

**ORDINANCE 2021- 52**

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE 2025 COMPREHENSIVE PLAN, TO AMEND THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES REGARDING THE TERMINATION OF FAMILY FARMS; AMENDING THE LAND USE ELEMENT; SPECIFICALLY AMENDING GOAL A.1 FUTURE LAND USE, POLICY A.1.6.1, POLICY A.1.6.2, POLICY A.1.6.3, AND POLICY A.1.6.4 TO ALLOW FAMILY FARMS TO TERMINATE AFTER SEVEN (7) YEARS; TO REDUCE THE MINIMUM LOT SIZE WITHIN THE AGRICULTURAL INTENSIVE (A-I) AND RURAL/SYLVICULTURE (R/S) LAND USES; TO PROVIDE FOR A TERMINATION PROCEDURE FOR FAMILY FARMS; TO CLASSIFY A FAMILY FARM PARCEL CREATED PURSUANT TO POLICY A.1.6.4 AS AN EXEMPT PARCEL; AMENDING RELATED OBJECTIVES AND POLICIES IN GOAL A.1 PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE.

**WHEREAS**, Chapter 125 and 163, Florida Statutes, provide for the Board of County Commissioners to prepare, implement, and enforce Comprehensive Plans and Land Development regulations for the control of development within the County;

**WHEREAS**, Section 163.3184 and 163.3187 Florida Statutes provide for the process for the adoption of Comprehensive Plan amendments:

**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; and

**WHEREAS**, St. Johns County created the Family Farm affidavit which allows a family to construct multiple single family homes on a single parcel limited to only members of the same family; and

**WHEREAS**, St. Johns County has acknowledged that there are certain circumstances where Family Farms are not sustainable for the remaining family members and are often financially burdened by having to pay for a mortgage and property taxes on a vacated single family home, such as in the event of a death in the family or other unknown circumstances; and

**WHEREAS**, St. Johns County wishes to provide for automatic sunseting of a Family Farm after seven (7) years from establishment; and

**WHEREAS**, in the event that a separate parcel is created in an active Family Farm or a Family Farm terminates, all applicable provisions within the Land Development Code pertaining

to access and subdivision of land shall be adhered to in an effort to provide access to all property owners on the remaining parcel(s); and

**WHEREAS**, St. Johns County desires to reduce the minimum lot size requirements for Agricultural-Intensive (A-I) and Rural/Silviculture Future Land Use designations because they County feels as though the lot size requirements may be too stringent when compared to other rural jurisdictions; and

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

**SECTION 1.** The Land Use Element of the St. Johns County Comprehensive Plan is amended to change, revise, and add new Goals, Objectives, and Policies as described and shown on the attached as **Exhibit A**, incorporated herein as part of this Ordinance.

**SECTION 2.** The 2025 Comprehensive Plan amendment described in Section 1 are based upon the following Findings of Fact:

- (a) The amendment was fully considered after public hearing pursuant to legal notice duly published as required by Law.
- (b) The amendment is consistent with the Northeast Florida Strategic Regional Policy Plan.
- (c) The amendment is consistent with the applicable sections of the St. Johns County Comprehensive Plan and the Land Development Code.

**SECTION 3.** The remaining portions of the St. Johns County Comprehensive Plan, Ordinance No. 2010-38, as amended and the 2025 Future Land Use Map, as amended, which are not in conflict with the provisions of this ordinance, shall remain in full force and effect.

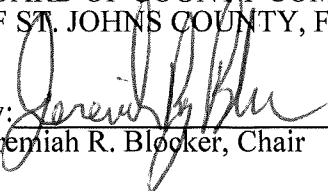
**SECTION 4.** Should any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions.

**SECTION 5.** These amendments to the St. Johns County Comprehensive Plan shall be effective 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely, challenged, within 30 days after adoption, the amendment does not become effective until the state land planning agency or Administration Commission enters a final order determining the adopted amendment to be in compliance.


**SECTION 6.** This ordinance shall be recorded in a book of land use regulation ordinances kept and maintained by the Clerk of Court in accordance with Section 125.68, Florida Statutes.

