

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, RELATING TO SIGNS AND AMENDING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED; REPLACING THE ENTIRETY OF ARTICLE VII, SIGNS, IN COMPLIANCE WITH CURRENT LAW REGARDING CONTENT NEUTRALITY AND ORGANIZING THE ARTICLE INTO TEN (10) PARTS; AMENDING ARTICLE XII, DEFINITIONS, IN REGARDS TO SIGNS IN COMPLIANCE WITH CURRENT LAW REGARDING CONTENT NEUTRALITY; PROVIDING FOR LEGISLATIVE FINDINGS OF FACT; PROVIDING FOR CONTENT NEUTRALITY; PROVIDING FOR THE PURPOSE, GENERAL ADMINISTRATION, MEASUREMENT, AND INTERPRETATION OF THE REGULATION OF SIGNS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR PROCEDURES, STANDARDS, REVIEW, AND APPEAL FOR SIGN PERMITS; PROVIDING FOR THE REGULATION AND CONTROL OF THE LOCATION, TYPE, GENERAL REQUIREMENTS, AND STANDARDS OF BILLBOARDS; PROVIDING FOR CONTROL OF NEW BILLBOARD FACES THROUGH SWAPDOWN PROCEDURES; PROVIDING FOR TEMPORARY AND PERMANENT ON-PREMISE SIGNS IN ZONING DISTRICTS; PROVIDING NUMBER, SIZE, AND GENERAL STANDARDS AND REQUIREMENTS FOR TEMPORARY SIGNS IN RESIDENTIAL AND NON-RESIDENTIAL DISTRICTS; PROVIDING FOR THE NUMBER, SIZE, AND GENERAL STANDARDS OF PERMANENT ON-PREMISE SIGNS IN RESIDENTIAL AND NON-RESIDENTIAL DISTRICTS; PROVIDING FOR ADDITIONAL PERMANENT AND INTERSTATE SIGNAGE; PROVIDING FOR SIGNS FOR SPECIAL EVENTS; PROVIDING FOR REGULATIONS OF SIGNAGE AT SUBDIVISION ENTRANCES; PROVIDING FOR REGULATION OF SIGNS AND ANTENNAS ON DESIGNATED SCENIC HIGHWAYS; PROVIDING FOR THE PROHIBITION OF SIGN TYPES; PROVIDING FOR THE REGULATION OF LEGALLY EXISTING SIGNS MADE NONCONFORMING BY THIS CODE; PROVIDING FOR REGULATIONS OF A SIGN OVERLAY ALONG RACE TRACK ROAD; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION AND CODIFICATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, St. Johns County finds and determines that local land development regulations require evaluation and revision to address public health, safety, and welfare issues that may occur during implementation; and

WHEREAS, St. Johns County finds and determines that it is appropriate to update and revise its Land Development Code relative to signs;

WHEREAS, St. Johns County finds and determines that it is appropriate to delete sections, subsections, paragraphs, subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of the existing ordinance which are obsolete or superfluous, and/or which have not been enforced, and/or which are not enforceable, and/or which would be severable by a court of competent jurisdiction;

WHEREAS, St. Johns County finds and determines that it is appropriate to ensure that the Land Development Code as it relates to signs are in compliance with all constitutional and other legal requirements;

WHEREAS, St. Johns County finds and determines that the purpose, intent, and scope of its signage standards and regulations should be detailed so as to further describe the beneficial aesthetic and other effects of the County's sign standards and regulations, and to reaffirm that the sign standards and regulations are concerned with the secondary effects of speech and are not designed to censor speech or regulate the viewpoint of the speaker;

WHEREAS, St. Johns County finds and determines that the limitations on the size (area), height, number, spacing, and setback of signs, adopted herein, are based upon sign types;

WHEREAS, St. Johns County finds and determines that limitations on signs are related to the zoning districts for the parcels and properties on which they are located;

WHEREAS, St. Johns County finds and determines that various signs that serve as signage for particular land uses, such as drive-through lanes for businesses, are based upon content-neutral criteria in recognition of the functions served by those land uses, but not based upon any intent to favor any particular viewpoint or control the subject matter of public discourse;

WHEREAS, St. Johns County finds and determines that the sign standards and regulations adopted hereby still allow adequate alternative means of communications;

WHEREAS, St. Johns County finds and determines that the sign standards and regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising and communications, internet advertising and communications, advertising and communications in shoppers and pamphlets, advertising and communications in telephone books, advertising and communications on cable and satellite television, advertising and communications on UHF and/or VHF television, advertising and communications on AM and/or FM radio, advertising and communications on satellite and internet radio, advertising and communications via direct mail, and other avenues of communication available in St. Johns County [see *State v. J & J Painting*, 400 A.2d 1204, 1205 (N.J. Super. Ct. App. Div. 1979); *Bd. of Trustees of State Univ. of N.Y. v. Fox*, 492 U.S. 469, 477 (1989); *Green v. City of Raleigh*, 523 F.3d 293, 305-06 (4th Cir. 2007); *Naser Jewelers v. City of Concord, N.H.*, 513 F.3d 27 (1st Cir. 2008); *Sullivan v. City of Augusta*, 511 F.3d 16, 43-44 (1st Cir. 2007); *La Tour v. City of Fayetteville, Ark.*, 442 F.3d 1094, 1097 (8th Cir. 2006); *Reed v. Town of Gilbert, Ariz.*, 587 F.3d 966, 980-81 (9th Cir. 2009), *aff'd in part & remanded in part on other grounds*, 832 F. Supp. 2d 1070, *aff'd*, 707 F.3d 1057, 1063 (9th Cir. 2013), *cert. granted*, 134 S. Ct. 2900 (2014), *rev'd on other grounds & remanded*, 135 S. Ct. 2218 (2015).];

WHEREAS, St. Johns County finds and determines that the provisions of Articles III, VII, and XII of the Land Development Code, as amended, that replace the current Articles III, VI, and XII of the Land Development Code, as amended, are consistent with the 2025 Comprehensive Plan Amendment of St. Johns County, as adopted and enacted on August 17, 2010, and as amended thereafter;

WHEREAS, St. Johns County finds and determines that these amendments are not in conflict with the public interest;

WHEREAS, St. Johns County finds and determines that these amendments will not result in incompatible land uses;

WHEREAS, St. Johns County recognizes that under established United States Supreme Court precedent, a law that is content-based is subject to strict scrutiny under the First Amendment of the United States Constitution, and such law must therefore be narrowly tailored to serve a compelling governmental interest;

WHEREAS, St. Johns County recognizes that under established United States Supreme Court precedent, a compelling government interest is a higher burden than a substantial or significant governmental interest;

WHEREAS, St. Johns County recognizes that under established United States Supreme Court precedent, aesthetics is not a compelling governmental interest, but is a substantial governmental interest;

WHEREAS, St. Johns County recognizes that until a recent United States Supreme Court decision released in June 2015, there had not been clarity as to what constitutes a content-based law as distinguished from a content-neutral law;

WHEREAS, St. Johns County recognizes that in *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218 (2015), the United States Supreme Court, in an opinion authored by Justice Thomas and joined by Chief Justice Roberts and Associate Justices Scalia, Alito, Kennedy, and Sotomayor, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary, noncommercial signs;

WHEREAS, St. Johns County recognizes that in *Reed*, the United States Supreme Court held that content-based regulation is presumptively unconstitutional and may be justified only if narrowly tailored to serve a compelling governmental interest;

WHEREAS, St. Johns County recognizes that in *Reed*, the United States Supreme Court held that government regulation of speech is content based if the regulation applies to particular speech because of the topic discussed or the idea or message expressed;

WHEREAS, St. Johns County recognizes that in *Reed*, the United States Supreme Court held that even a purely directional message, which merely gives the time and location of a specific event, still conveys an idea about a specific event, so that a category for directional signs is therefore content-based, and event-based regulations are not content neutral;

WHEREAS, St. Johns County recognizes that in *Reed*, the United States Supreme Court held that if a sign regulation on its face is content-based, neither its purpose, function, nor

justification matters, and the sign regulation is therefore subject to strict scrutiny and must serve a compelling governmental interest;

WHEREAS, St. Johns County recognizes that in *Reed*, Justice Alito, in a concurring opinion joined by Justices Kennedy and Sotomayor, pointed out that municipalities still have the power to enact and enforce reasonable sign regulations;

WHEREAS, St. Johns County recognizes that, in his concurring opinion in *Reed*, Justice Alito provided a list of rules that would not be content-based;

WHEREAS, St. Johns County recognizes that, in his concurring opinion in *Reed*, Justice Alito included the following nonexclusive list of rules that would not be content-based: (1) rules regulating the size of signs, which rules may distinguish among signs based upon any content-neutral criteria such as those listed below; (2) rules regulating the locations in which signs may be placed, which rules may distinguish between freestanding signs and those attached to buildings; (3) rules distinguishing between lighted and unlighted signs; (4) rules distinguishing between signs with fixed messages and electronic signs with messages that change; (5) rules that distinguish between the placement of signs on private and public property; (6) rules distinguishing between the placement of signs on commercial and residential property; (7) rules distinguishing between on-premises and off-premises signs [*see also* discussion in Memorandum dated September 11, 2015 from Lawrence Tribe to Nancy Fletcher, President, Outdoor Advertising Association of America, re Applying the First Amendment to Regulations Distinguishing Between Off-premises and On-premises Signs After *Reed v. Town of Gilbert*]; (8) rules restricting the total number of signs allowed per mile of roadway; and (9) rules imposing time restrictions on signs advertising a onetime event, as rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed;

WHEREAS, St. Johns County recognizes that, in his concurring opinion in *Reed*, Justice Alito further noted that, in addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech [*see Pleasant Grove City, Utah v. Sumnum*, 555 U.S. 460, 467-69 (2009)], and that government entities may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots;

WHEREAS, St. Johns County recognizes that, in his concurring opinion in *Reed*, Justice Alito noted that the opinion of the Court in *Reed*, if properly understood, will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives, including rules that distinguish between on-premises and off-premises signs;

WHEREAS, St. Johns County recognizes that as a result of the *Reed* decision, it is appropriate and necessary for local governments to review and analyze their sign standards and regulations, beginning with their temporary sign standards and regulations, so as to make the necessary changes to conform with the holding in *Reed*;

WHEREAS, St. Johns County recognizes that under established United States Supreme Court precedent, commercial speech may be subject to greater restrictions than noncommercial speech and that that doctrine is true for both temporary and permanent signs;

WHEREAS, St. Johns County finds and determines that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be

permitted to stand provided: (1) the unconstitutional provisions can be separated from the remaining valid provisions; (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void; (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other; and (4) an act complete in itself remains after the valid provisions are stricken [*see, e.g., Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)];

WHEREAS, St. Johns County finds and determines that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause;

WHEREAS, St. Johns County finds and determines that St. Johns County has consistently adopted and enacted severability provisions in connection with its ordinance code provisions; and St. Johns County wishes to ensure that severability provisions apply to its land development regulations, including its sign standards;

WHEREAS, St. Johns County finds and determines that there be an ample record of its intention that the presence of a severability clause in connection with the County's sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any provision is invalid or unconstitutional for any reason whatsoever;

WHEREAS, St. Johns County finds and determines that objects and devices such as graveyard and cemetery markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations that do not constitute advertising visible from a public area, artwork that does not constitute advertising; a building's architectural features visible from a public area, or a manufacturer's or seller's markings on machinery or equipment visible from a public area are not within the scope of what is intended to be regulated through "land development" regulations that pertain to signage under Chapter 163 of the Florida Statutes;

WHEREAS, St. Johns County finds and determines that the aforesaid objects and devices are commonly excluded or exempted from being regulated as signs in land development regulations and sign regulations, and that extending a regulatory regime to such objects or devices would be inconsistent with the free speech clause of the First Amendment;

WHEREAS, St. Johns County finds and determines that it should continue to prohibit discontinued signs regardless of whether or not there was any intent to abandon the sign;

WHEREAS, St. Johns County finds and determines that a traffic control device sign, exempt from regulation under the County's land development regulations for signage, is any government sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard, and according to the MUTCD traffic control device signs include those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information);

WHEREAS, St. Johns County finds and determines that it is appropriate to prohibit certain vehicle signs similar to the prohibition suggested in Article VIII (Signs) of the Model Land Development Code for Cities and Counties, prepared in 1989 for the Florida Department of Community Affairs by the UF College of Law’s Center for Governmental Responsibility and by a professional planner with Henigar and Ray Engineering Associates, Inc., and that is nearly identical to Section 7.05.00(x) of the Land Development Regulations of the Town of Orange Park, which were upheld against a constitutional challenge in *Perkins v. Town of Orange Park*, 2006 WL 5988235 (Fla. 4th Cir. Ct.);

WHEREAS, St. Johns County finds and determines that the County includes resort communities on the east coast of the state with several miles of beaches on the Atlantic Ocean and the County has an economic base which relies on tourism;

WHEREAS, St. Johns County finds and determines that in order to preserve St. Johns County as a desirable community in which to live, vacation, and do business, a pleasing, visually-attractive environment is of foremost importance;

WHEREAS, St. Johns County finds and determines that the regulation of signs within the County is a highly contributive means by which to achieve this desired end, and that the sign standards and regulations in Exhibit A attached to this Ordinance are prepared with the intent of enhancing the urban environment and promoting the continued wellbeing of the County;

WHEREAS, St. Johns County finds and determines that Article II, Section 7, of the Florida Constitution, as adopted in 1968, provides that it shall be the policy of the state to conserve and protect its scenic beauty;

WHEREAS, St. Johns County finds and determines that the regulation of signage for purposes of aesthetics is a substantial governmental interest and directly serves the policy articulated in Article II, Section 7, of the Florida Constitution, by conserving and protecting the scenic beauty of the County;

WHEREAS, St. Johns County finds and determines that the regulation of signage for purposes of aesthetics has long been recognized as advancing the public welfare;

WHEREAS, St. Johns County finds and determines that, at least as early as 1954, the United States Supreme Court recognized that “the concept of the public welfare is broad and inclusive,” that the values it represents are “spiritual as well as physical, aesthetic as well as monetary,” and that it is within the power of the legislature “to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled” [*Berman v. Parker*, 348 U.S. 26, 33 (1954)];

WHEREAS, St. Johns County finds and determines that aesthetics is a valid basis for zoning, and the regulation of the size of signs and the prohibition of certain types of signs can be based upon aesthetic grounds alone as promoting the general welfare [see *Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade Cty. v. Gould*, 99 So. 2d 236 (Fla. 1957); *E.B. Elliott Adver. Co. v. Metro. Dade Cty.*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 805 (1970)];

WHEREAS, St. Johns County finds and determines that the enhancement of the visual environment is critical to a community’s image and its continued presence as a tourist destination;

WHEREAS, St. Johns County finds and determines that the sign control principles set forth herein create a sense of character and ambiance that distinguishes the County as one with a commitment to maintaining and improving an attractive environment;

WHEREAS, St. Johns County finds and determines that the beauty of the County, both with regard to its natural and built and developed environment, has provided the foundation for the economic base of the County's development, and that the County's sign regulations not only help create an attractive community for its residents, but also bolster the County's image as a tourist destination;

WHEREAS, St. Johns County finds and determines that the goals, objectives, and policies from planning documents developed by the County over the years demonstrate a strong, long-term commitment to maintaining and improving the County's attractive and visual environment;

WHEREAS, St. Johns County finds and determines that, from a planning perspective, one of the most important community goals is to define and protect aesthetic resources and community character;

WHEREAS, St. Johns County finds and determines that, from a planning perspective, sign regulations are especially important to communities with tourist-based economies, and sign control can create a sense of character and ambiance that distinguishes one community from another;

WHEREAS, St. Johns County finds and determines that two decades ago a growing number of cities had begun prohibiting pole signs, allowing only ground signs (also referred to as monument signs), and monument signs are typically used and preferred by vacation resorts, planned communities, and other cities that seek a distinctive image; the County seeks to maintain that distinctive image for as part of its community character;

WHEREAS, St. Johns County finds and determines that preserving and reinforcing the uniqueness of the County's tourist communities attracts tourists and, more importantly, establishes a permanent residential and commercial base to ensure the future viability of the community;

WHEREAS, St. Johns County finds and determines that the purpose of the regulation of signs as set forth in Exhibit A and other sections of this Ordinance is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements;

WHEREAS, St. Johns County finds and determines that the sign regulations in Exhibit A and other sections of this Ordinance are intended to enable the identification of places of residence and business;

WHEREAS, St. Johns County finds and determines that the sign regulations in Exhibit A and other sections of this Ordinance are intended to allow for the communication of information necessary for the conduct of commerce;

WHEREAS, St. Johns County finds and determines that the sign regulations in Exhibit A and other sections of this Ordinance are intended to lessen hazardous situations, confusion, and visual clutter caused by the proliferation, improper placement, illumination, animation, and

excessive height, area, and bulk of signs which compete for the attention of pedestrian and vehicular traffic;

WHEREAS, St. Johns County finds and determines that the sign regulations in Exhibit A and other sections of this Ordinance are intended to enhance the attractiveness and economic well-being of the County as a place to live, vacation, and conduct business;

WHEREAS, St. Johns County finds and determines that the sign regulations in Exhibit A and other sections of this Ordinance are intended to protect the public from the dangers of unsafe signs;

WHEREAS, St. Johns County finds and determines that the sign regulations in Exhibit A and other sections of this Ordinance are intended to permit signs that are compatible with their surroundings and aid orientation, and to preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs;

WHEREAS, St. Johns County finds and determines that the sign regulations in Exhibit A and other sections of this Ordinance are intended to encourage signs that are appropriate to the zoning district in which they are located and which are consistent with the category of use to which they pertain;

WHEREAS, St. Johns County finds and determines that the sign regulations in Exhibit A and other sections of this Ordinance are intended to curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;

WHEREAS, St. Johns County finds and determines that the sign regulations in Exhibit A and other sections of this Ordinance are intended to establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;

WHEREAS, St. Johns County finds and determines that the sign regulations in Exhibit A and other sections of this Ordinance are intended to preclude signs from conflicting with the principal permitted use of the site or adjoining sites;

WHEREAS, St. Johns County finds and determines that the sign regulations in Exhibit A and other sections of this Ordinance are intended to regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists, or pedestrians;

