

Ordinance No. 2017-31

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, RELATING TO THE MEASUREMENT OF HEIGHT FOR FENCES, WALLS, AND STRUCTURES; AMENDING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED; AMENDING ARTICLE II, PART 2.02.00 USES WITHIN ZONING DISTRICTS, SECTION 2.02.04.B.12 ACCESSORY USES REVISING THE MEASUREMENT OF FENCE HEIGHT; AMENDING ARTICLE VI, PART 6.07.00 HEIGHT REGULATION, SECTION 6.07.02, REVISING THE EXCLUDED PORTIONS OF STRUCTURES FOR THE MEASUREMENT OF HEIGHT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION AND CODIFICATION AND SCRIVNERS ERRORS INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, local land development regulations require evaluation and revision to address public health, safety and welfare issues that may occur during the implementation of land development regulations such as the provision of clear design standards for permissible uses; and

WHEREAS, the County believes that provisions within the Land Development Code (LDC) which regulate the measurement of fence height require revisions for clarity and also require less stringent provisions regarding the measurement of fence height ; and

WHEREAS, the County believes that provisions within the Land Development Code (LDC) which exclude portions of structures for the measurement of height require revisions for clarity; and

WHEREAS, the County believes that Articles II of the County's current Land Development Code, Ordinance No. 99-51, as previously amended, can be further improved by modifications herein; and

WHEREAS, it is found that the hereinafter Ordinance provisions are consistent with, and restore and implement provisions of the 2025 Comprehensive Plan Amendment of St. Johns County as adopted and enacted on August 17, 2010;

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

Section 1. St. Johns County Ordinance No. 99-51, as previously amended, Section 2.02.04.B.12 Accessory Uses is hereby amended to read:

12. Fences, walls or hedges may be allowed along the edge of any required Yard in residential districts, provided that no fence, wall or hedge exceeds the heights provided below (measured from the established grade on either side of the fence, wall or hedge), nor obstructs the view of approaching traffic in each direction:

a. Side and Rear Property Lines:

- (1) If there is a grade change of two (2) feet or less within 20 feet of the of the boundary of the adjoining properties, and a fence is to be constructed at the lowest elevation of grade change, then a fence may be constructed to a maximum height of six (6) feet as measured from the existing natural grade upon which the fence/wall sits, or the finished grade at the time of subdivision platting.
- (2) If there is a grade change of more than two (2) feet within 20 feet of the of the boundary of the adjoining properties, and a fence is to be constructed at the lowest elevation of grade change, then a fence may be constructed to a maximum height of eight (8) feet as measured from the existing natural grade upon which the fence/wall sits, or the finished grade at the time of subdivision platting as measured from the existing natural grade upon which the fence/wall sits, or the finished grade at the time of subdivision platting.
- (3) If there is a grade change of more than two (2) feet within 20 feet of the of the boundary of the adjoining properties, and a fence is to be constructed at the highest elevation of grade change, then a fence may be constructed to a maximum height of six (6) feet as measured from the finished grade at the time of subdivision platting as measured from the existing natural grade upon which the fence/wall sits, or the finished grade at the time of subdivision platting.

b. Front Property Line:

No fence, wall or hedge in excess of four (4) feet in height shall be allowed within twenty-five (25) feet of the front property line of residential districts, except:

- (1) as may conflict with the Roadway, Drainage & Utilities Standards of this Code, as may be amended from time to time; or
- (2) in the case of corner Lots, Lots with two (2) or more Front Yards, or through Lots, the maximum height of fence, wall or hedge may be six (6) feet within the second Front Yard, except within the visibility triangle at roadway intersections as described in Part 6.04.00 Roadway, Drainage & Utilities Standards; or
- (3) that walls and combination of walls and berms, up to eight (8) feet in height, may be erected in Yards which abut Arterial or Major

Collectors, as defined in this Code, and are projected by the County Administrator to be exposed to street noise levels that exceed 65 db provided that no access is provided to said arterial or collector and the fence is two and one-half (2-1/2) feet or less in height within the sight triangle described in Part 6.04.00 Roadway, Drainage & Utilities Standards; or

- (4) that posts, columns, gates, lights, and other substantially similar features may not exceed the maximum fence height by two (2) feet.

