untouchable.

"Palestinian policemen won't dare come in and collect the weapons," said Jasser Assi, a long-time Fatah activist in Balata. "They know there will be a fight."

Assi, his right arm bandaged after his black market AK-47 discharged accidentally, said just about every family in the camp own one or two weapons, all unregistered.

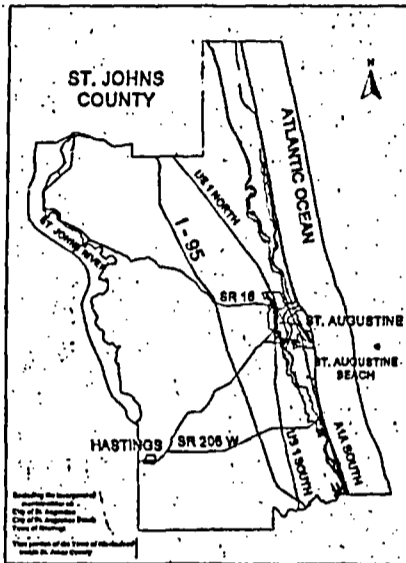
Weapons are smuggled from Lebanon and Jordan by Israeli dealers or stolen from ammunitions depots of the Palestinian security services, with Palestinian officials often serving as conduits between the importers and the smaller distributors, the Balata dealer said, adding that his superiors know about his after-hours activities.

Assi said the dealers in Balata carefully check potential buyers.

Minors, those involved in family feuds and supporters of groups

NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OF ORDINANCE/REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at a regular meeting on Tuesday, July 13, 1999 at 5:30 p.m. and Monday, July 26, 1999 at 9:00 a.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 adoption of the following proposed ordinance:



AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ADOPTING BY REFERENCE A ST. JOHNS COUNTY LAND DEVELOPMENT CODE GENERALLY AND SPECIFICALLY REGULATING THE DEVELOPMENT OF LAND AND WATERS IN ST. JOHNS COUNTY, IN TWELVE ARTICLES: ARTICLE I - GENERAL PROVISIONS (INCLUDING GEOGRAPHIC JURISDICTION, PROHIBITIONS, EXCEPTIONS, AND OTHER GENERAL PROVISIONS); ARTICLE II - ZONING DISTRICTS AND SPECIAL USES (INCLUDING ZONING DISTRICT REGULATIONS, USES ALLOWED WITHIN ZONING DISTRICTS,

PROVISIONS FOR SPECIAL COMMERCIAL, PROFESSIONAL, STRUCTURAL, EDUCATIONAL, RELIGIOUS, RESIDENTIAL, AND OTHER USES, PROVISIONS FOR PROHIBITED USES INCLUDING CERTAIN GAMBLING AND GAMING, COMMERCIAL, RESIDENTIAL, VEHICULAR AND OTHER USES); ARTICLE III - SPECIAL DISTRICTS (INCLUDING HISTORIC PRESERVATION, WELLHEAD PROTECTION, FLOOD DAMAGE CONTROL, AIRPORT OVERLAY DISTRICT, PONTE VEDRA ZONING DISTRICT, PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT, SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT, AND OTHER PROVISIONS RELATING TO SPECIAL DISTRICTS); ARTICLE IV - NATURAL RESOURCES (INCLUDING PROVISIONS REGULATING SOIL AND WATER, TREES AND VEGETATION, ENVIRONMENTALLY SENSITIVE AREAS AND WATERS, CERTAIN ANIMAL SPECIES AND WILDLIFE, LIGHTING MANAGEMENT FOR THE PROTECTION OF MARINE TURTLES, COASTAL CONSERVATION, NATURAL PRESERVES, ONSITE AND OFFSITE CONSERVATION, PROCEDURES, AND OTHER PROVISIONS RELATING TO NATURAL RESOURCES); ARTICLE V - DEVELOPMENT OPTIONS (INCLUDING PROVISIONS FOR CONSERVATION, COMPLIANCE, SUBDIVISION, SITE PLANS, PLANNED UNIT DEVELOPMENT, PLANNED RURAL DEVELOPMENT, DEVELOPMENT AGREEMENTS, COMMUNITY DEVELOPMENT DISTRICTS, VARIOUS DEVELOPMENT BONUSES, AND OTHER PROVISIONS RELATING TO DEVELOPMENT OPTIONS); ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS (INCLUDING PROVISIONS FOR BUILDING LOT, SUBDIVISION DESIGN STANDARDS AND GUIDELINES, SITE PLAN DESIGN, ROADWAY, DRAINAGE AND UTILITY STANDARDS, PARKING AND LOADING, LANDSCAPING AND BUFFERING, HEIGHT REGULATION, SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES INCLUDING CERTAIN COMMERCIAL, PROFESSIONAL, RESIDENTIAL, RECREATIONAL, EDUCATIONAL STRUCTURES, FACILITIES AND USES, AND OTHER PROVISIONS RELATING TO SPECIFIED USES); ARTICLE VII - SIGNS (INCLUDING PROVISIONS RELATING TO BILLBOARDS, ON-PREMISE SIGNS, AND OTHER SIGN REGULATIONS); ARTICLE VIII - AGENCIES AND BOARDS (INCLUDING PROVISIONS RELATING TO THE PLANNING AND ZONING AGENCY, FLOOD DAMAGE CONTROL ADMINISTRATOR, AND OTHER PROVISIONS); ARTICLE IX - ADMINISTRATION (INCLUDING PROVISIONS RELATING TO DEVELOPMENT APPLICATIONS, PERMITS, SUBDIVISION AND HORIZONTAL CONSTRUCTION PLANS; SPECIAL