WHEREAS, St. Johns County finds and determines that the sign regulations in Exhibit A and other sections of this Ordinance are intended to require signs to be constructed, installed, and maintained in a safe and satisfactory manner;

WHEREAS, St. Johns County finds and determines that the sign regulations in Exhibit A and other sections of this Ordinance are intended to preserve and enhance the natural and scenic characteristics of the County;

WHEREAS, St. Johns County finds and determines that the regulation of signage was originally mandated in 1985 by Florida's Local Government Comprehensive Planning and Land Development Regulation Act [*see* Ch. 85-55, § 14, Laws of Florida], and the requirement continues to apply to St. Johns County through section 163.3202(2)(f), Florida Statutes;

WHEREAS, St. Johns County finds and determines that it has adopted a land development code, known as the Land Development Code, Ordinance 99-51, as amended, in order to implement its Comprehensive Plan, and to comply with the minimum requirements in the State of Florida's Growth Management Act, at section 163.3202, Florida Statutes, including the regulation of signage and future land use;

WHEREAS, St. Johns County finds and determines that the Land Development Code is the manner by which the County has chosen to regulate signage;

WHEREAS, St. Johns County finds and determines that the Land Development Code and its signage regulations were and are intended to maintain and improve the quality of life for all citizens of the County;

WHEREAS, St. Johns County finds and determines that in meeting the purposes and goals established in these preambles, it is appropriate to prohibit and/or to continue to prohibit certain sign types;

WHEREAS, St. Johns County finds and determines that consistent with the foregoing preambles, it is appropriate to prohibit and/or to continue to generally prohibit the sign types listed in Part 7.08.00, Prohibited Signs, within Exhibit A to this Ordinance;

WHEREAS, St. Johns County finds and determines that billboards may detract from the natural and manmade beauty of the County;

WHEREAS, St. Johns County agrees with the American Society of Landscape Architects' determination that billboards may have the tendency to deface nearby scenery, whether natural or built and the Sierra Club's opposition to billboard development and proliferation and the American Society of Civil Engineers Policy Statement 117 on Aesthetics that aesthetic quality should be an element of the planning, design, construction, operations, maintenance, renovation, rehabilitation, reconstruction, and security enhancement of the built environment;

WHEREAS, St. Johns County recognizes that states such as Vermont, Alaska, Maine, and Hawaii have prohibited the construction of billboards in their states and are now billboard-free in an effort to promote aesthetics and scenic beauty;

WHEREAS, St. Johns County finds and determines that the restriction and limitation of the construction of billboards and certain other sign types, as well as the establishment and continuation of height, size, and other standards for on-premise signs, is consistent with the policy set forth in the Florida Constitution that it shall be the policy of the state to conserve and protect its scenic beauty;

WHEREAS, St. Johns County agrees with the courts that have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway, whether the view is untouched or ravished by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement [*see E.B. Elliott Adver. Co. v. Metro. Dade Cty.*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 805 (1970); *John Donnelly & Sons, Inc. v. Outdoor Adver. Bd.*, 339 N.E.2d 709, 720 (Mass. 1975)];

WHEREAS, St. Johns County recognizes that local governments may separately classify off-site and on-site advertising signs in taking steps to minimize visual pollution [*see City of Lake Wales v. Lamar Advert. Ass'n of Lakeland, Fla.*, 414 So.2d 1030, 1032 (Fla. 1982)];

WHEREAS, St. Johns County finds and determines that billboards attract the attention of drivers passing by the billboards, thereby adversely affecting traffic safety and constituting a public nuisance and a noxious use of the land on which the billboards are erected;

WHEREAS, St. Johns County finds, determines, and recognizes that billboards are a form of advertisement designed to be seen without the exercise of choice or volition on the part of the observer, unlike other forms of advertising that are ordinarily seen as a matter of choice on the part of the observer [*see Packer v. Utah*, 285 U.S. 105 (1932); and *Gen. Outdoor Advert. Co. v. Dep't of Public Works*, 289 Mass. 149, 193 N.E. 799 (1935)];

WHEREAS, St. Johns County acknowledges that the United States Supreme Court and many federal courts have accepted legislative judgments and determinations that the prohibition, restriction, or regulation of billboards promotes traffic safety and the aesthetics of the surrounding area. [*see Markham Advert. Co. v. State*, 73 Wash. 2d 405 (1969), *appeal dismissed for want of a substantial federal question*, 439 U.S. 808 (1978); *Markham Advert. Co. v. State*, Case No. 648, October Term, 1968, Appellants' Jurisdictional Statement, 1968 WL 129277 (October 14, 1968); *Suffolk Outdoor Advert. Co. v. Hulse*, 43 N.Y.2d 483, 372 N.E.2d 263 (1977), *appeal dismissed for want of a substantial federal question*, 439 U.S. 808 (1978); *Suffolk Outdoor Advert. Co. v. Hulse*, Case No. 77-1670, October Term, 1977, Appellant's Jurisdictional Statement (March 23, 1978); *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-10 (1981); *Members of City Council of City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 806-07 (1984), *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 425 and 442 (1993); *Nat'l Advert. Co. v. City & Cty. of Denver*, 912 F.2d 4055, 409 (10th Cir. 1990), and *Outdoor Sys., Inc. v. City of Lenexa, Kan.*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)];

WHEREAS, St. Johns County finds, determines and recognizes that on-site business signs are considered to be part of the business itself, as distinguished from off-site outdoor advertising signs, and that it is well-recognized that the unique nature of outdoor advertising and the nuisances fostered by billboard signs justify the separate classification of such structures for the purposes of governmental regulation and restrictions [*see E. B. Elliott Advert. Co. v. Metro. Dade Cty.*, 425 F.2d 1141, 1153 (5th Cir. 1970), *cert. denied*, 400 U.S. 805 (1970), quoting *United Advert. Corp. v. Borough of Raritan*, 11 N.J. 144, 93 A.2d 362, 365 (1952)];

WHEREAS, St. Johns County finds and determines that restrictions on the erection of off-site outdoor advertising signs will reduce the number of driver distractions and the number of aesthetic eyesores along the roadways and highways of the County [*see, e.g., E. B. Elliott Advert. Co. v. Metro. Dade Cty.*, 425 F.2d 1141, 1154 (5th Cir. 1970), *cert. denied*, 400 U.S. 8058 (1970)];

WHEREAS, St. Johns County finds and determines that, if unregulated, billboard signs are public nuisances given their adverse impact on both traffic safety and aesthetics;

WHEREAS, St. Johns County finds and determines that billboards, if unregulated, are a traffic hazard and impair the beauty of the surrounding area, and the prohibition of the construction of billboards will reduce these harms [*see Outdoor Sys., Inc. v. City of Lenexa, Kan.*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)];

WHEREAS, St. Johns County recognizes that more than three hundred Florida communities have adopted ordinances prohibiting the construction of billboards in their communities in order to achieve aesthetic, beautification, traffic safety, and/or other related goals;

WHEREAS, St. Johns County finds and determines that in order to preserve, protect and promote the safety and general welfare of the residents of the County, it is necessary to regulate off-site advertising signs, commonly known as billboard signs or billboards, so as to regulate, restrict, and limit the construction of new and existing billboards, and to provide that the foregoing provisions shall be severable;

WHEREAS, St. Johns County finds and determines that the continued regulation, restriction, and limitation of new and existing billboards as set forth herein will maintain and improve the beauty of the County, foster overall improvement to the aesthetic and visual appearance of the County, preserve and open up areas for beautification on public property adjoining the public roadways, increase the visibility, readability, and/or effectiveness of on-site signs by reducing and/or diminishing the visual clutter of off-site signs, enhance the County as an attractive place to live and/or work, reduce blighting influences, and improve traffic safety by reducing driver distractions;

WHEREAS, St. Johns County wishes to assure that the construction of new billboards are regulated and limited as a sign-type within the County using the County's existing swapdown provision;

WHEREAS, St. Johns County finds and determines that anything beside the road which tends to distract the driver of a motor vehicle directly affects traffic safety, and signs, which divert the attention of the driver and occupants of motor vehicles from the highway to objects away from it, may reasonably be found to increase the danger of accidents, and agrees with the courts that have reached the same determination [*see Opinion of the Justices*, 103 N.H. 268, 169 A.2d 762 (1961); *Newman Signs, Inc. v. Hjelle*, 268 N.W.2d 741 (N.D.1978)];

WHEREAS, St. Johns County acknowledges that the view of the seven United States Supreme Court Justices in *Metromedia*, as expressly recognized in the later United States Supreme Court decisions in *Taxpayers for Vincent* and *Discovery Network, Inc.*; and in more than a dozen published federal Court of Appeal decisions following *Metromedia*, on the permissible distinction between onsite signs and offsite signs-when it comes to government's substantial interest in prohibiting the latter sign type (the offsite sign), including: *Major Media of the Se., Inc. v. City of Raleigh*, 792 F.2d 1269, 1272 (4th Cir. 1986); *Georgia Outdoor Advert., Inc. v. City of Waynesville*, 833 F.2d 43, 45-46 (4th Cir. 1987); *Naegele Outdoor Advert., Inc. v. City of Durham*, 844 F.2d 172, 173-74 (4th Cir. 1988); *Nat'l Adver. Co. v. City & County of Denver*, 912 F.2d 405, 408-11 (10th Cir. 1990); *Nat'l Adver. Co. v. Town of Niagara*, 942 F.2d 145, 157-158 (2d Cir. 1991); *Outdoor Sys., Inc. v. City of Mesa*, 997 F.2d 604, 610-12 (9th Cir. 1993); *Outdoor Graphics, Inc. v. City of Burlington, Iowa*, 103 F.3d 690, 695 (8th Cir. 1996); *Ackerley Commc'ns of Nw. Inc. v. Krochalis*, 108 F.3d 1095, 1099 (9th Cir. 1997); *Southlake Prop. Assocs., Ltd v. City of Morrow, Ga.*, 112 F.3d 1114, 1117-19 (11th Cir. 1997), *cert. denied*, 525 U.S. 820 (1998); *Bad Frog Brewery, Inc. v. New York State Liquor Auth.*, 134 F.3d 87, 99 (2d Cir. 1998); *Lavey v. City of Two Rivers*, 171 F.3d 1110, 1114-15 (7th Cir. 1999); *Long Island Bd. of Realtors, Inc. v. Incorp. Vill. of Massapequa Park*, 277 F.3d 622, 627 (2d Cir. 2002); *Clear Channel Outdoor, Inc. v. City of Los Angeles*, 340 F.3d 810, 814-16 (9th Cir. 2003); *Riel v. City of Bradford*, 485 F.3d 736, 753 (3d Cir. 2007); *Naser Jewelers, Inc. v. City of Concord, NH*, 513

F.3d 27, 36 (1st Cir. 2008); *RTM Media, L.L.C. v. City of Houston*, 584 F.3d 220, 225 (5th Cir. 2009);

WHEREAS, St. Johns County recognizes that the distinction between the location of off-premises signs and on-premises signs is a time, place, and manner regulation, and recognizes that in 1978 in *Suffolk Outdoor*, over the objection of Justices Blackmun and Powell, the United States Supreme Court denied review of the underlying decision for want of a substantial federal question, and that denial on this basis was a decision on the merits, wherein the decision was framed by the petitioner's jurisdictional statement which presented its first question as to whether a total ban on billboards within an entire municipality was constitutional, claiming that this disparate treatment of off-premises billboards from on-premises accessory signs was a violation of the First Amendment;

WHEREAS, St. Johns County acknowledges that the significance of *Suffolk Outdoor* is that it was a merits decision that recognized that it is constitutionally permissible to distinguish between on-site signs and off-site signs (Billboards) for regulatory purposes, and to ban the latter, and that this merits decision has never been overturned;

WHEREAS, St. Johns County finds and determines, consistent with the foregoing preambles, that the business of outdoor advertising should be a prohibited use in each of the County's zoning residential districts and regulated in the County's commercial or industrial zoning districts;

WHEREAS, St. Johns County finds and determines that it is appropriate to prohibit discontinued signs and/or sign structures because they visually degrade the community character and are inconsistent with the general principles and purposes of Article VII as set forth in Exhibit A;

WHEREAS, St. Johns County finds and determines that it is appropriate to specify that in addition to land development regulations identified in Exhibit A and other sections of this Ordinance, signs shall comply with all applicable building and electrical code requirements;

WHEREAS, St. Johns County finds and determines that the County has allowed noncommercial speech to appear wherever commercial speech appears; and the County desires to continue that practice by including a specific substitution clause that expressly allows non-commercial messages to be substituted for commercial messages;

WHEREAS, St. Johns County finds and determines that by confirming in its ordinance that noncommercial messages are allowed wherever commercial messages are permitted, the County will continue to overcome any constitutional objection that its ordinance impermissibly favors commercial speech over noncommercial speech [*see Outdoor Sys., Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1236-37 (D. Kan. 1999)];

WHEREAS, St. Johns County finds and determines that the district court in *Granite State Outdoor Advertising, Inc. v. City of Clearwater, Fla.*, 213 F. Supp. 2d 1312 (M.D. Fla. 2002), *aff'd in part, rev'd in part on other grounds*, 351 F.3d 1112 (11th Cir. 2003), *cert. denied*, 543 U.S. 813 (2004), cited the severability provisions of land development code at issue as a basis for severing isolated portions of the land development code [*see Granite State Outdoor Advert., Inc.*, 213 F. Supp. 2d at 1326, n.22];

WHEREAS, St. Johns County finds and determines that the Land Development Code's severability clause was adopted with the intent of upholding and sustaining as much of the County's regulations, including its sign regulations, as possible in the event that any portion thereof (including any section, sentence, clause, or phrase) be held invalid or unconstitutional by any court of competent jurisdiction;

WHEREAS, St. Johns County finds and determines that the failure of some courts to uphold severability clauses has led to an increase in litigation seeking to strike down sign ordinances in their *entirety* so as to argue that the developers' applications to erect prohibited sign types, such as billboards, must be granted;

WHEREAS, St. Johns County finds and determines that there be an ample record of its intention that the presence of a severability clause in connection with the County's sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any exceptions, limitations, variances, or other provisions are invalid or unconstitutional for any reason whatsoever;

WHEREAS, St. Johns County finds and determines that the regulation and restriction on billboards, as contained herein, continue in effect regardless of the invalidity or unconstitutionality of any, or even all, other provisions of the County's sign regulations, other ordinance code provisions, or other laws, for any reason(s) whatsoever;

WHEREAS, St. Johns County finds and determines that there be an ample record that it intends that the height and size limitations on free-standing and other signs continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the County's sign regulations, other ordinance code provisions, or other laws, for any reason(s) whatsoever;

WHEREAS, St. Johns County finds and determines that there be an ample record that it intends that each prohibited sign-type continue in effect regardless of the invalidity or unconstitutionality of any, or even all, other provisions of the County's sign regulations, other ordinance code provisions, or other laws, for any reason(s) whatsoever;

WHEREAS, St. Johns County finds and determines that it is appropriate to allow for the display of allowable temporary signage without any prior restraint or permit requirement;

WHEREAS, St. Johns County finds and determines that it is appropriate to prohibit direct illumination of the surface of any temporary sign but such prohibition shall not be construed to constrain the general illumination of flags and flagpoles unless otherwise expressly prohibited;

WHEREAS, St. Johns County finds and determines that when an application for a permanent sign is deemed denied that the applicant shall have an avenue to immediately request in writing via certified mail to the County a written explanation as to why the application was not approved and the County shall promptly respond in writing and provide the reason(s) the application was not approved [*see Covenant Media of S.C., LLC v. City of N. Charleston*, 493 F.3d 421, 435-37 (4th Cir. 2007)];

WHEREAS, St. Johns County finds and determines that an applicant for a permanent sign who is aggrieved by the decision of the County Administrator upon a sign permit application, or aggrieved by any failure by the County Administrator or any other county official

to act upon a sign permit application in accordance with the Land Development Code, shall have the right to seek judicial review by the Circuit Court of the Fourth Judicial Circuit in and for Duval County, Florida, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available;

WHEREAS, St. Johns County finds and determines that there have been reported instances of persons claiming under oath to have submitted applications to local governments but with no record of those applications ever having been delivered or left with the local government for processing, followed by claims that the local government had then failed to act on the purported applications for an inordinate length of time and had thereby infringed upon the constitutional rights of the applicant;

WHEREAS, St. Johns County finds and determines that local governments are vulnerable to schemes whereby false assertions are made as to the delivery or submission of sign permit applications when in fact such applications were never submitted or left with county officials and claims of unconstitutional failures to timely act upon the applications are then made so as to obtain permits that could otherwise not be granted;

WHEREAS, St. Johns County finds and determines that the “deemed denial” of applications after the passage of a set amount of time after their purported submission dates protects local governments from schemes to obtain ineligible permits, and is a fair resolution when balanced by a right of the applicant to submit a request to the local government, via certified mail, for an explanation for lack of action on a purported application and for the reason(s) for the lack of approval so as to ensure that the local government has the opportunity to act on an application, if no application had initially been submitted or had been misplaced or lost;

WHEREAS, St. Johns County finds and determines that this opportunity for an applicant to make such request, via certified mail, provides an additional chance to secure an explanation of the reason(s) for no approval within a defined and short period of time and also aids in the protection of the applicant’s rights, especially when combined with access by the applicant to a judicial remedy for no response to such a request;

WHEREAS, St. Johns County finds and determines that an applicant shall have access to prompt judicial relief under the circumstances where an applicant’s sign permit application is either denied, deemed denied, or not approved in a timely manner, as set forth in the County’s sign permitting regulations, and acknowledges that the display of temporary signs in compliance with the County’s sign standards and regulations is not subject to any permitting whatsoever; and

WHEREAS, St. Johns County finds and determines that it is appropriate that there shall be no criminal penalties for a violation of Article VII of the Land Development Code, as amended, and that any penalty for a violation of Article VII shall be limited to civil penalties only;

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

Section 1. Legislative Findings of Fact. The above Recitals and WHEREAS clauses are hereby adopted as legislative findings by the St. Johns County Board of County Commissioners and incorporated and made a part of this Ordinance.

Section 2. Sign Code. Article VII of the Land Development Code, St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by replacing the entirety of Article VII of the Land Development Code with the attached **EXHIBIT A**, incorporated herein and made a part of this Ordinance.