Section 2. St. Johns County Ordinance No. 99-51, as previously amended, Section 6.07.02 Excluded Portions of Structures is hereby amended to read:

Sec. 6.07.02 Excluded Portions of Structures

Except as specifically provided herein, the height limitations of this Code shall not apply to the following:

- (a) any usable or habitable roof area or any roof Structures such as housing elevators, stairways, tanks, ventilating fans, solar energy collectors, or similar equipment required to operate and maintain the Building, provided the following are met:
 - 1) the combination of usable or habitable roof area and such roof Structures shall not cover more than twenty percent (20%) of roof area;
 - 2) walls, parapet walls, guard railings surrounding the area or structures may not extend more than five (5) feet above the roof; and,
 - 3) roof structures may not extend over ten (10) feet in height above the roof.
- (b) Church spires, steeples, belfries, cupolas, domes, monuments, or similar non-habitable architectural features;
- (c) Water towers, skylights, flag poles, vents, Construction or mining cranes or draglines, or similar Structures;
- (d) Firewalls or parapet walls along the perimeter of the roof of all non single-family structures, provided such walls do not exceed five (5) feet above the roof.

Section 3. 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 4. 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 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.

Section 5. 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 of this Ordinance.

Section 6. 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 20th day of June, 2017.

BOARD OF COUNTY
COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

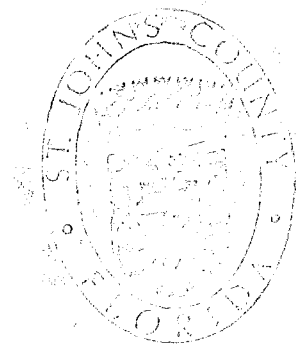
By: Henry Dean
Henry Dean, Vice Chair

ATTEST: Hunter S. Contrad, Clerk of Court

By: (Bonnie King)
Deputy Clerk

Effective Date: June 23, 2017

RENDITION DATE June 23, 2017



THE ST. AUGUSTINE RECORD

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 **LDC FENCE ORD TWO HEARINGS -**

was published in said newspaper on **05/11/2017, 06/06/2017**

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 **JUN 06 2017**

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

[Signature]
ERIC DAMIEN MCBRIDE
MY COMMISSION # FF925198
EXPIRES October 07, 2019
FloridaNotaryService.com

(Signature of Notary Public) (Seal)

COPY OF ADVERTISEMENT
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

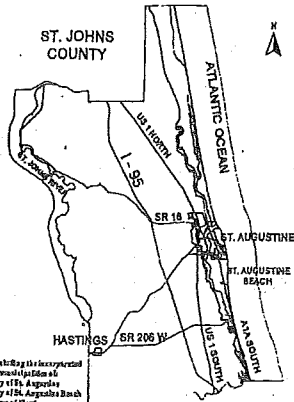
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing to consider adoption of the following proposed ordinance at a regular meeting on Tuesday, June 20, 2017, at 9:00 a.m., and at a regular meeting of the Planning & Zoning Agency on Thursday, May 18, 2017, 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, RELATING TO THE MEASUREMENT OF HEIGHT FOR FENCES, WALLS, AND STRUCTURES; AMENDING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED; AMENDING ARTICLE II, PART 2.02.00 USES WITHIN ZONING DISTRICTS, SECTION 2.02.04.B.12 ACCESSORY USES REVISING THE MEASUREMENT OF FENCE HEIGHT; AMENDING ARTICLE VI, PART 6.07.00 HEIGHT REGULATION, SECTION 6.07.02, REVISING THE EXCLUDED PORTIONS OF STRUCTURES FOR THE MEASUREMENT OF HEIGHT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION AND CODIFICATION AND SCRIVENERS ERRORS INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the 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 King, Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 23, 2017

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. 2017-31, which was filed in this office on June 23, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

FILED June 23, 2017
ST. JOHNS COUNTY
CLERK OF COURT
BY: Yvonne King
DEPUTY CLERK