USES, VARIANCES, AND TEMPORARY USE PERMITS, REZONING AND COMPREHENSIVE PLAN AMENDMENTS, LAND USE POLICY DECISIONS, HEARINGS, APPEALS, AND OTHER ADMINISTRATIVE PROVISIONS, ARTICLE IX, INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT (INCLUDING PROVISIONS RELATING TO INTERPRETATIONS, VESTED RIGHTS, NONCONFORMING LOTS, USES, AND STRUCTURES, VARIANCES, ENFORCEMENT PENALTIES, AND OTHER PROVISIONS), ARTICLE XI, CONCURRENCY MANAGEMENT (INCLUDING PROVISIONS RELATING TO APPLICATIONS, REVIEW DETERMINATIONS, DATA REQUIREMENTS, MEASUREMENT OF LEVEL OF SERVICE, STANDARDS, APPEALS, DEVELOPMENT AGREEMENTS, EXEMPTIONS, AND OTHER PROVISIONS RELATING TO CONCURRENCY MANAGEMENT), AND ARTICLE XII, DEFINITIONS, WHICH ARTICLES TOGETHER CONTAIN VARIOUS TITLED PARTS AND SECTIONS GENERALLY PROVIDING FOR PURPOSE, INTENT, APPLICATIONS, PERMITTING, REVIEW, CRITERIA, PROHIBITIONS, EXEMPTIONS, SPECIAL TREATMENT, DESIGNATION, ADMINISTRATION, ENFORCEMENT, PENALTIES AND OTHER PARTICULARS RELATED TO EACH ARTICLE OF THIS ORDINANCE, ALSO PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, AND REPEAL OF CONFLICTING ORDINANCES, AND PROVISIONS AND PROVIDING FOR 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. 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 the hearings, such person 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 the 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 date of the hearing.

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

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 **Linda Y. Murray**
who on oath says that she is an 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 ADVERTISEMENT

in the matter of **NOTICE OF PUBLIC HEARING**

**ESTABLISHMETN OF ORDINANCE/REGULATIONS
AFFECTING THE USE OF LAND**

in the Court, was published in said newspaper in the issues of

JULY 23, 1999

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, for a period of one year 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 **23RD** day of **JULY** 1999,

by *Linda Y. Murray* who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Zoe Ann Moss
(Signature of Notary Public)



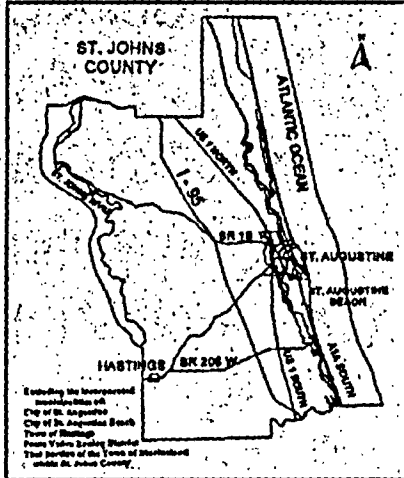
Zoe Ann Moss
MY COMMISSION # 00641814 EXPIRES
August 22, 2000 (Seal)
BONDED THRU TROY FAIR INSURANCE, INC.