Section 3. Definitions. Article XII, Part 12.01.00 Definitions of the Land Development Code, St. Johns County Ordinance No. 99-51, as previously amended is hereby amended to read as follows in the attached **EXHIBIT B**, incorporated herein and made a part of this Ordinance.

Section 4. The remaining portions of the St. Johns County Land Development Code, Ordinance 99-51, as amended, which are not in conflict with the provisions of this ordinance, shall remain in full force and effect.

Section 5. Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed with the Clerk to the Board.

Section 6. Inclusion and Codification into the Land Development Code. It is the intent of the St. Johns County Board of County Commissioners that the provisions of this Ordinance shall be codified and made part of the St. Johns County Land Development Code, Ordinance No. 99-51, as previously amended, and that the parts, sections, and attachments of this ordinance may be renumbered, reorganized, relettered, and appropriately incorporated into the Land Development Code in order to accomplish such intentions. It is the intent of the St. Johns County Board of County Commissioners that scrivener's and typographic errors which do not change the tone or tenor of this Ordinance may be corrected during codification and may be authorized by the County Administrator or designee, without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Board.

Section 7. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 8. Severance Clause. It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions or sections of this Ordinance.

Section 9. Effective Date. This Ordinance shall take effect upon its being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 2nd day of May, 2017.

BOARD OF COUNTY
COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: [Signature]
James K. Johns , Chair

ATTEST: Hunter S. Conrad, Clerk of Court

By: [Signature]
Deputy Clerk

Effective Date: May 4, 2017

RENDITION DATE May 4, 2017



**ARTICLE VII
SIGNS**

PART 7.00.00 GENERALLY

Sec. 7.00.01 Index to Article VII

PART 7.00.00 GENERALLY

- Sec. 7.00.01 Index to Article VII
- Sec. 7.00.02 Purpose, Intent, and Scope
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- Sec. 7.00.04 Applicability
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- Sec. 7.00.07 Building Permits
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PART 7.01.00 BILLBOARD SIGNS

- Sec. 7.01.01 Intent and Future Billboards
- Sec. 7.01.02 Types of Billboards Allowed
- Sec. 7.01.03 General Requirements
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- Sec. 7.01.05 Swapdown Requirement for New Permits

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- Sec. 7.02.01 Temporary and Permanent Signs Allowed in Zoning Districts
- Sec. 7.02.02 Temporary Signs Allowed in Zoning Districts
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- Sec. 7.02.04 On-Premise Permanent Sign
- Sec. 7.02.05 On-Premise Permanent Signs - Interstate
- Sec. 7.02.06 Additional On-Premise Signs
- Sec. 7.02.07 On-Premise Permanent Sign Setbacks and Placement Limits (See Appendix D for Illustration)

PART 7.03.00 RESERVED

- Sec. 7.03.01 Reserved

PART 7.04.00 RESERVED

- Sec. 7.04.01 Reserved

PART 7.05.00 SPECIAL EVENT SIGNS

- Sec. 7.05.01 Special Event Signs

PART 7.06.00 SIGNS AND ENTRY FEATURES AT PROJECT ENTRANCES

- Sec. 7.06.01 Signs at Entrances
- Sec. 7.06.02 Entry Features

PART 7.07.00 SCENIC HIGHWAY SIGNS AND ANTENNAS

- Sec. 7.07.01 Scenic Highway Signs and Antennas

Sec. 7.07.02 Scenic Vistas

PART 7.08.00 PROHIBITED SIGNS

Sec. 7.08.01 Prohibited Signs

PART 7.09.00 NON-CONFORMING SIGNS

Sec. 7.09.01 Non-Conforming Signs

PART 7.10.00 RACE TRACK ROAD SIGNS

Sec. 7.10.01 Race Track Road Signs

Sec. 7.00.02 Purpose, Intent, and Scope

It is the purpose of this Article to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory Sign standards. The Sign regulations in this Article are also designed and intended to meet the statutory requirement that the County adopt land development regulations that regulate Signage, a requirement set forth in Section 163.3202(f), Florida Statutes. The Sign regulations in this Article are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of Signs. The Sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and safety. The Sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning of threats to bodily injury or death.

This Article regulates Signs, as defined in this Code, which are placed on private property or on property owned by public agencies, including the County, and over which the County has zoning authority. This Article is not intended to extend the County's regulatory regime to objects that are not traditionally considered Signs for purpose of government regulation.

The County is a diverse community on the east coast of Florida. The eastern boundary of the County is the Atlantic Ocean and the western boundary is formed largely by the St. Johns River. The economic base of the County includes, among other things, tourism of visitors from the Northeast Florida and Southeast Georgia area, as well as other areas of the United States. In order to preserve and promote the County as a desirable community in which to live, vacation, and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of Signs within the County is a highly contributive means by which to achieve this desired end.

These Sign regulations have been prepared with the intent of enhancing the visual environment of the County and promoting its continued well-being, and are intended to:

- A.** Encourage the effective use of Signs as a means of communication in the County;
- B.** Maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth;
- C.** Improve pedestrian and traffic safety;
- D.** Minimize the possible adverse effect of Signs on nearby public and private property;
- E.** Foster the integration of Signage with architectural and landscape designs;

- F.** Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of Signs which compete for the attention of pedestrian and vehicular traffic;
- G.** Allow Signs that are compatible with their surroundings and aid orientation, while precluding the placement of Signs that contribute to Sign clutter or that conceal or obstruct adjacent land uses or Signs;
- H.** Encourage and allow Signs that are appropriate to the zoning district in which they are located;
- I.** Establish Sign size in relationship to the scale of the lot and building on which the Sign is to be placed or to which it pertains;
- J.** Preclude Signs from conflicting with the principal permitted use of the site and adjoining sites;
- K.** Regulate Signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists, or pedestrians;
- L.** Except to the extent expressly preempted by state or federal law, ensure that Signs are constructed, installed, and maintained in a safe and satisfactory manner, and protect the public from unsafe Signs;
- M.** Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the County;
- N.** Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform, and efficient operation of all elements of the traffic stream;
- O.** Protect property values by precluding, to the maximum extent possible, Sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- P.** Protect property values by ensuring that Sign types, as well as the number of Signs, are in harmony with buildings, neighborhoods, and conforming Signs in the area;
- Q.** Regulate the appearance and design of Signs in a manner that promotes and enhances the beautification of the County and that complements the natural surroundings in recognition of the County's reliance on its natural surroundings and beautification efforts in retaining economic advantage for the community, as well as for its major subdivisions, commercial areas, shopping centers, and industrial parks;
- R.** Enable the fair and consistent enforcement of these Sign regulations;
- S.** Promote the use of Signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the County's goals of quality development;
- T.** Provide standards regarding the non-communicative aspects of Signs, which are

consistent with county, state, and federal law;

- U.** Provide flexibility and encourage variety in Signage, and create an incentive to relate Signage to the basic principles of good design; and
- V.** Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces are protected by exercising reasonable controls over the physical characteristics and structural design of Signs.

Sec. 7.00.03 Interpretation

The County Administrator shall interpret the provisions of this Article. When making such interpretation, the County Administrator shall use the definitions provided in this Code. Any ambiguity, dispute, or conflict in the interpretation a term or phrase not defined in this Code shall be resolved by reference to the commonly understood meaning of the term or phrase, as provided in dictionaries, the Florida Building Code, the County's zoning regulations, County ordinances, Florida Statutes pertaining to building codes or Signs, or other governmental or professional references pertaining to building or structural standards. The County Administrator may also use rules and canons of statutory construction, including the rules of construction in Section 1.03.04 of this Code. The decision of the County Administrator on any ambiguity, dispute, or conflict in the interpretation of this Article shall be the final decision of the County unless appealed to the Board of County Commissioners pursuant to Section 7.00.08.F below.

Sec. 7.00.04 Applicability

The provisions of this Article shall apply to all Signs displayed or Erected in the County, except the following:

- A.** A Sign, other than a Window Sign, located entirely inside the premises of a building or enclosed space.
- B.** A Sign on a Vehicle, other than a prohibited Vehicle Sign.
- C.** A Statutory Sign.
- D.** A Traffic Control Device Sign.
- E.** Any Sign internal to a plaza, interior courtyard, inside fence line of ball and multi-purpose playing fields, stadiums, arenas, racetracks, or within gated communities and similar places, visible only to those Persons visiting such a place and not visible from a public street, public sidewalk, or public right-of-way or from a navigable waterway or body of water; except that the foregoing does not exempt a Sign for a commercial use that is visible from an abutting residential use.
- F.** Any Sign otherwise exempted as provided in this Article.

Sec. 7.00.05 Severability

- A.** Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence,

phrase, clause, term, or word of this Article VII.

- B.** Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection A. above, or elsewhere in this Article VII, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt Signs to permitting or otherwise.
- C.** Severability of provisions pertaining to prohibited Signs. Without diminishing or limiting in any way the declaration of severability set forth above in subsection A. above, or elsewhere in this Article VII, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII or any other law of the County is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII that pertains to prohibited Signs, including specifically those Signs and Sign types prohibited and not allowed under Part 7.08.00, Prohibited Signs, of this Article VII. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 7.08.00 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 7.08.00 thereby ensuring that as many prohibited Sign types as may be constitutionally prohibited continue to be prohibited.
- D.** Severability of provisions pertaining to Billboards. Without diminishing or limiting in any way the declaration of severability set forth above in subsection A. above, or elsewhere in this Article VII, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII, other than Part 7.01.00 (Billboards), or any other law of St. Johns County is declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII that pertains to Billboards. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 7.01.00 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 7.01.00. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII pertaining to allowing and permitting new Billboards, including Swapdown procedures, is declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, all provisions pertaining to allowing and permitting new Billboards shall be deemed voided in their entirety and no new Billboards shall be allowed.
- E.** Severability of provisions pertaining to Special Event Signs. Without diminishing or limiting in any way the declaration of severability set forth above in subsection A. above, or

elsewhere in this Article VII, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII, other than Part 7.05.00 (Special Event Signs), or any other law of the County is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article VII that pertains to Special Event Signs. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 7.05.00 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, all provisions for Special Event Signs under this Code shall be deemed voided in their entirety and no Special Event Signage shall be allowed.

Sec. 7.00.06 General Provisions

The following general Sign provisions shall apply to this Article and to all lawful conforming and Non-Conforming Signs, unless otherwise indicated.

A. Measurement of Sign Size (Advertising Display Area)

The size, or Advertising Display Area, of a Sign is measured or calculated as follows:

1. Advertising Display Area. The advertising display surface area encompassed within any one geometric figure which would enclose all parts of the Sign display but excluding the structural supports for a Sign, whether they be columns, pylons, or a building or part thereof. In computing the area, the rules below and standard mathematical formulas for known common shapes will be used. The Administrator may break down complex forms into component simple forms; however, all pertinent area shall be included.
2. Background panel Signs. Sign Copy that is mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the Sign Copy, is measured as that area contained within any one geometric figure that will enclose both the Sign copy and the background. In computing the area, the standard mathematical formulas for known common shapes will be used. The Administrator may break down complex forms into component simple forms; however, all pertinent area shall be included.
3. Background surface Signs. The area of a Sign consisting of Copy mounted as individual letters, visual elements, or graphics against a wall, fascia, or parapet of a building surface or another surface, that has not been painted, textured, or otherwise altered to provide a distinctive background for the Sign Copy, is measured as any one geometric figure that will enclose each word, graphic or discrete visual element in the total Sign. In computing the area, the standard mathematical formulas for known common shapes will be used. The Administrator may break down complex forms into component simple forms; however, all pertinent area shall be included.
4. Illuminated background Signs. The area of a Sign with copy mounted, affixed, or painted on an illuminated surface or illuminated element or a building or structure, is measured as the entire illuminated surface or illuminated element which contains Sign copy.

5. Double-faced Signs. If a Sign has two display faces, and the interior angle between the two faces is sixty (60) degrees or less, then the Sign area is one Sign face only; however, if the two faces are of different sizes or shapes, then the larger is used. If the Sign has two display faces, and the interior angle between the two faces is greater sixty (60) degrees, then the Sign area is the sum of the areas of the two faces.
6. Multi-faced Signs. If a Sign has three or more faces, then the Sign area is equal to fifty percent (50%) of the aggregate area of all Sign faces. The area of each face shall be determined according to subsection (a) or (b) of this section, as applicable.
7. Sculptural and nonplanar Signs. The area of a spherical, free form, sculptural, or other nonplanar Sign is fifty percent (50%) of the sum of the areas, using only the four vertical sides of the smallest four-sided polyhedron which will completely enclose the entire Sign Structure.

B. Measurement of Sign Height

Except for Bill Boards subject to Part 7.01.00, the height of a Free-Standing or Ground Sign shall be measured as the vertical distance from the crown of the road, other than an elevated roadway, immediately adjacent to the structure or from the existing natural grade immediately adjacent to the structure, whichever is higher.

C. Sign Illumination

1. Sign Illumination is prohibited for Temporary Signs.
2. Except for Automatic Changeable Message Devices, all Sign Illumination shall be white and shall have a color temperature between 2500K (Kelvin) to 4000K (Kelvin).
3. All Signs, except those Signs not greater than sixty-four (64) square feet in size and where the top of the Sign is not greater than eight (8) feet from the top of established grade, 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 illuminated at a level greater than 0.3 footcandles over ambient light levels, as measured using a foot candle meter at a pre-set distance in accordance with the following:

1. At least 30 minutes past sunset, ambient light shall be measured using a foot candle meter for the area, excluding light from the illuminated copy;
 2. The measurement must be taken 150 feet from the source.
- e. 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.

D. Viewpoint Neutrality

Notwithstanding anything in this Article to the contrary, no Sign or Sign Structure shall be subject to any limitation based upon the viewpoint of the message contained on such Sign or displayed on such Sign Structure.

E. Substitution of Non-Commercial Speech for Commercial Speech

Notwithstanding anything contained in this Article to the contrary, any Sign Erected pursuant to the provisions of this Article may, at the option of the Owner, contain a Non-Commercial Message in lieu of a Commercial Message, and the Non-Commercial Copy may be substituted at any time in place of the Commercial Copy. The Non-Commercial Message (Copy) may occupy the entire Sign Face or any portion thereof. The Sign Face may be changed from a Commercial Message to a Non-Commercial Message or from one Non-Commercial Message to another Non-Commercial Message; provided, however, that there is no change in the size, height, setback, or spacing criteria contained in this Article.

F. Consent of Legal Owner of Property

No Sign may be displayed or Erected without the consent of the legal owner of the property on which the Sign is displayed or Erected. For purposes of this subsection, "owner" means the holder of the legal title to the property and any party and person holding a present legal right to possession, control, or use of the property.

G. Signs on Public Property

Any Sign installed or placed on public property, except in conformance with the requirements of this Article or otherwise permitted, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the County shall have the right to recover the cost of removal and disposal of such Sign from the owner or person placing such Sign.

H. Signs That Obstruct Means of Egress

No Sign shall be Erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.

I. Signs That Interfere with Ventilation Openings

No Sign shall be Erected that interferes with any opening required for ventilation.

J. Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage

Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and Sign Structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.

K. Signs Shall Not Be Attached to Certain Property and Shall Not Impair Roof Access

Signs shall not be attached to standpipes, gutters, drains, or fire escapes. Signs shall not be installed so as to impair access to a roof.

L. Street Address Signs

For each parcel and for each tenant space, one Sign for the official Street Address shall be displayed for public safety and to serve as visible Street Address for delivery of mail and official governmental notification. All such Street Address Signs shall be visible and legible from the Street or right-of-way, and the numbers shall be a minimum of three (3) inches in height and one-and-one-half (1.5) inches in width. For a parcel in residential use, the street address Sign shall not exceed two (2) square feet in Sign area and may be externally illuminated. For a parcel in non-residential use, the Street Address Sign shall not exceed four (4) square feet in Sign area and may be externally or internally illuminated. Street address signs shall be excluded from the calculation of total Advertising Display Area.

M. Maintenance of Sign Location

For a Sign requiring a Sign Permit, weeds and grass shall be kept cut in front of, behind, underneath, and from around the base of the Sign for a minimum distance of ten (10) feet from the Sign base, and there shall be no rubbish or debris within ten (10) feet of the Sign base or underneath the Sign.

Sec. 7.00.07 Building Permits

It shall be unlawful for any person or business or the person in charge of the business to Erect, construct, alter, or maintain a Sign Structure, as defined in the Florida Building Code (FBC), without first obtaining a Building Permit from the County in accordance with the provisions of the FBC and applicable law. Permit fees for a Building Permit shall be paid in accordance with the applicable County fee schedules. The requirement of a Building Permit under the FBC is separate and independent of the requirement for a Sign Permit under this Article.

(NOTICE: Section 125.56, Florida Statutes, authorizes the counties of Florida to enforce the FBC as provided in Section 553.80, Florida Statutes. The FBC also regulates Signs and requires permits. St. Johns County enforces the FBC. Section 125.56(5), Florida Statutes provides that any person, firm, or corporation that violates the FBC is guilty of a misdemeanor of the second degree. Please be aware that this Article does not include all of the Sign requirements that are contained in the FBC and are enforced by St. Johns County.)

Sec. 7.00.08 Sign Permits

Unless exempt from permitting, no Permanent Sign shall be Erected, altered, relocated, maintained, or displayed until a Sign Permit is obtained from, and the appropriate fee paid to, the County. The Sign Permit is in addition to any Building Permit required to be obtained pursuant to the provisions of the FBC.

No Sign Permit shall be issued for the display or Erection of a Prohibited Sign.

A Sign lawfully Erected may be Maintained, repainted, or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a Sign Permit; however, if such Sign is to be structurally altered in any manner, or involves replacing, repairing, disassembling, or refurbishing more than one-sixth (1/6) of a Sign Structure annually by any action, a new Sign Permit shall be required and the altered Sign must meet all requirements of this Article and this Code.

A. Exceptions from Permitting

Temporary Signs identified in Section 7.02.01 and 7.02.02 shall not require a Sign Permit.

Unless identified in Part 7.02.00 as not requiring a Sign Permit and unless otherwise excepted from requiring a Sign Permit, such as a Public Sign, all Permanent Signs shall require a Sign Permit. However, these exceptions in no way waive any requirement set forth in the FBC; or any limitation or restriction on the number, size, height, setback, placement, or duration of such Signs under this Article, or any limitation or restriction under any other applicable law or regulation.