**PASSED AND ENACTED** by the Board of County Commissioners of St. Johns County, Florida, this 17<sup>th</sup> day of August, 2021.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

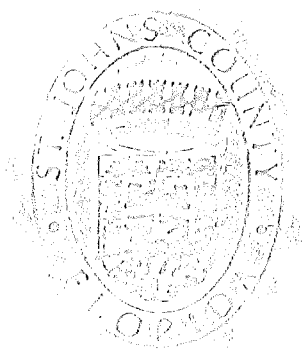
By:   
Jeremiah R. Blocker, Chair

ATTEST: Brandon J. Patty, Clerk of the Circuit Court  
and Comptroller

By:   
Deputy Clerk

Rendition Date: AUG 18 2021

Effective Date: SEP 17 2021



**Exhibit A – Policy A “Land Use Element”**

**Objective A.1.6  
Agricultural and Silvicultural Areas**

The County shall continue to implement its Land Development Code for the protection of agricultural and silvicultural lands; the identification of rural areas, including high quality environmental areas, such as creeks, oak hammocks, floodplains and wetlands; horse pastures, historic and cultural sites, such as old farm houses, barns, packing houses and similar structures and sites; and shared neighborhood open space and scenic viewsheds; and shall encourage continued agricultural and silvicultural uses; and shall provide for the separation of urban and rural land uses through the implementation of the land use categories which designate such lands according to their agricultural or silvicultural use; and through the Planned Rural Development (PRD) controls provided in this Plan.

**Policies**

A.1.6.1 The County shall maintain the Rural/Silviculture (R/S) and Agricultural-Intensive (A-I) as depicted on the Future Land Use Map.

Unless determined an Exempt Parcel or determined to be a parcel with a dwelling unit legally created by a terminated Family Farm, pursuant to Policy A.1.6.3 the minimum lot size for residential development within the R/S and A-I designations is as follows:

R/S	<del>100-40</del> acres
A-I	<del>39-20</del> acres

This Policy shall not be construed to prevent amendments of the Future Land Use Map to redesignate lands presently classified as R/S and A-I pursuant to the requirements of this Plan and applicable law.

A.1.6.2 Residential and related development of lands designated R/S and A-I shall be consistent with the following minimum requirements:

(a) The Planned Rural Development (PRD) development controls established by this Plan and implemented through the Land Development Code. The PRD shall maintain and preserve rural characteristics and uses, high quality environmental areas, historical and cultural sites, and scenic viewsheds within the R/S and A-I designations. The PRD shall include such characteristics, areas and uses within permanent Reserve Areas included in the PRD. The County shall require low impact clustered development within PRDs. Reserve areas may provide for the creation and continuation of existing farm activities, equestrian activities, pasture lands, timber production, crop and sod production, and other similar activities deemed appropriate by the County. Additional development controls shall include:

- (1) Minimum open space requirements.

- (2) Density incentives to promote clustering of development. Clustering shall include development where residential dwelling units are placed in close proximity to each other, residential units may be attached, driveways and common areas may be shared by several residential dwelling units for the purpose of retaining and providing open space areas.
  - (3) Optional provisions for Neighborhood Commercial and Rural Commercial uses if the PRD contains a minimum 100 dwelling units.
  - (4) Minimum buffering requirements to provide for land use compatibility.
  - (5) The Reserve Area shall be the focus for the PRD, shall generally be comprised of large parcels and include rural characteristics and uses, high quality environmental areas, historical and cultural sites, and scenic viewshed as applicable to the site. At a minimum, seventy (70) percent of the Reserve Area shall be held in common ownership or be retained by a single owner engaged in a bona fide agricultural or silviculture business.
- (b) The number of dwelling units approved by a PRD rezoning change through the land development regulations shall be 500 dwelling units per calendar year. Any of the 500 units not approved in a calendar year shall not be carried forward to the next year.
- (c) Parcels submitted for Planned Rural Development review shall contain two distinct areas: "Development Area" which shall include that portion of the parcel which is proposed for development at the selected density, and "Reserve Area" which shall be designated in the Planned Rural Development as permanent open space. The Development Area plus Reserve Area shall constitute the "Total Parcel" submitted for Planned Rural Development review. The density of development for the Development Area, and the relative sizes of the Development Area and Reserve Area shall be determined as follows:

<b>RESERVE AREA PERCENT OF TOTAL PARCEL</b>	<b>MAXIMUM PERMITTED DENSITY OF DEVELOPMENT AREA</b>
80 Percent	1 Unit per 2.5 Acres of Development Area
85 Percent	1 Unit per 1.0 Acre of Development Area
90 Percent	1 Unit per 0.5 Acre of Development Area

The maximum total density permitted to be developed within the

Development Area shall be calculated as follows:

Total Density = Acres of Development Area Multiplied by Maximum Permitted Density.

The development permitted within the Development Area may be located, following Planned Rural Development review and subject to Planned Rural Development regulations and requirements, anywhere within the Development Area. The Development Area shall be clustered and shall transition away from the boundary of the Reserve Area and where appropriate, the perimeter boundary of the PRD. The Development Area shall permit a broad range of housing types from single family detached dwellings to multi-family residential, subject only to the maximum density established for the Development Area.