Zoe Ann Moss

NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OF ORDINANCE/REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Thursday, July 29, 1999, at 9:00 a.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 to consider adoption of the proposed ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ADOPTING BY REFERENCE A ST. JOHNS COUNTY LAND DEVELOPMENT CODE GENERALLY AND SPECIFICALLY REGULATING THE DEVELOPMENT OF LAND AND WATERS IN ST. JOHNS COUNTY, IN TWELVE ARTICLES: ARTICLE I - GENERAL PROVISIONS (INCLUDING GEOGRAPHIC JURISDICTION, PROHIBITIONS, EXCEPTIONS, AND OTHER GENERAL PROVISIONS); ARTICLE II - ZONING DISTRICTS AND SPECIAL USES (INCLUDING ZONING DISTRICT REGULATIONS, USES ALLOWED WITHIN ZONING DISTRICTS, PROVISIONS FOR SPECIAL COMMERCIAL, PROFESSIONAL, STRUCTURAL, EDUCATIONAL, RELIGIOUS RESIDENTIAL, AND OTHER USES, PROVISIONS FOR PROHIBITED USES INCLUDING CERTAIN GAMBLING AND GAMING, COMMERCIAL, RESIDENTIAL, VEHICULAR AND OTHER USES); ARTICLE III - SPECIAL DISTRICTS (INCLUDING HISTORIC PRESERVATION, WELLHEAD PROTECTION, FLOOD DAMAGE CONTROL, AIRPORT OVERLAY DISTRICT, PONTE VEDRA ZONING DISTRICT, PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT, SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT, AND OTHER PROVISIONS RELATING TO SPECIAL DISTRICTS); ARTICLE IV - NATURAL RESOURCES (INCLUDING PROVISIONS REGULATING SOIL AND WATER, TREES AND VEGETATION, ENVIRONMENTALLY SENSITIVE AREAS AND WATERS, CERTAIN ANIMAL SPECIES AND WILDLIFE, LIGHTING MANAGEMENT FOR THE PROTECTION OF MARINE TURTLES, COASTAL CONSERVATION, NATURAL PRESERVES, ONSITE AND OFFSITE CONSERVATION, PROCEDURES, AND OTHER PROVISIONS RELATING TO NATURAL RESOURCES); ARTICLE V - DEVELOPMENT OPTIONS (INCLUDING PROVISIONS FOR CONSERVATION, COMPLIANCE, SUBDIVISION, SITE PLANS, PLANNED UNIT DEVELOPMENT, PLANNED RURAL DEVELOPMENT, DEVELOPMENT AGREEMENTS, COMMUNITY DEVELOPMENT DISTRICTS, VARIOUS DEVELOPMENT BONUSES, AND OTHER PROVISIONS RELATING TO DEVELOPMENT OPTIONS); ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS (INCLUDING PROVISIONS FOR BUILDING LOT, SUBDIVISION DESIGN STANDARDS AND GUIDELINES, SITE PLAN DESIGN, ROADWAY, DRAINAGE AND UTILITY STANDARDS, PARKING AND LOADING, LANDSCAPING AND BUFFERING, HEIGHT REGULATION, SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES INCLUDING CERTAIN COMMERCIAL, PROFESSIONAL, RESIDENTIAL, RECREATIONAL, EDUCATIONAL STRUCTURES, FACILITIES AND USES, AND OTHER PROVISIONS RELATING TO SPECIFIED USES); ARTICLE VII - SIGNS (INCLUDING PROVISIONS RELATING TO BILLBOARDS, ON-PREMISE SIGNS, AND OTHER SIGN REGULATIONS); ARTICLE VIII - AGENCIES AND BOARDS (INCLUDING PROVISIONS RELATING TO THE PLANNING AND ZONING AGENCY, FLOOD DAMAGE CONTROL ADMINISTRATOR, AND OTHER PROVISIONS); ARTICLE IX - ADMINISTRATION (INCLUDING PROVISIONS RELATING TO DEVELOPMENT APPLICATIONS, PERMITS, SUBDIVISION AND HORIZONTAL CONSTRUCTION PLANS; SPECIAL USES, VARIANCES AND TEMPORARY USE PERMITS, REZONING AND COMPREHENSIVE PLAN AMENDMENTS, LAND USE POLICY DECISIONS, HEARINGS, APPEALS AND OTHER ADMINISTRATIVE PROVISIONS); ARTICLE X - INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT PROVISIONS INCLUDING PROVISIONS RELATING TO INTERPRETATIONS, VESTED RIGHTS, NON CONFORMING LOTS, USES, AND STRUCTURES, VARIANCES, ENFORCEMENT, PENALTIES, AND OTHER PROVISIONS; ARTICLE XI - CONCURRENCY MANAGEMENT (INCLUDING PROVISIONS RELATING TO APPLICATIONS, REVIEW, DETERMINATIONS, DATA REQUIREMENTS, MEASUREMENT OF LEVEL OF SERVICE STANDARDS, APPEALS, DEVELOPMENT AGREEMENTS, EXEMPTIONS, AND OTHER PROVISIONS RELATING TO CONCURRENCY MANAGEMENT); AND ARTICLE XII - DEFINITIONS; WHICH ARTICLES TOGETHER CONTAIN VARIOUS TITLED PARTS AND SECTIONS GENERALLY PROVIDING FOR PURPOSE, INTENT, APPLICATIONS, PERMITTING, REVIEW, CRITERIA, PROHIBITIONS, EXEMPTIONS, SPECIAL TREATMENT DESIGNATION, ADMINISTRATION, ENFORCEMENT, PENALTIES AND OTHER PARTICULARS RELATED TO EACH ARTICLE. THIS ORDINANCE ALSO PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, AND REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS; AND PROVIDING FOR 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 hearing. Please take note that the ordinance is subject to revision prior to the hearing or adoption of the ordinance. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.

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

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

August 5, 1999

Honorable Cheryl Strickland
Clerk to Board of Commissioners
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande, Deputy Clerk
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated August 3, 1999 and certified copies of St. Johns County Ordinance No. 99-51, which was filed in this office on August 5, 1999.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud" with a small flourish at the end.

Liz Cloud, Chief
Bureau of Administrative Code

LC/lc

ORDINANCE BOOK 23 PAGE 593

BUREAU OF ADMINISTRATIVE CODE
The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us