B. Permits Not Required for Change of Sign Copy or Message

No Permit or Permit fee shall be required for changing the Copy or Message of a Sign, as long as no changes are made to the Sign's height, size, location, or Sign Structure. This exemption shall also apply to any change of Copy on a changeable Copy Sign.

C. 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); and
 - 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 Owner's private personal name, by solely-owned proprietorship, or a partnership of individuals such that a human may personally appear to claim the state-authorized exemption from contracting laws. No corporation, including a solely-owned or closely-held corporation, 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; and
- d. Any electrical work is permitted only after the Owner/Applicant successfully completes an open Code book questionnaire on technical basics of electrical work

D. Sign Permit Applications

A Sign Permit Application form must contain information as provided by Section 713.135, Florida Statutes, and shall be completed in its entirety and signed by the Applicant. The Sign Permit Application is in addition to any Building Permit application required by the FBC. The Applicant shall furnish the following information on or with the Sign Permit Application form:

- 1. Completed Clearance Sheet.
- 2. A Complete Sign Permit Application, which provides the following information:
 - a. Type of proposed Sign: (1) Ground, Pylon, Wall, or Awning; and (2) On-premise or Off-premise.
 - b. Square footage of all proposed Signs and location, number, and square footage of existing Signs.
 - c. Height of proposed Ground or Pylon Signs.
 - d. Proposed lighting information, if the Sign is to be Illuminated.
 - e. Elevation of Wall Sign depicting the location of the Sign in relation to any other store or office fronts.
 - f. Site plan indicating location of Sign in relation to property lines, Streets, public rights-of-way, easements, overhead utility lines, other utility facilities and equipment, buildings, other existing Signage, and location of Sign if within 500 feet or one-half (1/2) mile of the interstate system.
 - g. Billboard Application will be reviewed to determine sufficient Swapdown credits.
- 3. Site Plan (3 copies).
- 4. Three (3) sets of construction plans showing proposed Signs at one-quarter (1/4) inch per foot minimum scale. Method of design for ground supported Signs must be shown using American Society Civil Engineering Manual methodology. These plans must include:
 - a. All structural details including foundation cross-section and attachment details;
 - b. All proposed electrical work including fixtures; and

- c. Indicate if internally illuminated signage is listed with approved testing agency.
5. Supporting structural calculations (2 copies).
6. Building Permit fee, if applicable.
7. Clearance Sheet fee.
8. A Comprehensive Design Plan drawn to a scale and detailed to demonstrate compliance with this Code. Such Comprehensive Design Plan shall include the Sign's maximum height, maximum square footage, exact dimensions, 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 in Advertising Display Area, and any Signs with internal and external lighting designs with designed wattage and electrical wiring. A detailed scaled Site Plan (3 copies) shall also be required showing exact Sign placement relative to Lot lines and buildings within a distance equal to the Sign's height.
9. Applications for Signs to be located in special overlay districts with more restrictive Sign regulations than this Code shall be submitted complete with plans and details approved in writing by the applicable special overlay district architectural review process.
10. On Billboard Applications, the Swapdown Classification point rating of the new Sign shall be calculated and transmitted to the Applicant within three (3) 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. The following information is required to nominate a Billboard Swapdown:
 - a. Type of Support, i.e. wood, steel, monopole.
 - b. Height to Top Edge of Billboard.
 - c. Size of Advertising Face.
 - d. Location, i.e. Urban, Rural, Suburban.
 - e. Location within a Scenic Vista or Scenic Highway.
 - f. Roadway Classification.
 - g. Zoning Classification.
 - h. Lighting, if any.
 - i. Proximity of Buildings.
11. The Applicant shall designate whether the application is for a Billboard, On-premise, Special Event, or Development Sign.

12. If the Application is for an On-premise Sign, the Applicant shall provide documentation evidencing the business, person, activity, goods, product, commodity, service, or entertainment located on the Premises where the Sign is to be installed and Maintained.
13. If the Sign is to be Illuminated, a completed electrical Permit application shall be submitted.
14. The legal description of the property on which the Sign is to be Erected.

E. Sign Construction Specifications

1. Florida Building Code. Construction and Erection of Signs shall be in accordance with the structural requirements set forth in the FBC.
2. National Electrical Code. Signs having electrical connections of any kind shall be wired in accordance with the National Electrical Code (NEC).
3. Inspections. Any Sign having an electrical connection shall be permitted, inspected, and approved by the electrical inspector prior to its completion. All Sign Structures shall be inspected and approved by the Building Official. The inspection point shall be selected by the Building Official. All excavations for concrete Sign support bases shall be inspected and approved by the Building Official prior to the pouring of concrete.
4. Support requirements. The supporting members of all Signs shall be free of any external bracing such as guy wires or cables. All supporting columns shall be designed as integral or architectural features of the Sign.
5. Materials. Paper or cardboard Signs and cloth or plastic fabric banners may only be used in conjunction with a Special Event as provided herein. However, paper or cardboard Signs may be used for indoor Window Signs, when such are allowed.
6. Construction standards. All Signs shall be installed and constructed in a professional and workmanlike manner; and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated, or made of rust inhibitive material.

F. Sign Permit Application Review and Appeal

1. An Applicant shall submit a Sign Permit Application for a Permanent Sign to the County Administrator. The County Administrator shall review the Sign Permit Application for a determination of whether the proposed Sign meets the applicable requirements of this Article and any applicable zoning law of the County as set forth in this Code or the Comprehensive Plan.
 - a. The review of the Sign Permit Application shall be completed within ten (10) business days following receipt of a Complete and Sufficient Application as specified in Section 7.00.08.D, unless the Sign is proposed to be located in an overlay district, in which case the review of the Sign Permit Application shall be completed within thirty (30) calendar days of submittal of a Complete and Sufficient Application as specified in Section

7.00.08.D.

- b. A Sign Permit Application shall either be approved, approved with any condition that is specifically described and set forth in this Code, or disapproved, and the decision shall be reduced to writing. A disapproval shall include or be accompanied by a statement of the reason(s) for the disapproval.
 - c. In the event that no decision is rendered within ten (10) business days of submittal of a Complete and Sufficient Application, or within thirty (30) calendar days of submittal for a Sign proposed to be located in an overlay district, the Application shall be deemed denied and the denial shall be a final decision of the County unless the Applicant timely appeals the denial to the Board of County Commissioners. At any time within thirty (30) calendar days following passage of the ten (10) business day period, or thirty (30) calendar day period for Signs proposed to be located in an overlay district, the Applicant may submit via certified mail a written request to the County Administrator for a decision setting forth the reason that the Application was not approved. The County Administrator shall promptly respond within ten (10) business days after receipt of the written request by providing a written explanation of the reason(s) for the nonapproval of the Sign Permit Application.
- 2. An approval, an approval with conditions, or disapproval by the County Administrator shall be deemed the final decision of the County upon the Application unless the Applicant timely appeals to the Board of County Commissioners.
 - 3. Any written decision of the County Administrator pertaining to Sign permitting may be appealed to the Board of County Commissioners by filing a written notice of appeal that includes all pertinent information and paying the required appeal fee established by Resolution of the Board of County Commissioners.
 - a. The written notice of appeal must be filed with the County Administrator within ten (10) business days of the written decision sought to be appealed.
 - b. Upon receipt of the written notice of appeal, the County Administrator shall set an appellate hearing before the Board of County Commissioners for a date no later than twenty (20) business days after filing of the written notice of appeal. The County Administrator shall provide the appellant written notice of the date, time, and location of the hearing by mail, electronic transmission or, or hand-delivery.
 - c. The Board of County Commissioners shall render a written order on the appeal within five (5) business days of the appeal hearing. If a written order is not rendered within five (5) business days of the appeal hearing, the appeal shall be deemed denied.
 - d. An appeal as provided herein shall stay all administrative proceedings until a final determination on such appeal has been rendered by the Board of County Commissioners or Circuit Court; provided, however, that the Building Official may act to address any immediate peril, hazard, or danger to the public health or safety that the Building Official determines to exist.

4. All decisions of the County Administrator and the Board of County Commissioners shall be mailed, transmitted electronically, or hand-delivered to the Applicant and shall be deemed made when deposited in the mail, transmitted electronically, or hand-delivered to the Applicant. Whenever required by state statute, the explanation for a denial or disapproval of a Sign Permit shall include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the Permit. In the event that the Applicant fails to receive a statutorily required explanation, the Applicant shall submit a written request for the explanation to the County Administrator by certified mail.
5. The deadlines in subsections F.1 and F.3 above shall be stayed and suspended in the following circumstances:
 - a. In any case in which the Application requires a rezoning of the property, or an amendment to the comprehensive plan of the County, upon the written request of the Applicant delivered to the County Administrator by certified mail before the applicable deadline, the time shall be suspended until a final decision is made upon the application for the variance, rezoning, or comprehensive plan amendment.
 - b. In any case in which the Applicant is required to make any change to the Application in order to obtain an unconditional approval so as to satisfy an express provision of state law, this Code, or other County code or ordinance, upon the written request of the Applicant delivered by certified mail to the County Administrator before the applicable deadline, the time shall be suspended while the Applicant makes such change.
 - c. If an Applicant is required by state statute or by any express provision of either this Code or other County code or ordinance, to obtain an approval of the Sign from any other governmental agency within the limitations set forth in Section 166.033(4), Florida Statutes, upon the written request of the Applicant delivered to the County Administrator by certified mail before the applicable deadline, the time shall be suspended. The time shall remain suspended until such approval is obtained or until the Applicant requests in writing delivered by certified mail to the County Administrator that the County take final action. The County shall comply with the provisions of Section 166.033(4), Florida Statutes.
 - d. In any of the foregoing cases, the Applicant may elect to not make any changes to the Application or to not obtain an approval that may be required by another governmental agency, and may instead demand in writing a final decision upon the Sign Permit Application as filed. Such a written demand shall be delivered by certified mail to the County Administrator. In such event, the County Administrator, or the Board of County Commissioners in the context of an appeal, shall make a decision on the Application as appropriate within thirty (30) calendar days after receiving such demand. If a decision is not made in such a time, the Application shall be deemed denied.

- G.** Any person aggrieved by the decision of the Board of County Commissioners or aggrieved by any failure by the Board of County Commissioners to act upon a Sign Permit Application in accordance with this Code shall have the right to seek judicial review by the Circuit

Court of the Seventh Judicial Circuit in and for St. Johns County, Florida, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.

- H.** If an Applicant believes that his or her speech rights are being denied due to enforcement of subsections F.3, F.4, or F.5 above, the Applicant may immediately contact the County Administrator in writing via certified mail and request immediate review of any pending Sign Permit Application. If such a letter is received by the County Administrator, the County shall have twenty (20) calendar days to review the Application as under subsection F.1 above, notwithstanding the provisions of subsections F.3, F.4, or F.5. above. If the County Administrator does not respond with twenty (20) calendar days of receipt of the written request, the substance of the Applicant's complaint shall be deemed rejected.
- I.** If an Application is deemed incomplete, the Applicant may either take steps to submit a Complete and Sufficient Application or challenge the County's decision by seeking judicial review by the Circuit Court of the Seventh Judicial Circuit in and for St. Johns County, Florida, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.

J. Inspection

The County Administrator may make or require any inspections to ascertain compliance with the provisions of this Article, the Code, and the Comprehensive Plan.

K. Revocation of Sign Permit

If work under any Sign Permit is proceeding in violation of this Article, this Code, the Comprehensive Plan, or the FBC, or should it be found that there has been any false statement or misrepresentation of a material fact in the Application or plans on which the Sign Permit was based, the Permit holder shall be notified of the violation, false statement, or misrepresentation. If the Permit holder fails or refuses to make corrections within ten (10) days of the date of the notice, the County Administrator shall revoke such Sign Permit and serve written notice upon such Permit holder by certified mail or personal service. It shall be unlawful for any person to proceed with any part of work after such notice has been issued.

Sec. 7.00.09 Enforcement and Penalties

As provided by Section 125.69, Florida Statutes, any person violating any of the provisions of this Article shall be prosecuted in the same manner as misdemeanors are prosecuted. Each day that a violation continues may be deemed a separate violation. Notwithstanding anything in this Code or in any other law of the County to the contrary, a penalty for violation of this Article shall be limited to civil penalties only and shall not extend to any criminal penalty, including but not limited to incarceration.

Additionally, this Article may be enforced by any other means prescribed by law, including injunctive relief and any of the provisions of Chapter 162, including Part II, Florida Statutes, and any County Ordinances enacted thereunder.

PART 7.01.00 BILLBOARD SIGNS

Sec. 7.01.01 Intent and Future Billboards

A. Control on Additional Total Faces

No increase in the total number of Billboard Faces in the 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 Non-Conforming; 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 the voluntary action of the Billboard Owner and either:

1. Remodels an existing Billboard into greater conformity with this Code, such as decreasing size or reducing height, or
2. Allows a totally conforming new Billboard in exchange for removal of an existing Non-Conforming Billboard of similar style and construction, or
3. 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

Compliance with the Comprehensive Plan and applicable Land Development regulations is required and evidence of compliance with both shall be provided to the County with the permit application and shall be in accordance with the provisions below. Billboards are allowed only on certain property and sites, as provided in below:

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 Billboard signage provided in PUD zoning districts shall comply with the requirements of this Code, unless more stringent Sign 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 as an Off-premise Sign that displays On-premise messages shall thereby be deemed to be an On-premise Sign and shall meet all requirements for On-premises Signs set forth in this Article.

Sec. 7.01.02 Types of Billboards Allowed

A Billboard Structure may be single or multi-faced, provided any multi-faced Billboard Structure shall have advertising surfaces of equal size and shape, excluding Embellishments. For purposes of this Article, the following shall be considered multi-faced 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 Billboards along Interstate 95 shall not exceed forty (40) foot in height. The height of a Billboard shall be measured from the higher of (1) the crown of the road immediately adjacent to the structure, or (2) the existing natural grade immediately adjacent to the structure.

B. Size

A Billboard Facing area shall not exceed three hundred seventy-eight (378) square feet, excluding Embellishments; except a Billboard Facing area along Interstate 95 shall not exceed five hundred sixty (560) square feet, 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 of a Billboard shall be visible above any Advertising Display Area, excluding Embellishments. No Billboard or Billboard Sign 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 or Billboard Sign Structure.

E. Movement

No Billboard shall be Erected, or any existing Billboard modified or operated, that incorporates Flashing, Scintillating, Beacon, or Running Lights, or Animated Copy.

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 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 FBC.

J. Lighting

Billboards may be lighted in accordance with Section 7.00.06.C of this Article.

K. Non-Conforming Billboards

Any Billboard Face or Billboard Sign 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 D for Illustration)

A. Rights-of-way

No part of a Billboard or Billboard Sign 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 Billboard Sign 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 Billboard Sign 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 part of a 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

For purposes of this subsection E, "Billboard" means and includes Billboards and On-premise Signs that exceed three hundred (300) square feet. No part of a Billboard or Billboard Sign Structure shall be permitted or Erected unless all the required distances to the nearest existing Billboard is assured as provided herein. Distance between Billboards and Billboard Sign Structures on the same side of a roadway shall be measured linearly along the center line of the roadway abutting the Billboards or Billboard Sign Structures, 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

1. Along Interstates

No Billboard or Billboard Sign Structure shall be permitted or Erected closer than one thousand five hundred (1,500) feet to the nearest Billboard or Billboard Sign Structure on the same side of the highway.

2. Along Federal-Aid Primary Highways or Other Right-of-Way

No Billboard or Billboard Sign Structure shall be permitted or Erected closer than one thousand (1,000) feet to the nearest Billboard or Billboard Sign Structure on the same side of the highway.

3. Radial Spacing

Excluding street intersections, no Billboard or Billboard Sign Structure shall be permitted or Erected within a five hundred (500) foot radius from an existing Billboard or Billboard Sign Structure. The distance between such Billboards or Billboard Sign Structures shall be measured as the shortest horizontal distance between any part of the structures or Faces.

4. Intersections

No more than two (2) Billboards or Billboard Sign Structures shall be permitted or Erected at a road or street intersection, and such Billboards or Billboard Sign Structures (if more than one (1)) shall be located at diagonal corners of the intersection. The minimum separation distance between the nearest parts of the diagonally placed Billboards or Billboard Sign Structures 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.

5. Proximity to Scenic Highways

No Billboards or Billboard Sign Structure shall be permitted or Erected within six hundred (600) feet of the right-of-way along either side of any designated Scenic Highway, as measured from the edge of right-of-way. Any Billboard Erected outside the six hundred (600) foot area shall not be visible from the Scenic Highway at the time of permitting or immediately after Erection. For purposes of this paragraph, "visible" shall mean visible by the unaided human eye from a point six (6) feet above the centerline of the Scenic Highway. Any Billboard greater than two thousand five hundred (2,500) feet from the centerline of the Scenic Highway shall be deemed not visible.

6. Utility Lines

No Billboards or Billboard Sign Structure shall be permitted or Erected that interferes with any underground and over-head utility lines in compliance with the 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. When an Applicant proposes removal of Swapdown Billboard(s), written confirmation of removal upon on-site inspection by the County Administrator or designee must be on file in the Building Department before a Permit will be issued.

B. Classification Information on Swapdown Billboards

To nominate a Billboard Swapdown, the Owner shall provide written detail of the Billboard's characteristics sufficient to allow the Billboard to be rated by the Classification procedures established in this Part and to determine:

1. Type of Sign Structure, i.e. wood, steel, monopole;
2. Height to Top Edge of Billboard;
3. Advertising Display Area;
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; and
9. Proximity of Buildings.

C. Swapdown and Classification Procedure at Permitting

Applicants for Billboard Permits shall nominate Swapdown Billboards with the Classification Information above or banked credits to be utilized in permitting any new Billboard. The County Administrator or designee shall inspect each nominated Swapdown Billboard to confirm the Classification Information provided and shall rate the nominated Swapdown Billboard based on the details established in this Part. Within fourteen (14) days of receiving a Complete and Sufficient Application including Swapdown nominations, the Building Department shall notify the Applicant in writing of the tentative Swapdown ratings 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 with the County Administrator. A master registry of all existing Billboards shall be created to provide details on Billboard location and characteristics.