The developer of the proposed Development Area is not required to own the Total Area submitted for Planned Rural Development in fee simple. It shall be sufficient, pursuant to Planned Rural Development regulations and requirements, that the developer of proposed Planned Rural Development have, at the time of the Planned Rural Development application, sufficient property rights to the Reserve Area to allow for their restriction as permanent open space upon issuance of Planned Rural Development approval. The types and nature of such property rights, and the nature of the evidence of such rights necessary for the purposes of the Planned Rural Development application, shall be determined with the PRD review.

- (d) Except for parcels which existed as to record on September 14, 1990, the minimum parcel size (Total Area) which may be submitted for Planned Rural Development approval shall be:
  - (1) Agricultural-Intensive (A-I) - ~~39~~20 acres
  - (2) Rural/Silviculture (R/S) - ~~100~~40 acres

For parcels which existed as to record on September 14, 1990, the minimum parcel size in either the Agricultural-Intensive or Rural/Silviculture areas is one-half the applicable minimum parcel size listed above.

- (e) The designated Development Area shall be compact and contiguous and shall not be scattered throughout the Total Parcel submitted for Planned Rural Development approval. The Development Area may consist entirely of uplands. The Reserve Area shall not consist entirely of wetlands; acres of uplands within the Reserve Area shall be comparable and consistent to the uplands contained within the Development Area. Further, it is the intent that the Development Area and Reserve Area be configured in such a manner as to permit the continued farming or silviculture use of the Reserve

Area, to maintain and preserve rural characteristics, and to allow maximum open space to be maintained within the Reserve Area through clustering the residential units within the Development Area.

- (f) The Development Area shall be buffered from incompatible adjacent land uses, whether such incompatible uses are located within the PRD Reserve Area or outside the PRD boundary, by a minimum two hundred (200) feet buffer. The buffer area, as determined by Planned Rural Development regulations and requirements, may be included in the Reserve Area. The buffer may be used for purposes which are not incompatible with adjacent residential development, as described and depicted in the PRD.
- (g) Proposed PRDs greater than one hundred (100) dwelling units shall be permitted to include Neighborhood Commercial and Rural Commercial uses within the Development Area, subject to the requirements of the PRD regulations and requirements. In the event the proposed PRD elects to include Neighborhood Commercial development, the Development Area's maximum permitted density shall be calculated as follows:

(Acres of Development Area Less Acres of Neighborhood Commercial Acreage Multiplied by Maximum Permitted Density.
- (h) Primary ingress/egress from the Development Area to external roadways shall, pursuant to PRD regulations and requirements, shall be required to be improved in accordance with County standards, and centralized, in order to minimize the number of access points to external roadways. Access points from individual lots within the Development Area to external roadway shall be avoided. Roadways internal to the PRD shall be included inside of the Development Area.
- (I) Upon final approval of the PRD pursuant to the PRD regulations and requirements, a notice of the PRD approval and designation of the Reserve Area as open space shall be placed of record to advise potential future purchasers of the PRD requirements applicable to the property. In addition, pursuant to the PRD regulations and requirements, the notice shall inform potential purchasers of the location to obtain information concerning the requirements for changing the PRD status of the property. Open space within the Reserve Area is expected to be maintained in a conservation easement.
- (j) The County may modify the requirements of a previously approved Planned Rural Development to release a Reserve Parcel from its open space restrictions only by approval of an amendment to the Future Land Use Map, in accordance with the requirements of this Plan and applicable law.



A.1.6.3      Parcels of land designated as R/S or A-I on the Future Land Use Map recorded as of September 14, 1990 that do not meet the acreage requirement for R/S or A-I, and parcels of land with a dwelling unit legally created by a Family Farm pursuant to Policy A.1.6.4, shall be considered Exempt Parcels. Each Exempt Parcel shall be permitted one dwelling unit. Parcels of land created from a Family Farm shall meet the minimum lot size and minimum lot width of the zoning district in which they are located. Applications for building permits for more than one dwelling unit on each such Exempt Parcel will be subject to PRD regulations and requirements, except as provided in Policy A.1.6.4.

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A.1.6.4      Areas designated A-I and R/S on the Future Land Use Map shall be permitted the development of tracts of land as Family Farms and Lots. Applicants for building permits pursuant to the Family Farm and Lot provision shall not be required to submit PRD applications or be subject to PRD regulations and requirements. The Family Farm and Lot provision is restricted to the following conditions:

- (a)      Owners of property designated A-I or R/S shall be permitted to construct or place a single-family residence on such property for use as the Owner's primary residence.
- (b)      Members of the Owner's immediate family shall be permitted to construct or place a single-family residence(s) for use as their primary residence(s) on the same parcel or subpart thereof containing the Owner's primary residence, in accordance with County land development regulations. For the purposes of this provision, immediate family shall mean the Owner's parents, step-parents, adopted parent, spouse, siblings, children, step-children, adopted children, grandchildren, and the parents, step-parents, adopted parent, siblings, children, step-children, adopted children, or grandchildren of the Owner's spouse.
- (c)      The Family Farm and Lot provision shall be limited to a one time use for each family member.
- (d)      A Family Farm status for all parcels and subparts will automatically terminate after seven (7) years from the date of receipt of the last approved Family Farm affidavit. Termination of the Family Farm status shall exempt all property owners from provisions within Policy A.1.6.4.(c). A parcel of land with an existing dwelling unit that is legally created from a Family Farm parcel pursuant to this Policy A.1.6.4 shall afterwards be considered an Exempt Parcel subject to Policy A.1.6.3.
- (ed)     Applicants shall be subject to all other applicable County land development regulations and other applicable law.

A.1.6.5 The County shall continue to investigate and coordinate with the County Agricultural Extension Office and area farmers to determine methods to preserve land used for active farms and crop production. Such methods may include a Transfer of Development Rights (TDR) program, Rural Land Stewardship (RLS) program, tax rebates, farm subsidies agricultural trusts, voluntary agricultural districts and similar programs.

THE ST. AUGUSTINE RECORD  
Affidavit of Publication

SJC GROWTH MANAGEMENT  
4040 LEVMS SPEEDWAY  
ST. AUGUSTINE, FL 32084

ACCT: 15628  
AD# 0003361627-01  
PO#

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

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says 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 SA LEGAL AD DISPLAY in the matter of PZA - CPA FAMILY FARMS was published in said newspaper on 07/01/2021

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in 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, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

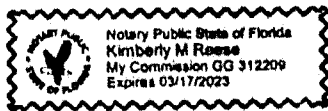
Sworn to (or affirmed) and subscribed before me by means of

- [ x ] physical presence or
- [ ] online notarization

this \_\_\_\_\_ day of JULY 01 2021

by Melissa Rhinehart who is personally known to me or who has produced as identification

Kimberly M Reese  
(Signature of Notary Public)



# 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 public hearings will be held to consider adoption of the following proposed ordinance at regular meetings, as follows:

Planning & Zoning Agency  
Thursday, July 15, 2021, at 1:30 p.m.

Board of County Commissioners  
Tuesday, August 17, 2021 @ 9:00 a.m.

All public hearings will be held in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

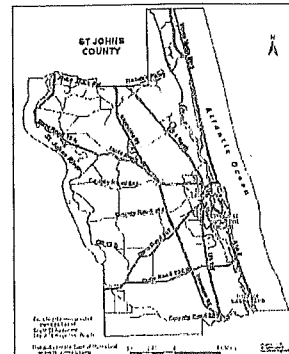
AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE 2025 COMPREHENSIVE PLAN, TO AMEND THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES REGARDING THE TERMINATION OF FAMILY FARMS; AMENDING THE LAND USE ELEMENT; SPECIFICALLY AMENDING GOAL A.1 FUTURE LAND USE, POLICY A.1.6.1, POLICY A.1.6.2, POLICY A.1.6.3, AND POLICY A.1.6.4 TO ALLOW FAMILY FARMS TO TERMINATE AFTER SEVEN (7) YEARS; TO REDUCE THE MINIMUM LOT SIZE WITHIN THE AGRICULTURAL INTENSIVE (A-I) AND RURAL/ SYLVICULTURE (R/S) LAND USES; TO PROVIDE FOR A TERMINATION PROCEDURE FOR FAMILY FARMS; TO CLASSIFY A FAMILY FARM PARCEL CREATED PURSUANT TO POLICY A.1.6.4 AS AN EXEMPT PARCEL; AMENDING RELATED OBJECTIVES AND POLICIES IN GOAL A.1 PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND 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 said public hearings. Please take note that the proposed ordinance is subject to revision prior to 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.

PLANNING AND ZONING AGENCY BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA ST. JOHNS COUNTY, FLORIDA  
GREG MATOVINA, CHAIR JEREMIAH R. BLOCKER, CHAIR  
File Number: FAMILY FARMS- COMPREHENSIVE PLAN AMENDMENT (ADOPTION)





## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

August 20, 2021

Honorable Brandon Patty  
Clerk of Courts  
St. Johns County  
500 San Sebastian View  
St. Augustine, Florida 32084

Attention: Yvonne King

Dear Mr. Patty:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2021-52, which was filed in this office on August 20, 2021.

Sincerely,

Anya Grosenbaugh  
Program Administrator

AG/lb

FILED AUG 20 2021  
ST. JOHNS COUNTY  
CLERK OF COURT  
BY: Yvonne King  
DEPUTY CLERK