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 Sign Structure, 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
SIGN STRUCTURE (a) Wooden Poles (b) Metal Framework (c) Monopoles	1 2 6
HEIGHT TO TOP OF FACE (a) Up to 20 feet in height (b) Over 20 to 25 feet in height (c) Over 25 to 30 feet in height (d) Over 30 to 35 feet in height (e) Over 35 feet in height	1 2 3 4 5
ADVERTISING DISPLAY AREA (a) Up to 200 square feet (b) Over 200 to 400 square feet (c) Over 400 square feet	1 2 3
LIGHTED FOR NIGHT VISIBILITY (a) Not lighted (b) Lighted from top only (c) Ground or bottom lighted/other illumination	0 2 3
PLACEMENT OF BILLBOARD	

BILLBOARD CHARACTERISTICS	RAW POINTS
(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 receiving nominations of registered Billboards by an Owner seeking a Permit for a new Billboard or Billboard removal, the County Administrator or designee shall provide the Owner, Applicant, or designee with Classification Point information on Registered Swapdown Billboards 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) business 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 FBC 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 a Building Permit 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 used by

the County Administrator and by the Owners to determine and monitor Classification Points credited and banked for future use by the Owner.

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 no 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. Owners may assign, transfer, or convey by notarized writing any unused credited Classification Points to another Billboard Owner for Swapdown use by the other Owner.
 5. In the event the new proposed Billboard requires fewer Classification Points than earned or assigned to the Swapdown Billboard(s) removed, the County Administrator or designee shall determine the amount of excess points from Swapdown Billboard removal, to be credited and banked for future use by the Owner as provided above, and provide a written copy of determination to the Owner by certified mail.
- F.** Examples of Billboards rated by Raw Points, Classification Points, and Swapdown use are detailed in **Appendix G** to this Code.

PART 7.02.00 ON-PREMISES SIGNS

Sec. 7.02.01 Temporary and Permanent Signs Allowed in Zoning Districts

The Signage rights and responsibilities for Temporary Signs and Permanent Signs shall be determined by the provisions of Section 7.00.06, General Provisions, and by the Sign provisions for the zoning districts as set forth in this Part.

However, in connection with residential Uses in nonresidential zoning districts and nonresidential Uses in residential zoning districts, the Signage rights and responsibilities applicable to any particular Use shall be determined as pursuant to the zoning district.

Sec. 7.02.02 Temporary Signs Allowed in Zoning Districts

- A.** Within its zoning districts and subject to any applicable provisions within Section 7.00.06, General Provisions, the County shall allow Temporary Signs that meet the criteria and limitations set forth below.

ZONING DISTRICTS ¹	RS-E, RS-1, RE-2, RS-3, RG-1, RG-2, RMH, RMH(S), Residential Portions of PUDs and PRDs; OR	OP, CN, CHT, CG, CI, CR, CW, CHI, TCMU, IW, HI, Non-Residential Portions of PUDs and PRDs, PS, AD
Maximum number of Temporary Signs per Parcel ²	2	4
Maximum Advertising Display Area per Temporary Sign ³	6 sq. ft.	32 sq. ft.
Maximum aggregate Advertising Display Area for all Temporary Signs on a Parcel ⁴	12 sq. ft.	128 sq. ft.
Maximum Sign height for a Temporary Free-Standing Sign	6 ft.	6 ft.
Maximum Sign height for a Temporary Wall or Window Sign	15 ft.	15 ft.
Minimum setback of a Temporary Sign from the front property line ⁵	5 ft.	5 ft.
Minimum setback of a Temporary Sign from any adjoining property lines	15 ft.	5 ft.

¹ Zoning districts are referred to by the abbreviations provided in Section 2.01.02.B of this Code.

² The number of temporary commercial signs per parcel shall be no more than two (2) signs. The remainder signs shall be non-commercial messages. There is no limit on the number of separate Messages that may appear on the allowable surface(s) of any Temporary Sign.

³ The square foot limitation is per Face based on a Single-Faced Temporary Sign. For example, a six (6) square foot limitation means that there is a limit of six (6) square feet of Advertising Display Area per Face for a Double-Faced Temporary Sign, for an aggregate of twelve (12) square feet per Double-faced temporary sign.

⁴ The square foot limitation is per Face, based on a Single-Faced Temporary Sign. The circumstances on some parcels may reduce the aggregate Advertising Display Area allowed.

⁵ Not applicable to Wall Signs.

ZONING DISTRICTS ¹	RS-E, RS-1, RE-2, RS-3, RG-1, RG-2, RMH, RMH(S), Residential Portions of PUDs and PRDs; OR	OP, CN, CHT, CG, CI, CR, CW, CHI, TCMU, IW, HI, Non-Residential Portions of PUDs and PRDs, PS, AD
Minimum setback of a Temporary Sign from the Right-of-Way ⁶	5 ft.	5 ft.
Minimum spacing from any other Temporary Ground Sign	15 ft.	15 ft.
Allowed on public property or public right-of-way	No	No
Allowed within sight visibility triangle	No	No
Illumination allowed	No	No
Duration allowed after event ends	7 calendar days	7 calendar days

B. A Temporary Public Sign shall not require a Sign Permit and, unless otherwise provided herein, shall be allowed in all zoning districts and on public property and public rights-of-way. However, the foregoing shall have no impact on any separate requirements established by state statute for building permits, electrical permits, or other statutory permits.

Sec. 7.02.03 Additional Temporary Signs

A. A Lot or Parcel for which Construction Plans or a Building Permit has been approved or secured for construction of a building or project is allowed one additional Temporary Sign, irrespective of Copy or Message, and the corresponding increase in the maximum aggregate Advertising Display Area for all Temporary Signs on the Lot or Parcel. Such additional Temporary Sign shall not be displayed or Erected sooner than thirty (30) calendar days prior to construction and shall be removed by the earlier of (a) seven (7) days after completion of the building or project, (b) the issuance of a Certificate of Occupancy, or (c) seven (7) days after construction operation has ceased. Such additional Temporary Sign shall otherwise comply with the criteria and limitations in section 7.02.02 above regarding maximum Advertising Display Area per Temporary Sign, height, setback, spacing, public property, public rights-of-way, sight visibility triangle, and illumination.

B. A Parcel or unit of property offered for sale, lease, or rent is allowed one additional Temporary Sign, irrespective of Copy or Message, and the corresponding increase in the maximum aggregate Advertising Display Area for all Temporary Signs on the Parcel. Such additional Temporary Sign shall be removed no later than seven (7) calendar days after the Parcel or unit changes ownership, is rented, is leased, or is otherwise no longer for sale, lease, or rent. Such additional Temporary Sign may be displayed or Erected off-premise, but only on private property and with the property owner's consent, and shall be removed immediately after realtors or other sales personnel have left or closed the premises. Such additional Temporary Sign shall otherwise comply with the criteria and limitations in section 7.02.02 above regarding maximum Advertising Display Area per Temporary Sign, height, setback, spacing, public property, public rights-of-way, sight

⁶ Not applicable to Wall Signs.

visibility triangle, and illumination.

Sec. 7.02.04 On-Premise Permanent Sign

The following standards, criteria, and provisions shall apply to all On-premise Permanent Signs throughout the County in Commercial and Industrial zoning districts, as defined in this Code, and to non-residential portions of PUDs. This section does not apply to: (a) sites located along a designated Scenic Highway or within a Scenic Vista subject to Part 7.07.00; (b) sites located within special overlay districts, which are governed pursuant to Article III; (c) residential subdivision sites subject to Part 7.06.01 and located within Open Rural, residential zoning districts, residential portions of PUD zoning districts; (d) sites zoned PUD that have an approved unified Sign plan with associated waivers to Article VII; (e) and sites located along the Racetrack Road Overlay subject to Part 7.10.00. Such excepted sites have more restrictive Signage limits as detailed in the applicable Land Development Regulations and PUD zoning approvals.

A. General; Additional Variance Criteria

1. On-premise Signs, within the requirements of the Code, may be erected on any Business Site in Commercial or Industrial districts zoned to allow such. On-premise Signs on Business Sites located in either Open Rural or residential zoning districts shall not exceed thirty-two (32) square feet of area per side or ten (10) feet in height.
2. In addition to the requirements for a request for a Non-Zoning Variance of this Code as indicated in Section 10.04.03 of this Code, the Applicant must prove that the Copy, Face, or Message would not be effectively 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;
 - b. The speed limit on the road or street right-of-way;
 - c. The visible impact of the Sign or Signs from the nearest road or street right-of-way; and
 - d. The integration of the Sign or Signs into the architecture of the Building.

B. On-Premise Signs in PUDs

1. On-Premise signs within the requirements of this Code, may be Erected on parcels of land zoned PUD, subject to the PUD Master Development Plan text stating such Signs shall be allowed as a Use within the PUD. All Signage provided in PUD zoning classifications shall comply with the requirements of this Code. The Applicant for the PUD, the Owner of the PUD, or any designated agent of the Applicant or Owner of the PUD may request, with the submittal of the PUD application, a waiver in accordance with Section 5.03.02.G. of this Code of such Sign requirements to accommodate the Project. Waiver requests shall specify the ADA, height, number, and locations of the request.
2. In any PUD approved on or before the effective date of this Code, any request to modify the height, size, or square footage of the approved Signage shall be

deemed a major modification, pursuant to the requirements of this Code.

3. The design of any On-premise Sign or Signs not complying with the provisions of Article VII shall be submitted in a unified sign plan with the PUD application and shall be reviewed with the PUD application or major modification.
4. The contiguous boundary of a PUD shall be considered the same property or property for purposes of on-premise signs advertising businesses or services within the PUD boundary.
5. Signage standards in this sections shall be for the PUD as a whole and not for any individual parcel or out-parcel.

C. On-Premise Signs at Non-Residential Projects: Number and Size

The following table describes Sign types, the maximum number allowed, and maximum Advertising Display Area.

Sign Type	Maximum Number of Signs Related To Frontage on Street		Maximum Square Footage Per Sign (Advertising Display Area)
	# of signs	Street Frontage	
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, Building, Wall and similar Sign Structures		Number Not Limited	1.5 square feet per linear footage of Building Frontage. Maximum 150 square feet per Sign, not to exceed 200 square feet of Sign area per business (See Appendix C)

D. Maximum Size

In no case shall any individual Sign described above exceed one hundred fifty (150) square feet of Advertising Display Area. Each building is allowed a maximum of two hundred (200) square feet of signage related to building frontage per business.

E. Height Limits

Maximum height for On-premise Permanent Signs is based upon the Roadway Functional

Classification, as provided in Appendix E, as amended, and except as otherwise provided in this Section, shall not exceed the maximum height as provided below. Height shall be measured pursuant to Section 7.00.06 of this Part.

Roadway Functional Classification	Maximum Height (feet)
State Roads (except SR 13)*	30
Major Collector (except International Golf Parkway and Race Track Road)*	25
Local Roads*	20
Minor Collector*	20

* Portions of SR/CR 13 and International Golf Parkway are designated as a Scenic Highway which, like Race Track Road and roads within overlay zones, have overlay Sign requirements as adopted by the Board of County Commissioners

During permitting, an Applicant may submit a written request to the County Administrator for an exception to the above height limits for no more than an additional ten (10) feet of height on State Roads and Major Collectors and no more than 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. Within fourteen (14) days of the written request for exception, the County Administrator shall visit the site and shall approve or deny the request in writing. The decision of the County Administrator may be appealed to the Board of County Commissioners pursuant to Section 7.00.08 above.

F. Spacing

Adjacent On-premise Permanent Signs shall be separated by a distance at least equal to the width of the two Signs added together measured from the maximum width at any point of each Sign.

G. Automatic Changeable Message Devices

Automatic Changeable Message Devices shall be allowable only on an on-premise ground sign in a nonresidential project and shall count towards the maximum allowable ADA. All such signs shall be subject to the following conditions, which may not be waived or varied:

1. The sign or portion of the sign that is an automatic changeable message device shall not be greater than twenty percent (20%) of the overall ADA for a sign and shall not exceed thirty (30) square feet, whichever is less;
2. No animated messages, including flashing or frame effect, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement;
3. The face or copy of the sign shall not change more than once every two (2) hours and must change simultaneously for the entire sign face;
4. Shall comply with illumination standards in section 7.00.06.C

Additionally, no Automatic Changeable Message Device Sign shall be illuminated at a level greater than 0.3 foot candles over ambient light levels, as measured using a foot candle meter at a pre-set distance in accordance with the following:

- a. At least 30 minutes past sunset, ambient light shall be measured using a foot candle meter for the area, excluding light from the illuminated copy;
- b. The measurement must be taken 150 feet from the source.

H. Manual Changeable Copy Sign

Manual Changeable Copy Sign, except as provided for in Article III of this Code, shall be allowable only on a ground sign and shall count towards the maximum allowable ADA. All such signs shall be subject to the following conditions, which may not be waived or varied:

1. The sign or portion of the sign that is a manual changeable copy sign shall not exceed thirty (30) square feet;
2. No portion of the sign shall appear to move, rotate, flash, or be a Prohibited Sign;
3. Any illumination shall comply with Section 7.00.06.C.

Sec. 7.02.05 On-Premise Permanent Signs - Interstate

The following standards, criteria and provisions shall apply to all On-premise Permanent Signs throughout the County on all sites located within the interstate system interchanges, as described below.

A. Standard Allowance

Each Business Site shall be allowed Signage in compliance with Section 7.02.04 above.

B. Additional Allowance

Each non-residential Business Site shall be allowed one (1) additional Pole Sign placed On-premises for primary visibility from the Interstate and designed in compliance with the following:

1. Business Sites situated within five hundred (500) feet of the interstate system interchange right-of-way 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. 7.02.06 Additional Permanent Signs in All Zoning Districts.

The below signs are allowable in all zoning districts.

A. Flags

A sign permit shall not be required for Flags. Flags shall not count towards the maximum ADA specified in Section 7.02.04 above subject to the following conditions:

1. No more than three (3) Permanent Flags may be flown concurrently per site.
2. The maximum distance from top to bottom of all Flags situated on a single flagpole shall be twenty percent (20%) of the total height of the flagpole.
3. For Flags situated without a flagpole, 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 flagpole located in a commercial or industrial zoning district shall not exceed the maximum height for On-premise Permanent Signs located in such zoning districts.

B. Signs for the purpose of Ingress, Egress, or Direction

For safety purposes and for traffic circulation purposes, Permanent Signs for the purpose of ingress, egress or direction within a parcel are permitted, provided the same do not exceed three (3) square feet in size and no more than three (3) feet in height. A Sign Permit is not required for a Permanent signs for the purpose of ingress, egress, or direction. Such signs shall not count towards the maximum ADA specified in Section 7.02.04 above.

C. Window Signs

Window Signs shall be legible only from the Premises on which they are located or from inside the Business. Window Signs shall not be used for Commercial Messages and shall not cover more than twenty-five percent (25%) of the area of any window or door. A Sign Permit is not required for a Window Sign.

Sec. 7.02.07 On-Premise Permanent Sign Setbacks and Placement Limits (See Appendix D for Illustration)

All On-premise Permanent Signs shall be setback five (5) feet from the front property line, ten (10) feet from the side property line, and ten (10) feet from the rear property line, as measured to the base of the Sign. No portion of the Sign may extend into the right-of-way. 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.

PART 7.03.00 RESERVED

Sec. 7.03.01 Reserved

PART 7.04.00 RESERVED

Sec. 7.04.01 Reserved

PART 7.05.00 SPECIAL EVENT SIGNS

Sec. 7.05.01 Special Event Signs

- A. Special Event Signs are allowed when registered with the County Administrator or designee and when displayed or Erected in compliance with the provisions of this section.
- B. Every Special Event Sign shall be registered with the County Administrator or designee no later than one business day before it is initially displayed or Erected. Every registration shall state the type of Special Use Sign to be displayed or Erected during the Special Event.
- C. Each Person displaying or Erecting a Special Event Sign shall maintain a cumulative log of all Special Event Signs per calendar year and, upon request, shall present the log to the County for comparison to County records as necessary.
- D. Special Event Signs may not be displayed or Erected on any residential Property, and may not be displayed or Erected for more than a cumulative total of one hundred twenty (120) days per calendar year.
- E. No Special Event Signs may be located in, on, or over any public right-of-way.
- F. All Special Event Signs shall be removed immediately after the Special Event.
- G. Upon registering, the following listed Special Event Signs shall be allowed:
 - 1. Banners or Pennants. Each Banner or Pennant 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.
 - 2. 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.
 - 3. Flags when flown on poles. Any Flag not registered in advance shall be prohibited, except as allowed in Section 7.02.06.A

PART 7.06.00 SIGNS AND ENTRY FEATURES AT PROJECT ENTRANCES

Sec. 7.06.01 Signs at Entrances

- A.** Residential Subdivisions. Each residential subdivision entrance is allowed two (2) Subdivision Entrance Signs. Such Signs shall be located outside of public rights-of-way and shall not encroach into any corner sight visibility triangle required pursuant to Section 7.00.06. 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, shall be designed as a Monument or Ground Sign, and shall not exceed fifteen (15) feet in height.

Such Signs may be incorporated into a wall, fence, or other structure that also shall not exceed fifteen (15) feet in height. Such structures shall be located at least fifteen (15) feet from County-maintained right-of-way and shall obtain all required building permits.

- B.** Mixed Use or Non-Residential Projects. Each subdivision, multi-family complex, or non-residential development located within a mixed Use project, or each non-residential project is allowed one (1) Sign located at or near the entrance to the subdivision, multi-family complex, or non-residential development. Such Signage is subject to the requirements provided in this Code.

In addition, such mixed Use project, as a whole, shall be allowed one (1) Sign located and Erected at each major access point of the mixed Use project. Such Sign shall be located outside of public rights-of-way. 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 that also shall not exceed fifteen (15) feet in height. Such design shall be submitted on the Unified Sign Plan.

Sec. 7.06.02 Entry features associated with project identification

- A.** Each project is allowed one entry feature associated with project identification, such as a stand-alone structure without any attached signage subject to the following:
1. Entry features and structures shall be uninhabitable;
 2. Entry features and structures shall have a maximum height of twenty-five (25) feet;
 3. Entry features and structures shall not be located within County-maintained right-of-way;
 4. Shall be setback a minimum of twenty (20) feet from the right-of-way;
 5. Shall not interfere with sight distance triangles.

PART 7.07.00 SCENIC HIGHWAY SIGNS AND ANTENNAS

Sec. 7.07.01 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 or Scenic Roadways designated in Appendix B of this Code, and include SR 13/CR 13, also known as the William Bartram Scenic Highway, SR A-1-A 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 or Scenic Roadways 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.

B. Regulations

In addition to the other provisions established in this Code, areas designated as Scenic Highways or Scenic Roadways designated in Appendix B of this Code are subject to the following requirements.

1. No Off-premise Signs are allowed within six hundred (600) feet of the right-of-way along either side of any designated Scenic Highway or Scenic Roadway, as measured from the edge of right-of-way; and any Off-premise Signs Erected outside the six hundred (600) 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.
2. No Off-premise Signs are allowed within six hundred (600) feet of the right-of-way along either side of the road intersecting or abutting a designated Scenic Highway or Scenic Roadway 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.
3. 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.
4. Each Business Site 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.

5. Each Subdivision entrance, mobile home park entrance and similar residential projects shall be allowed two (2) 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.
6. 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.
7. Window Signs shall be legible only from the Premises on which located or from inside the Business and shall not be visible from any public roadway or public walkway.
8. Maximum advertising display area, maximum width, and maximum height 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. The standards in this subsection shall not apply to properties applicable to an overlay district, as denoted in Sections 3.06.03, 3.07.03, 3.08.03, 3.09.03, 3.10.03, and 3.11.03.

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

NOTE: Ground Signs within an overlay district, as denoted in Article III, have separate standards.

9. All Prohibited Signs, listed in Part 7.08.00 are prohibited along designated Scenic Highways. In addition to the Prohibited Signs listed in Part 7.08.00 the following Signs are also prohibited along Scenic Highways.
 - a. Snipe Signs
 - b. Banners, except as provided in Sections 3.07.00, 3.08.00, 3.09.00, and 3.10.00.
 - c. Balloons, except as provided in Sections 3.07.00, 3.08.00, 3.09.00, and 3.10.00.
 - d. Animated Signs, Automatic Changing Message Devices, Revolving Signs, and any Signs that move, spin, and/or rotate, in any manner.
 - e. Pennants
 - f. Billboards
 - g. 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.

Sec. 7.07.02 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 six hundred (600) 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.

PART 7.08.00 PROHIBITED SIGNS

Sec. 7.08.01 Prohibited Signs

The Signs and Sign types listed below are prohibited in the jurisdiction governed by this Code and shall not be Erected, operated, or placed on any property. Said prohibition shall supersede any conflicting provision of this Code or other law or regulations of the County. Notwithstanding anything in Part 5.03.00 or Part 10.04.00 of this Code, no variance or waiver shall be granted permitting a prohibited sign. Any lawfully existing Permanent Sign Structure or Sign type that is among the Prohibited Signs and Sign types listed below shall be deemed a Non-Conforming Sign subject to the provisions of Part 7.09.00, Non-Conforming Signs.

- A. Abandoned Signs.
- B. Animated Signs.
- C. Attached Signs that are taller than the wall of the building to which the Sign is attached.
- D. Automatic Changeable Message Devices greater than 20% of sign ADA or greater than 30 square feet, whichever is less, or signs that change copy more than once every two (2) hours.
- E. Confusing Signs and Hazardous Signs.
- F. Flashing Signs.
- G. Floodlights and beacon lights, except when required by the Federal Aviation Administration.
- H. Flutter Signs, Feather Signs, streamers, Balloons, Wind Signs, Banner Signs, cold air inflatables, Pennants, and other wind operated or fixed aerial Signage, except for Special Event Signs as provided in Part 7.05.00.
- I. 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.
- J. Holographic Display Signs.
- K. Moving, twirling, or swinging Signs, including Multi-Prism and Tri-Vision Signs, including signs held or moved by a Sign Walker.
- L. Obscene Signs.
- M. Off-Premises Signs, except Billboards as provided in Part 7.01.00.
- N. Pavement markings, except for official traffic control markings and building address markings required by law.
- O. Portable Signs, mobile, and Free-Standing Signs, including commercial signs worn as boards or costumes such as those held or worn by a Sign Walker.

- P.** Revolving Signs; Rotating Signs.
- Q.** Roof Signs, when the Signs exceed the highest part of the Roof Line or when the Roof Sign results in Signage which exceeds the maximum height of On-premises Signs.
- R.** Signs attached to a seawall, dock, buoy, tie pole, or pier, other than Warning Signs.
- S.** Signs illuminated in a manner that interferes with the effectiveness of, or obscures an official traffic Sign, device, or signal.
- T.** Signs in, on, or over public property, including but not limited to rights-of-way and medians; other than Public Signs, Traffic Control Signs, and Warning Signs.
- U.** Signs in or upon any river, bay, lake, or other body of water within the limits of the County; except government regulatory Signs and Warning Signs.
- V.** Signs located on real property without the permission of the property owner.
- W.** Snipe Signs. Signs nailed, fastened, affixed to, or painted on any pole, tree or part thereof (living or dead), or other vegetation. The Code Enforcement Officer may remove any such signs upon sight.
- X.** Signs, other than Traffic Control Signs, that use the word “stop” or “danger,” or present or imply the need or requirement of stopping or the existence of danger, or which are a copy or imitation of Traffic Control Signs and which are adjacent to the right-of-way of any road, street, or highway.
- Y.** Signs that contain any food or other substance that attracts large numbers of birds or other animals and causes them to congregate on or near the Sign.
- Z.** Signs that emit sound, vapor, smoke, odor, or gaseous matter.
- AA.** Signs that interfere with or obstruct traffic flow or vehicular vision, such as within an intersecting right-of-way, that are within a sight visibility triangle, as described in Section 7.00.06 herein, or that otherwise obstruct a clear view of pedestrian or vehicular traffic.
- BB.** Signs that obstruct, conceal, hide, or otherwise obscure from view any Traffic Control Sign or official traffic signal.
- CC.** Vehicle Sign or Signs with a total Sign area in excess of twenty (20) square feet on any vehicle, and when
 1. The vehicle is not “regularly used in the conduct of the business,” and
 2. The vehicle is visible from a street right-of-way within fifty (50) feet of the vehicle, and
 3. The vehicle is parked for more than a twenty-four (24) hour period within fifty (50) feet of any street right-of-way.
 4. A vehicle shall not be considered “regularly used in the conduct of the business” if the vehicle is used primarily for advertising.

5. This subsection does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal hours of business which is currently licensed, insured, and operable; provided, however, that no such vehicle shall be parked on public or private property with Signs attached or placed on such vehicle primarily for the purpose of advertising a business establishment or firm or calling attention to the location of a business establishment or firm.

PART 7.09.00 NON-CONFORMING SIGNS

Sec. 7.09.01 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 than 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. 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.

PART 7.10.00 RACE TRACK ROAD SIGNS

Sec. 7.10.01 Race Track Road Signs

Race Track Road, a Major Collector roadway, within St. Johns County is located at the Duval County Line and connects SR 13 to US 1. The Board of County Commissioners have found that Race Track Road from SR 13 to CR 2209 (St. Johns Parkway), due to its intersection with the William Bartram Scenic Highway, its location along the St. Johns County and Duval County Line, its transitioning rural to urban character, and its location within a developing area of St. Johns County; that Race Track Road deserves individual Sign requirements. These Sign requirements shall constitute a Sign overlay district for Race Track Road, from its connection to SR 13 to CR 2209 (St. Johns Parkway).

A. Regulations

In addition to the other provisions established in this Code, Signage along Race Track Road, from SR 13 to CR 2209 (St. Johns Parkway), is 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.

1. No Off-premise Signs are allowed within six hundred (600) feet of the right-of-way along either side of Race Track Road, as measured from the edge of right-of-way; and any Off-premise Signs Erected outside the six hundred (600) foot designation, shall not be visible from Race Track Road 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 Race Track Road. Any Signs greater than two thousand five hundred (2,500) feet from the centerline shall be deemed not visible.
2. No Off-premise Signs are allowed within six hundred (600) feet of the right-of-way along either side of the road intersecting or abutting Race Track Road, for a distance of two thousand five hundred (2,500) feet from Race Track Road, measured from the centerline of the intersection, except Real Estate Signs as provided herein. US 1 shall be exempt from this Part.
3. 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.
4. 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 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.

5. 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 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.
6. 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.
7. 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.
8. 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	60	10	10

9. All Prohibited Signs, listed in Part 7.08.00 are prohibited along Race Track Road. In addition to the Prohibited Signs listed in Part 7.08.00, the following Signs are also prohibited along Race Track Road.
 - a. Snipe Signs
 - b. Banners
 - c. Balloons
 - d. Animated Signs, Changing Copy Signs, Changing Message Devices, Revolving Signs, and any Signs that moves, spins, rotates, in any manner

- e. Pennants
- f. Billboards
- g. Any Antenna or satellite dish, greater than one (1) meter in diameter, used for receiving satellite television Signals, visible from Race Track Road.

History: Ord. 2009-44, Ord. 2010-23, Ord. 2010-53, Ord. 2011-38, Ord. 2013-26, Ord. 2015-14

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 is void of Copy or 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.

Accessory Family Unit: Shall mean living quarters for one or more Family members, that may include full kitchen facilities, located within the main use Structure or on the same Lot as the main use Structure, provided no intervening street separates the Lot. A Family member shall have the same meaning as the Comprehensive Plan and as defined in Part XII of this Code.

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/firewall**. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Address: A number and roadway name assigned to properties, buildings and/or structures located on, or with access from, officially named public and private roadways.

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 Arcade Amusement Center: A business (a) that is located on the “premises” of a facility that is licensed by the State of Florida pursuant to Ch. 550, Florida Statutes, and (b) that operates Adult Arcade Amusement Machines that complies with section 849.161(1)(a)1., Florida Statutes. Adult Arcade Amusement Centers do not include Family Amusement Arcades.

Adult Arcade Amusement Machine: An electronic, mechanical, computer, or other device which operates by the insertion of coin and may also operate by the use or insertion of other type of monetary consideration, ticket, token, or card that activates the play of a game or multiple games which by application of skill may entitle the person operating the machine to receive (i) points representing a unit of game play on the machine or (ii) coupons which may be exchanged for merchandise available for sale to the general public on the premises of the Adult Arcade Amusement Center or via catalogs or kiosks produced by an Adult Arcade Amusement Center, other than alcoholic beverages and cash, provided the value of the merchandise does not exceed the amount set forth in section 849.161(1)(a) I. Florida Statutes. The "application of skill" shall mean the ability of a player, with knowledge of the game, and by use of probability based strategies, manual dexterity and/or decision making to improve his or her level of theoretical success in the game offered by the machine by decreasing the game's advantage by at least 25% over a completely random strategy of play, as certified by an independent laboratory licensed under Chapter 551, Florida Statutes. The presence of a device as described above that requires the payment of monetary consideration for its operation shall result in the presumption that such machine is an Adult Arcade Amusement Machine as defined herein.

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 display, including any frame or border, and excluding. ~~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.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

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.

Appeal. For the purpose of part 3.03.00 "Flood Damage Control Regulations" Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance 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. This term is synonymous with the phrase "special flood hazard area."

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.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA

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, except a Digital Billboard, 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. ~~However, this does not include Signs displaying numbers or dates provided that not more than forty (40%) percent of the total Sign area is capable of delivering messages which do or appear to rotate, change or move at any time.~~ (Also see **Flashing Signs**).

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. The base Flood is commonly referred to as the “100 year flood”

Base Flood Elevation: The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

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: For the purpose of part 3.03.00 “Flood Damage Control Regulations, 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 whether leased or not leased. ~~Each Billboard may also contain one or more Political Messages in lieu of or along with other Advertising Messages.~~

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 or Rooming House: An establishment with lodging for three (3) 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. In addition, Single Family Dwellings in which sleeping accommodations are offered to three (3) or more unrelated persons for rentals of one week or more, and occupancy is generally by residents rather than transients, shall be considered a Boarding or Rooming House. Boarding or Rooming Houses shall be allowed in those zoning districts designated for Special Care Housing.

Boat Dock, Boathouse, Boat Shelter, and structure (s) on docks: Shall mean a structure where Private Pleasure Craft are stored, or a structure that extends over water or land to allow direct access to water and shall include boat houses, boat davits, viewing platforms or any other structure built upon the dock.

Boat Dock, Neighborhood: Establishments intended to serve the immediate residential community where boat slips or storage are limited for the use of the residences of the Development, are no more than 30 slips and are not for rental or sale. Watercraft may not be leased, rented or otherwise let for money or other valuable consideration or used for commercial purposes. Prohibited activities include, but not limited to, watercraft cleaning services, watercraft repair services, fueling and all retail activities. (Also see **Boat Dock, Single Family**).

Boat Dock, Single Family: A private Residential floating or fixed platform that serves without charge only watercraft owned or leased by the Single Family residence owner or lessee of the residence and used for pleasure purposes only. (Also see **Boat Dock, Neighborhood**).

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, Principal: See Principal 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.

Calendar Year: January 1 through December 31.

Caliper: The trunk diameter of a nursery grown Tree measured six (6) inches from the ground on Trees up to and including four (4) inches in Caliper, and twelve (12) inches above the ground for larger Trees.

Canal: a manmade trench created by excavation, the bottom of which is normally covered by water with the upper edges of its sides normally above water.

Canopy Tree: Any Tree that normally grows to an over-all height of at least thirty-five feet (35) and develops an average mature crown spread greater than thirty feet (30) as referenced in ST Fact Sheets, a series of the Environmental Horticulture Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, as amended, and *Trees for Urban and Suburban Landscapes* by Edward F. Gilman, 1997.

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.

Certified Arborist: Means a Professional who maintains current credentials from the International Society of Arboriculture.

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 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 established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal Grassland: See Significant Natural Communities Habitat.

Coastal High Hazard Area: A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE or V. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coast high hazard areas."]

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.

Collapse Zone: The area on the ground within a designed prescribed radius from the base of an Antenna Tower within which, in a catastrophic failure, the tower is designed to fall or collapse, as certified by a licensed engineer.

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.

Commercial Message: Sign Copy that directly or indirectly names, advertises, or calls attention to a product, service, commodity, sale, sales event, activity, entertainment, real or personal property, or other commercial activity.

Community Center: A Building in which members of a community gather for social, educational, or cultural activities.

Compensatory storage. The excavation within a free-flowing, riverine (non-tidal) flood hazard area of hydraulically equivalent volume as proposed fill for the purpose of balancing the effect of proposed fill on the floodplain, provided the excavated area is not below the normal water line of a pond or other body of water and it drains freely to the watercourse.

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, 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.

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 cannot 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 properly detailed and dimensioned construction drawings, plans, specifications and calculations prepared by an Engineer or other Registered Professional, as defined herein and as 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.

Contiguous Wetland: A Wetland that has a direct hydrologic connection to waters of the state.

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 which includes any method for enclosed cooking, including an oven or microwave or toaster oven for enclosed cooking and flat heated surfaces designed for open cooking, including a hotplate. For the purpose of determining a Dwelling Unit, any combination that includes both enclosed cooking and open cooking would constitute a separate independent living unit.

Copy: Any permanent or temporary text, graphics, ~~and/or~~ logo or other representation or image 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.

County GIS: Geographic Information System maintained by GIS Addressing.

~~**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.

Cultural Resource: Any prehistoric or historic site, Building, object, district 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. A Cultural Resource may also be determined to be a Significant Cultural Resource as provided in Article III.

Cultural Resources Inventory: Shall mean the list of known or potential Cultural Resources within unincorporated St. Johns County which shall be mapped and periodically updated and shall note those resources designated as Significant Cultural Resources, Landmarks or Landmark Districts, and National Register properties or districts.

Cultural Resource Management Plan: A plan prepared to address preservation and management of a Cultural Resource or group thereof, which is approved by the County in accordance with Article III of this Code.

Cultural Resource Review Board: Shall mean the advisory 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 Cultural Resources and conduct other functions assigned by the Board of County Commissioners with respect to Cultural Resources.

Cumulative Beach Illumination: Artificial Light source that, as a group illuminate any portion of the surface of the beach.

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.

Declaration of Land Restriction (Nonconversion Agreement). A form provided by the

Floodplain Administrator to be signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated Dwellings

Decoration: Any decoration visible from a public area that does not include lettering or text and is not displayed for commercial advertising.

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.

De Minimis Activity Facility means a facility operated by an organization exempt from federal taxation under Section 501(c) of the Internal Revenue Code and with five (5) or fewer electronic or mechanical devices that are used to conduct a drawing by chance, sweepstakes or game promotion utilizing those electronic or mechanical devices.

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.

Design Flood: The flood associated with the greater of the following two areas:

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design Flood Elevation: The elevation of the “design flood,” including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the water surface depth number (in feet) specified on the flood hazard map plus 1 foot of freeboard. In areas designated as Zone AO where the depth number is not specified on the map, the depth number of the water surface shall be taken as being equal to 2 feet. The design elevation shall include an additional 1 foot of freeboard equaling 3 feet total.

Detached Sign: See Ground Sign.

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: : Any man-made change to improved or unimproved structure and/or real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials. The following activities or uses shall be taken as to involve "development" as defined in this section:

- A. Mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.
- B. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure, or on land or a material increase in the number of dwelling units in a structure or on land.
- C. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal.
- D. Demolition of a structure.
- E. Clearing of land as an adjunct of construction.
- F. Any other activities referenced in Section 380.04, F.S.

For those operations or uses that shall not be taken to involve "development" as defined in this section, please reference Section 380.04, F.S.

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-trunked Tree at four and one-half (4.5) feet above grade. When a Tree is Multi-Trunked, DBH shall be equal to the aggregate diameters of the individual trunks measured at four and one-half (4.5) feet above

grade. Where the individual stems are less than eight (8) inches in diameter, the largest three (3) trunks will be used.

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.

Door Sign: See Window Sign.

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: The area directly under the canopy of a Tree enclosed in an 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.

Egress Sign: A Sign at the exit from a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and/or vehicular traffic safety. See also Directional Sign.

Electrical Sign: Any Sign containing electrical wiring which is attached or intended to be attached to an electrical source.

Electronic Equipment: Any electronic or mechanical device provided by or on behalf of the operator of an Electronic Game Promotion that is used or adapted for use to conduct and/or reveal the results of a drawing by chance conducted in connection with the sale of a consumer product

or service, sweepstakes or game promotions that display results by simulating a game or games ordinarily played on a slot machine.

Electronic Game Promotion: A sweepstakes or other game promotion which utilizes Electronic Equipment and a drawing by chance conducted in connection with the sale of a consumer product or service which utilizes Electronic Equipment.

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: An advancement beyond proper or legal limits. Some forms of encroachment may include, but are not limited to the following:

- a) The protrusion of a structure or building into a required setback, landscaped area or easement.
- b) The protrusion of a vehicle into a vehicular accessway, pedestrian way, or landscaped area.
- c) The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

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 semi-enclosed, 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 Sign Permit requirements as described in this Code.

Exempt Trees: Means species listed by the Florida Exotic Pest Plant Council, Florida Administrative Code section 5B-57.007 “State Noxious Weed List,” and all pine species. Exempt Trees may not be used for Tree inch value.

Existing Construction: For the purpose of part 3.03.00 “Flood Damage Control Regulations”, any Building or Structure for which the “start of Construction” commenced before July 6th, 1973 the effective date of the first Floodplain Management Ordinance

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 streets, and either final site grading or the pouring of concrete pads) is completed before July 6th, 1973 the effective date of the first Floodplain Management 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 Amusement Arcade: A business which, in addition to a food and beverage business for which it possesses state and local licenses and permits, also operates an integrated arcade business that complies with section 849.161(1)(a)l., Florida Statutes, catering primarily to families and minors.

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 related by blood, marriage, adoption, legal guardianship, or similar formal care giving relationship recognized by Florida law, allowing for an additional group not to exceed three (3) unrelated 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.

Feather Sign: Any sign extending in a sleeve-like fashion down a telescoping or fixed pole that is mounted in the ground or on a building or stand. A Feather Sign is usually shaped like a sail or feather, and attached to the pole support on one vertical side.

Federal Aviation Administration (FAA): the federal agency charged with regulating civilian aviation and safety standards.

Federal Communications Commission (FCC): the federal agency charged with licensing and regulating wireless communications at the national level.

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

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.

Fire Protection Break: A natural or constructed barrier of limited fuels used to provide a control line from which to work during an active or future prescribed fire or wildfire.

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 Sign consisting of a piece of cloth, fabric, or other non-rigid material. ~~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 Political Messages and/or 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, in which the message changes more than once every two (2) hours, or electronic light source and devices which result in changing light intensity (including on-off-on), 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 and scrolling digital text. (also see **Automatic Changeable Message Device**).

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 damage-resistant materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC-B, Section 1612.2 and FBC-R Section R322.1.8.]

Flood Hazard Area: The greater of the following two areas:

- 1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- 2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

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 only Approximate Zone A.

Flood Insurance Rate Map (FIRM): Means an official map of a community, issued by the Federal Emergency Management Agency, which delineated both the Areas of Special Flood Hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): Means the official hydrology and hydraulics report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.

Floodplain Administrator: The office or position designated and charged with the administration and enforcement of this ordinance (May be referred to as the Floodplain Manager).

Floodplain Development Permit or Approval: An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Flood Prone: Areas shown on FEMA FIRM Maps as A or V zones.

Floodproofing: means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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 riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis: An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

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.

Floor, Lowest: The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

~~**Footcandle (fc):** a measure of light falling on a surface. A footcandle is equal to the lumens of light incident on an area divided by the total area (i.e., lumens per square foot).~~

Florida Friendly: See Xeriscape

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 Miocene 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.

Flutter Sign: See Feather Sign.

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.

~~**Footcandle (fc):** a measure of light falling on a surface. A footcandle is equal to the lumens of light incident on an area divided by the total area (i.e., lumens per square foot).~~

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.

Fragmentation: The division of a large piece of habitat into a number of smaller, isolated patches or the physical separation of like habitat by more intensive land uses.

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.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

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.

GIS Addressing: The St. Johns County Board of County Commissioners GIS Division.

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.

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, Guest Quarters, or Cottage: A unit in a Building separate from and Accessory in Use and size to the main residential Building on a Lot, intended and used only for intermittent or temporary occupancy by a non-paying guest or family member. A Guest House may contain limited kitchen facilities such as microwave oven, bar sink, less than 10 cubic foot refrigerator/freezer, provided the unit is not occupied by the same tenant in excess of thirty (30)

days within the same calendar year, and the unit shall not be rented. A Guest House shall not be considered a separate Dwelling Unit provided such conditions are met. 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~~Copy 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 vertical distance from the crown of the road, other than an elevated roadway, 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.

High Volume Irrigation: An irrigation system that does not limit the delivery of water to the root zone and typically has a minimum flow rate per emitter of more than 30 gph or higher.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

~~**Cultural Resource:** Any prehistoric or historic site, Building, object, district 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. A Cultural Resource may also be determined to be a Significant Cultural Resource as provided in Article III.~~

~~**Cultural Resources Inventory:** Shall mean the list of known or potential Cultural Resources within unincorporated St. Johns County which shall be mapped and periodically updated and shall note those resources designated as Significant Cultural Resources, Landmarks or Landmark Districts, and National Register properties or districts.~~

~~**Cultural Resource Management Plan**— A plan prepared to address preservation and management of a Cultural Resource or group thereof, which is approved by the County in accordance with Article III of this Code.~~

~~**Cultural Resource Review Board:** Shall mean the advisory 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 Cultural Resources and conduct other functions assigned by the Board of County Commissioners with respect to Cultural Resources.~~

Historical Property: 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 Administrator of the Cultural Resource Review Board.

Historic Structure: ~~—~~Means any Structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

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.~~

~~**Holographic Display Sign:** An advertising display that creates a three-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.~~

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 Boarding or Rooming Houses, where rentals are for periods of one week or more 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.

Illumination: the areal density of the luminous flux incident at a point on a surface measured in footcandles.

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.

Impervious Surface Area (ISA): the sum of all Impervious Surfaces within a portion or portions of a proposed Development site or Project.

Impervious Surface Ratio (ISR): the ISR shall be calculated by dividing the total Impervious Surface Area, exclusive of the surface area of any wet retention/detention areas, by the total area of the proposed Development site or Project.

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.

Ingress Sign: A Sign at the entrance to a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and/or vehicular traffic safety.

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.

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.

Irreparable or Irreversible Violation: Shall be a violation of this Code which cannot be corrected within a reasonable time. The violation shall be considered irreparable or irreversible if restoration of the property to the original condition prior to the violation cannot be achieved within five (5) years for the unpermitted removal or disturbance of a Specimen or Historic Tree, Historic Resource or Landmark, Scenic Roadway Buffer, Upland Buffer, Significant Natural Communities Habitat, or other Environmentally Sensitive Area. The restoration and replacement requirements shall be determined by the County Administrator.

Intersection Analysis: A mathematical analysis of two intersecting roadways to determine its vehicular capacity and Level of Service.

Inventory of Trees: Inventory of Protected Trees provided by a State of Florida licensed Land Surveyor and Mapper, Landscape Architect, Architect, Engineer or a Certified Arborist. The Inventory shall include the Tree size (Diameter at Breast Height, (DBH) and Tree type on a Site Plan prepared by a State of Florida licensed Engineer or Landscape Architect.

Isolated Wetland: A Wetland that is surrounded by uplands and without a natural connection to waters of the state.

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: Land Alteration is any activity which removes vegetation or changes the topography of the land by Grubbing, Protected Tree removal, clearing, grading, filling, or excavating, except for activities undertaken to maintain existing grounds.

Land Clearing: See Land Alteration.

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.

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 Cultural Resource or a group of Cultural Resources of archaeological, architectural or historic significance to St. Johns County which meets one or more of the criteria for designation and has been officially designated by the Board of County Commissioners through the approved process. 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, and Landmark Districts.

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.

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.

Legally Documented Unrecorded Subdivision: Shall mean a legally documented unrecorded residential division of property depicted by a drawing, plat or sketch that was in existence as of June 19, 1978, filed and documented in the public records of St. Johns County, and defined as an "Unrecorded Subdivision."

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.

Letter of Map Change (LOMC): An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- A. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- B. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- C. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- D. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

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-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- A. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- B. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

- C. Available with special features enabling off-street or off-highway operation and use.

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: Shall have the same meaning as the same term in Chapter 177, F.S.

Lot Frontage: The front of an interior Lot shall be construed to be the portion nearest the street. Where a thirty (30) feet Easement is used to access no more than two (2) Dwelling Units, the front shall be construed to be the portion nearest the street from which the Easement extends. 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: 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, or
- B. A Lot, Parcel or tract described by metes and bounds, the description of which has been so recorded in the Office of the Clerk of the Circuit Court of St. Johns County consistent with the Land Development Regulations in effect at that time, or
- C. A Lot, Parcel or tract described by metes and bounds, the division of which complies with the Land Development Regulations in effect on the date of conveyance creating the division as evidenced by reasonably reliable documentation substantiating such conveyance.

Low Impact/Stealth Tower: A tapered monopole that is equipped with visually low impact antenna mounts of wireless communication service providers. Examples include, but are not limited to, low-profile mounts, closed-mounts, cobra-mounts and side-arm antennas.

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.

Low Volume Irrigation: An irrigation system designed to eliminate overspray and runoff by limiting the delivery of water to within the root zone and measured thirty (30) gallons per hour or less per emitter. Examples include drip, micro, trickle and soaker systems.

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 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 Home: A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities and constructed to the standards promulgated by the United States Department of Housing and Urban Development. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured Home Park: Means a development as described in Chapter 723, F.S.

Manufactured Home Subdivision: A manufactured home subdivision is a Parcel of land set aside where Lots are sold or leased to manufactured home owners for the purpose of placing manufactured homes thereon for living and sleeping purpose, including any land, Building, Structure or facilities used by occupants of manufactured homes on such premises.

Manufactured/Mobile Home: A residential Dwelling Unit constructed to standards promulgated by the United States Department of Housing and Urban Development.

Manufacturing, Agricultural: This Use involves establishments primarily engaged in the grading, sorting, packing, refining and processing of raw agricultural Projects. 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, Community: Establishments intended to serve the immediate surrounding community for the docking of vessels for pleasure purposes only. Activities include boat slip rental, boat storage and incidental food or fishing supply sales. Activities are limited to sub-regional intensity including limiting hours of operation, limiting the number of wet slips and dry berths combined to no more than 75 boats and prohibiting Commercial watercraft activities such as Charter Fishing

or Sightseeing. Prohibited activities include watercraft cleaning services, watercraft repair services, watercraft sales and retail activities such as motels and fueling. A watercraft pump-out facility is required. (Also see **Marina**).

Marina: Establishments used for the docking or storage of watercraft used for pleasure purposes or Limited Commercial Purposes including Charter fishing or sightseeing, minor watercraft repair services, watercraft cleaning services, watercraft wet or dry berthing or storage, fueling, parking, sale of watercraft, retail, restaurant, motel, launching facilities and other customary accessory facilities. A watercraft pump-out facility is required. (Also see **Marina, Community**),

Maritime Hammock: See Significant Natural Communities Habitat.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, assessed value adjusted to approximate market value by a factor provided by the Property Appraiser, or Actual Cash Value (replacement cost depreciated for age and quality of construction). Any appraisal used for permitting purposes must be within (1) one year of the permit application.

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 and 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-Trunked Tree: Any Tree that grows with two (2) or more trunks. For survey purposes, an existing Multi-Trunked Tree shall branch at a minimum of one (1) foot above grade and the DBH of all trunks shall be added together to obtain the total DBH.

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.

Native Tree: Means any tree species with a geographic distribution indigenous to St. Johns County and may include those species listed in *The Atlas of Florida Vascular Plants*, published by the Institute for Systematic Botany.

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.

Natural Wetland Hydroperiod: The normal seasonal fluctuations in the surface and ground water levels of Wetlands and the resulting duration of surface flooding in response to seasonal rainfall.

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 of 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: For the purposes of administration of Part 3.03.00 and the flood resistant construction requirements of the *Florida Building Code*, structures for which the “start of construction” commenced on or after July 6, 1973 and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: 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 streets, and either final site grading or the pouring of concrete pads) is completed on or after July 6, 1973, the effective date of the first floodplain management ordinance or standard.

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-Commercial Message: Any message which is not a Commercial Message.

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: An enterprise that conducts the retail and/or wholesale of plant, Trees and shrubs grown on the premises, as well as accessory items directly related to their care and maintenance, excluding power equipment such as gas or electric lawn mowers and farm implements.

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, which~~ directs attention to ~~or in any other way present to the public a Message that relates to a~~ Person; product; business; merchandise; service; institution; residential area; entertainment; attraction; charitable organization, religious organization or any other organization; or any activity conducted by any company, Person, or organization, ~~which is~~ not located, sold, purchased, rented, based, offered, furnished, existing, or otherwise associated with the property on which the Sign is located. For purpose of clarification, a Sign (i) ~~that does not so direct attention but which available to do so and~~ (ii) that is not an On-premise sign ~~and (ii) 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. ~~Each Off-premise Sign may also contain one or more Political Messages in lieu of or along with the messages described above.~~

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-~~p~~Premise Sign.

On-premise Sign: Any Sign which directs attention to a Person; product; business; merchandise; service; institution; residential area; entertainment; attraction; charitable, religious, or other organization; or any activity conducted by any company, Person, or organization located, sold, purchased, rented, based, offered, furnished, existing, or otherwise associated with the property on which the Sign is located ~~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. Each On-premise Sign may also contain one or more Political Messages in lieu of or along with other Advertising Messages.~~

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-~~p~~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.

Outdoor Seasonal Sales: Are temporary seasonal uses, which include but are not limited to Christmas tree sales, pumpkin sales, fireworks, plant sales, and similar fresh produce sales including u-pick farms. Outdoor seasonal sales are not intended to include periodic retail sales events (on premise or off-premise) or the sale of manufactured items such as furniture, bedding, automobile parts, household goods, spas, pools, or other similar items.

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.

Park trailer. Means a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park

trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions. [Defined in 320.01, F.S.]

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, Off-Site: An area for the parking of personal vehicles separated from the main use parcel for which the area is serving.

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 there from, 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 lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, which will flutter or swing in the wind, 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.

Permanent Sign: Any Sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall, or building. Unless otherwise provided for herein, a Sign other than a Temporary Sign shall be deemed a Permanent Sign unless otherwise indicated elsewhere in 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.

Place of Assembly, Large: A place or premise designed to accommodate the assembly of persons attending large athletic events, musical performances, dramatic or dance performances, speeches or ceremonies, and other cultural or entertainment events. The Use includes but is not limited to arenas, auditoriums, conference facilities, convention centers, exhibition halls, major sports facilities, theaters and performing arts centers, churches, and other facilities designed for assembly. For the purposes of determining whether a place or premise is a Large Place of Assembly Use, the following considerations shall apply:

- A. The Use is capable of holding more than 1,000 people as determined by the intent of the Florida Building Code for Individual Assembly Occupancies; or
- B. The Use has more than 350 paved or unpaved parking spaces, including all spaces reserved for its use. Parking spaces are considered reserved if owned, leased, or used by agreement; or are adjacent to the Use so that it is reasonably foreseeable persons visiting the Use will park there. This will include temporary or permanent arrangements, and applies regardless of the distance between, or the method of access to the parking spaces and the Large Place of Assembly.

Plan, Preliminary Subdivision: Includes the Site Plan; Protected Tree Survey or Inventory location map; preliminary engineering plans, specifications and calculations; and other necessary materials for a Development or Project phase or the entirety.

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 Sign containing one or more Political Messages with no commercial or other messages.~~

~~**Political Message:** Any legal non-commercial Copy that is protected under the First Amendment of the United States Constitution and/or under Section 4 of Article I of the Constitution of the State of Florida.~~

~~**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: Establishments used primarily for the docking of watercraft used for Commercial Purposes including Commercial fishing, cruises, tugs, barges, dredges, providing repair and cleaning services for such watercraft, providing wet or dry berthing or storage of watercraft, the sale of watercraft, fueling, restaurant, motel, launching facilities and other customary accessory facilities. A Watercraft pump-out facility is required.

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.

Principal Building: The structure in which the principal use of the parcel is conducted on which such structure is situated.

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 Protected Tree and the roots and soil around the Protected Tree base; the dimensions of which shall be the Drip Line, centered at the Protected Tree.

Protected Tree: Any Tree having a Diameter at Breast Height of eight (8) inches or greater, excluding Exempt Trees. Native Southern Red Cedar (*Juniperous 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. Any Tree preserved or planted to meet the requirements of this Code becomes a Protected Tree, regardless of size.

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 Permanent or Temporary Sign Erected by or on the order of a public official or quasi-public entity at the federal, state, or local government level in the performance of any duty including, but not limited to, noncommercial Signs identifying a government building or service, traffic control Signs, street name Signs, street address Signs, Warning Signs, Safety Signs, informational Signs, traffic or other directional Signs, public notices of events, public notice of

~~government actions, proposed changes of land use, any proposed rezoning, or any other government speech. 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 improvements 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 Cultural Resources 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.

Reclaimed Water: Treated wastewater.

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.

Reconstruction (as it pertains to Historic Preservation): For Historic preservation purposes, reconstruction means the process of reproducing by new construction the exact form and detail of a demolished or significantly altered building, structure or object as it appeared at a certain point in time.

Recreational Vehicle: A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

- (1) Built on a single chassis;
Four hundred 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards;
- (2) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (3) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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.

Registered Professional: Means a professional registered in the State of Florida and regulated by the Florida Department of Business and Professional Regulation according to his/her field of licensure with the respective regulatory boards. Examples of Registered Professionals may include professional engineers licensed under Chapter 471, F.S., professional landscape architects licensed under Chapter 481, F.S., and professional geologists licensed under Chapter 492, F.S., who have the requisite skills.

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. Protected Trees that have been planted or preserved shall not be damaged by excessive pruning, shearing or topping of trees into round balls, topping, lion's tailing, over raising, or any other pruning which results in a tree structure that will be susceptible to blow-over. All pruning shall be done following the American National Standard (ANSI 300) for Tree Care Operations "Tree, Shrub and Other Woody Plant Maintenance - Standard Practices."

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.

Repetitive Loss: Means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Required Improvements Bond: An obligation to complete Construction Improvements as depicted on approved plans, to provide for the application of final Wearing Surface Course, and for publicly-dedicated roadways only provide repairs to infrastructure related to faulty workmanship, construction, materials, and third party damage during the bonding period.

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 or Take-Out 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, whether power-driven or propelled by the force of wind or air.

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, except that for the purposes of Section 6.02.03, roadway shall mean a public or private traffic-carrying way set aside for vehicular traffic regardless of size or designation.

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 two (2) 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.

Rotating Sign: See Revolving Sign.

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.

Search Ring: The area in which the antenna of a wireless communication service provider must be located in order to provide the provider's designed wireless communication service to a defined geographical area.

Seasonal High Groundwater Level (SHGL): the observed elevations of groundwater determined by a geotechnical engineering investigation, and adjusted in accordance with seasonal and subsurface conditions, influences and factors.

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 as certified by the Provider's RF Engineer.

~~**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 originating from the base.

Sign: Any device, fixture, placard, or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, Person, institution, organization, or place of business, or which identifies or promotes the interests of any Person and which is viewable or to be viewed from any public street, road, highway, right-of-way, or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "Sign" shall include all structural members. A Sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single Sign. The term "Sign" for regulatory purposes shall not include the following objects: graveyard and cemetery markers visible from a public area; vending machines or express mail drop-off boxes visible from a public area, not including any Sign extending outside or above the vending machine or express mail drop-off box; decorations that do not constitute advertising visible from a public area; artwork that does not constitute advertising or a building's architectural features visible from a public area; a manufacturer's or seller's markings on machinery or equipment visible from a public area; 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 or books intended for individual distribution to members of the public; and attire that is being worn, badges, and similar personal gear. The foregoing are not Signs for purposes of these regulations.

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 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, coastal or bitter panic grass, railroad vine, beach morning glory, seashore paspalum, beach elder, dune sunflower, sea purslane, and sea rocket. 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 Strand: 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 shrubby species that are adapted to harsh maritime conditions. Coastal grassland is the primary nesting ground for some shorebirds including some rare and endangered species. Coastal Grasslands may also be referred to as: overwash plain, deflation plain, salt flat, and coastal savannah. 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 holly, wax myrtle, southern red cedar, greenbrier, pinweed, Spanish bayonet, goldenrod sea oxeye. 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, southern red cedar, wild olive, saw palmetto, beautyberry, poison ivy, prickly ash, and ferns. 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, sub-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, sparkleberry, persimmon, winged sumac, dropseed, Indian grass, foxglove, bracken fern, partridge pea, gopher apple, and golden-aster. Sandhill may also be characterized by longleaf pine - turkey oak, longleaf pine - xerophytic oak, or longleaf pine - deciduous oak associations, or high pine woodlands.

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, tree lyonia, saw palmetto, flatwoods plum, red bay, and fetterbush. Scrub may also be referred to as: sand pine scrub, Florida scrub, sand scrub, oak scrub.

Xeric Hammock: Xeric hammock typically develops on well-drained sandy soils where fire-exclusion allows for the establishment of an oak canopy. The canopy is more or less closed and dominated by sand live oak, Chapman's oak, turkey oak, bluejack oak, southern live oak, or sand post oak. An emergent canopy of pine may be present. The understory is usually open and consists of shrubs characteristic of either sandhill or scrub and may include saw palmetto, myrtle oak, rusty staggerbush, fetterbush, sparkleberry, deerberry, American beautyberry, wild olive, Florida rosemary, or yaupon holly. The groundcover is generally sparse or absent, but may contain some scattered wiregrass, beaksedge, witchgrass, and goldenrod.

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 noncompliance; 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.

SJSO E-911: The St. Johns County Sheriff's' Office E911 Section.

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, stapled, posted, pasted, glued, or otherwise attached in any way to Trees, poles, stakes, fences, utility boxes, street furniture, fire hydrants 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: ~~A Temporary sales, activities, and or promotions, whether (commercial or non-commercial, or political) that require requesting special advertising for to~~ the public.

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. This term is synonymous with the phrase “special flood hazard area.”

Special Flood Hazard Area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Special Event Sign: A Sign which carries a message advertising or otherwise 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 Protected Tree proven by measurements documenting the Protected 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: Means the date of issuance of a building permit for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, 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, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. 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.

Statutory Sign: A Sign the County is required to Erect by any state or federal statute for safety, directional, or traffic control purposes.

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 applicable provisions of the Building Code.

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 (verb form: Subdivide, Subdivided): Any land, vacant or improved, which is divided into two (2) or more Lots, Parcels, sites, Plots, tracts, or interests for the purpose of Development. Subdivision includes resubdivision.

Subdivision Entrance Sign: Any Sign ~~which is designed to identify~~ located at or near the entrance to 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.

Substantial Damage: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five (5)-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to **January 1st, 2009**. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. This term includes structures which have incurred “repetitive loss” or “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided:
 - a. The alteration will not preclude the structure’s continued designation as a historic structure and shall be reviewed by the County’s Cultural Resources Review Board following Section 3.01.03 (E) of the Land Development Code in order to insure continued historic designation.
 - b. The building improvements should include all appropriate flood damage reduction measures possible, as approved by the Floodplain Administrator.

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.

Take-Out Restaurant: An establishment where food is ordered through a walk-up window from a permanent Structure for consumption off the premises shall be deemed a Take-Out Restaurant. A Restaurant with an accessory take-out window shall not be deemed a Take-Out Restaurant as defined herein.

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.

Temporary Sign: A Sign intended for a use not permanent in nature. Unless otherwise provided for in this Code, a Sign with an intended use for a period of time related to an event shall be deemed a Temporary Sign.

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: Any structure designed primarily to support a wireless provider's antennae.

Tower Site: A Parcel of land, or portion of a Parcel, 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.

Townhouse or Townhome: A Single Family dwelling unit constructed in a group of three or more attached units with property lines separating each unit in which each unit extends from foundation to roof and with open space on at least two sides.

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 means any Public Sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A Traffic Control Device Sign includes those Public Signs that are classified and defined by their function as regulatory Signs (that give notice of traffic laws or regulations), Warning Signs (that give notice of a situation that might not readily be apparent), and guide Signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

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 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: A woody plant with a well-defined stem and crown 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.

Tree Locations: The location, types, and sizes of Protected Trees provided by a licensed Land Surveyor and Mapper under the provisions of Chapter 472 F.S. and incorporated on a Site Plan prepared by a State of Florida licensed Engineer or Landscape Architect.

Tree Protection Barricade: Any Structure or device which protects preserved Trees and is to be installed at the Drip Line unless shown otherwise on the approved Construction Plans.

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.

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.

[Unified Sign Plan: A signage plan within a Planned Unit Development describing the number, location, height, color, materials, type, architecture, lighting, and advertising display area of signs, and structures associated with signs. A Unified Sign Plan shall provide templates and renderings or sufficient descriptions of the treatment and control of signs within a Planned Unit Development.](#)

~~**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 the health, safety, or welfare of public.

Untreated: Means Wastewater which does not receive any treatment prior to discharge.

Upland Buffer: An upland area adjoining a Wetland area managed for the protection of Wetland habitats. This buffer is measured from the state defined Wetland jurisdictional line landward.

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; i) such Variance will not be contrary to the public interest, and where; ii) 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, iii) the literal enforcement of the requirements of this Code would cause undue hardship to carry out the spirit and purpose of this Code, and iv) the Variance would not be contrary to the spirit and purpose of this Code. In this context personal, family or financial difficulties, loss of prospective profits, neighboring violations, or hardships created by any act of the owner, are not considered hardships justifying a Variance.

Variance, Floodplain: For the purpose of Section 3.03.07 (flood hazard areas), a grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would otherwise be permitted by this ordinance or the Florida Building Code. Floodplain Variance criteria pertain to a piece of property and are not personal in nature. A 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 references, or the disapproval of neighbors cannot, as a rule, qualify as exceptional hardships.

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 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 with an Advertising Display Area in excess of twenty (20) square feet of a vehicle, which identifies a business, products, or services, and which is attached, affixed, or adhered to, or mounted, pasted, painted, or drawn on ~~on or affixed to a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day-to-day operation of the business, 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.

Violation: Means the failure of a structure or other development to be fully compliant with the requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be

in violation until such time as that documentation is provided.

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: A Sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.); 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.

Watercourse: a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

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.

Wearing Surface Course: An asphalt or concrete wear surface of specified thickness and quality placed over the base course.

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.

Wetland Dependent Wildlife: Wildlife species that are reliant on both Wetland and adjacent upland habitats for portions of their life cycle. This includes but is not limited to behaviors such as nesting, denning, foraging, reproduction, and roosting.

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.

Wind Sign: Any Sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, including Pennants, ribbons, spinners, streamers, or Anchored Balloons, but excluding Flags.

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 or any sign visible from the exterior of a building or structure which is painted, attached, glued, adhered, or otherwise affixed to a window or door. A Window Sign does not apply to a Window Display.

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.

Xeric Hammock: See Significant Natural Communities Habitat.

Xeriscape or Florida Friendly: 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. In the case of Lots abutting an Easement thirty (30) feet in width that serves no more than two (2) Dwelling Units, the Yard adjacent to the Easement shall be considered a Side Yard.

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.

Year: See Calendar Year.

Zoning Atlas, Official: The official record of St. Johns County depicting the zoning districts on property in the unincorporated area of St. Johns County.

History: Ord. 2012-2; Ord. 2015-9; Ord. 2015-14; Ord. 2016-36; Ord. 2017-

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref. #:
P.O. #:

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **NICOLE CORRIVEAU**

who on oath says that he/she is an Employee 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

In the matter of **NOTICE OF PUBLIC HEARINGS 10/24 -**

was published in said newspaper on **10/24/2016**

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 has 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 he/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 _____ day of _____

by _____
or who has produced as identification

who is personally known to me

[Handwritten Signature]

ERIC DAMIEN MCBRID
MY COMMISSION # FF92519
EXPIRES October 07, 2019
FloridaNotaryService.com

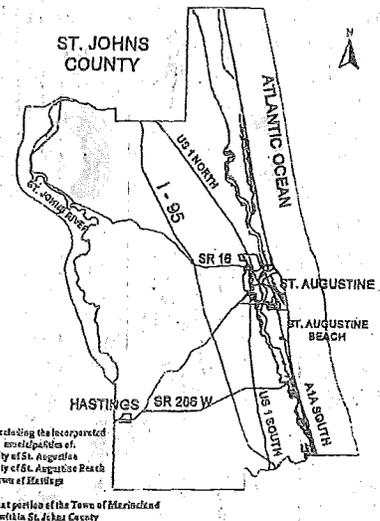
(Signature of Notary Public)

(Seal)

NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND PLANNING & ZONING AGENCY 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 to consider adoption of the following proposed ordinance at a regular meeting on Tuesday, November 1, 2016, at 9:00 a.m. and at a regular meeting of the Planning & Zoning Agency on Thursday, December 1, 2016, at 1:30 p.m., in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED; REPLACING THE ENTIRETY OF ARTICLE VII, SIGNS, IN COMPLIANCE WITH CURRENT LAW REGARDING CONTENT NEUTRALITY AND ORGANIZING THE ARTICLE INTO TEN (10) PARTS; AMENDING ARTICLE VII, DEFINITIONS, IN REGARDS TO SIGNS IN COMPLIANCE WITH CURRENT LAW REGARDING CONTENT NEUTRALITY; PROVIDING FOR LEGISLATIVE FINDINGS OF FACT; PROVIDING FOR CONTENT NEUTRALITY; PROVIDING FOR THE PURPOSE, GENERAL ADMINISTRATION, MEASUREMENT, AND INTERPRETATION OF THE REGULATION OF SIGNS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR PROCEDURES, STANDARDS, REVIEW, AND APPEAL FOR SIGN PERMITS; PROVIDING FOR THE REGULATION AND CONTROL OF THE LOCATION, TYPE, GENERAL REQUIREMENTS, AND STANDARDS OF BILLBOARDS; PROVIDING FOR CONTROL OF NEW BILLBOARD FACES THROUGH SWAPDOWN PROCEDURES; PROVIDING FOR THE LOCATION AND STANDARDS OF DIGITAL BILLBOARDS ON A LIMITED BASIS; PROVIDING FOR TEMPORARY AND PERMANENT ON-PREMISE SIGNS IN ZONING DISTRICTS; PROVIDING NUMBER, SIZE, AND GENERAL STANDARDS AND REQUIREMENTS FOR TEMPORARY SIGNS IN RESIDENTIAL AND NON-RESIDENTIAL DISTRICTS; PROVIDING FOR THE NUMBER, SIZE, AND GENERAL STANDARDS OF PERMANENT ON-PREMISE SIGNS IN RESIDENTIAL AND NON-RESIDENTIAL DISTRICTS; PROVIDING FOR ADDITIONAL PERMANENT AND INTERSTATE SIGNAGE; PROVIDING FOR SIGNS FOR SPECIAL EVENTS; PROVIDING REGULATIONS OF SIGNAGE AT SUBDIVISION ENTRANCES; PROVIDING FOR REGULATION OF SIGNS AND ANTENNAS ON DESIGNATED SCENIC HIGHWAYS; PROVIDING FOR THE PROHIBITION OF SIGN TYPES; PROVIDING FOR THE REGULATION OF LEGALLY EXISTING SIGNS MADE NONCONFORMING BY THIS CODE; PROVIDING FOR REGULATIONS OF A SIGN OVERLAY ALONG RACE TRACK ROAD; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION AND CODIFICATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR SEVERABILITY; 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 County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by parties interested prior to the said public hearings. Please take note that the proposed ordinance is subject to revision prior to the hearing 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 to participate in the proceedings should contact the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
HUNTER S. CONRAD, ITS CLERK
By: Yvonne Kling, Deputy Clerk
1002213249 October 24, 2016

THE ST. AUGUSTINE RECORD

COPY OF ADVERTISEMENT

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.:#
P.O.#:

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

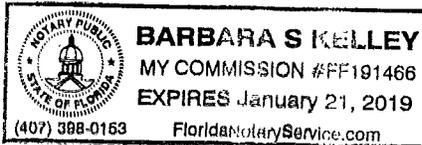
Before the undersigned authority personally appeared **JAMIE WILLIAMS**
who on oath says that he/she is an Employee of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement being a
In the matter of **LAND USE MAY 5 SIGNAGE -**
was published in said newspaper on **04/21/2017**

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 has 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
he/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 _____ day of **APR 21 2017**

by Jamie Williams who is personally known to me
or who has produced as identification

Barbara S. Kelley
(Signature of Notary Public) (Seal)



NOTICE OF A PUBLIC HEARING 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 to consider adoption of the following proposed ordinance at a regular meeting on Tuesday, May 2, 2017, at 9:00 a.m., in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, RELATING TO SIGNS AND AMENDING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED; REPLACING THE ENTIRETY OF ARTICLE VII, SIGNS, IN COMPLIANCE WITH CURRENT LAW REGARDING CONTENT NEUTRALITY AND ORGANIZING THE ARTICLE INTO TEN (10) PARTS; AMENDING ARTICLE XII, DEFINITIONS, IN REGARDS TO SIGNS IN COMPLIANCE WITH CURRENT LAW REGARDING CONTENT NEUTRALITY; PROVIDING FOR LEGISLATIVE FINDINGS OF FACT; PROVIDING FOR CONTENT NEUTRALITY; PROVIDING FOR THE PURPOSE, GENERAL ADMINISTRATION, MEASUREMENT, AND INTERPRETATION OF THE REGULATION OF SIGNS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR PROCEDURES, STANDARDS, REVIEW, AND APPEAL FOR SIGN PERMITS; PROVIDING FOR THE REGULATION AND CONTROL OF THE LOCATION, TYPE, GENERAL REQUIREMENTS, AND STANDARDS OF BILLBOARDS; PROVIDING FOR CONTROL OF NEW BILLBOARD FACES THROUGH SWAPDOWN PROCEDURES; PROVIDING FOR TEMPORARY AND PERMANENT ON-PREMISE SIGNS IN ZONING DISTRICTS; PROVIDING NUMBER, SIZE, AND GENERAL STANDARDS AND REQUIREMENTS FOR TEMPORARY SIGNS IN RESIDENTIAL AND NON-RESIDENTIAL DISTRICTS; PROVIDING FOR THE NUMBER, SIZE, AND GENERAL STANDARDS OF PERMANENT ON-PREMISE SIGNS IN RESIDENTIAL AND NON-RESIDENTIAL DISTRICTS; PROVIDING FOR ADDITIONAL PERMANENT AND INTERSTATE SIGNAGE; PROVIDING FOR SIGNS FOR SPECIAL EVENTS; PROVIDING FOR REGULATIONS OF SIGNAGE AT SUBDIVISION ENTRANCES; PROVIDING FOR REGULATION OF SIGNS AND ANTENNAS ON DESIGNATED SCENIC HIGHWAYS; PROVIDING FOR THE PROHIBITION OF SIGN TYPES; PROVIDING FOR THE REGULATION OF LEGALLY EXISTING SIGNS MADE NONCONFORMING BY THIS CODE; PROVIDING FOR REGULATIONS OF A SIGN OVERLAY ALONG RACE TRACK ROAD; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION AND CODIFICATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

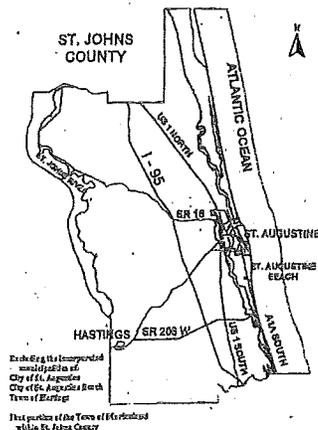
The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by parties interested prior to the said public hearing. Please take note that the proposed ordinance is subject to revision prior to the hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, 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.

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**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
HUNTER S. CONRAD, ITS CLERK
By: Yvonne King, Deputy Clerk
1002303828 April 21, 2017**





FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 4, 2017

FILED May 4, 2017
ST. JOHNS COUNTY
CLERK OF COURT

BY: Yvonne King
DEPUTY CLERK

Honorable Hunter S. Conrad
Clerk of Court
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King

Dear Mr. Conrad:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2017-22, which was filed in this office on May 4, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/ib