

ORDINANCE 2021- 5-3

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED, TO ALLOW FOR TERMINATION OF THE FAMILY FARM PROVISION AND REDUCE THE MINIMUM LOT SIZE REQUIREMENTS FOR PLANNED RURAL DEVELOPMENTS; SPECIFICALLY AMENDING ARTICLE V, PART 5.04.00 'PLANNED RURAL DEVELOPMENT DISTRICTS', SECTIONS 5.04.02.A.1, 5.04.02.A.2, AND 5.04.06.B; AMENDING ARTICLE VI, PART 6.08.00 'SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES', SECTION 6.08.17; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR MODIFICATION DURING PUBLIC HEARING; PROVIDING FOR INCLUSION AND CODIFICATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND 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; and

**WHEREAS**, St. Johns County desires to amend certain provisions of the Land Development Code (the "Code") to provide definitions and amend certain provisions of the Code to provide for additional clarity and ease of use; 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 large when compared to other rural jurisdictions.

**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. Amending the minimum lot size in Planned Rural Developments.** Article V, Part 5.04.00 "Planned Rural Development Districts" of the Land Development Code, Ordinance 99-51, as previously amended, is hereby amended to read as follows in the attached **Exhibit A**, incorporated herein and made part of this Ordinance.

**SECTION 3. Amending the minimum lot size in Planned Rural Developments.** Article VI, Part 6.08.00 "Supplemental Design Standards for Specified Uses" of the Land Development Code, Ordinance 99-51, as previously amended, is hereby amended to read as follows in the attached **Exhibit A**, incorporated herein and made part of this Ordinance.

**SECTION 4.** The remaining portions of the St. Johns County Land Development Code, Ordinance 99-1, 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 sections and attachments of this ordinance may be renumbered, reorganized, relettered, corrected for scrivener's errors, and appropriately incorporated into the Land Development Code in order to accomplish such intentions.

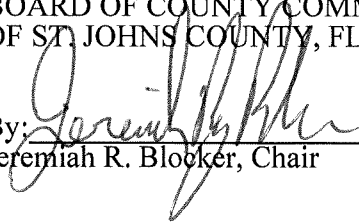
**SECTION 7. Severance Clause.** It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection; sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**SECTION 8. Effective Date.** This Ordinance shall take effect upon its being filed with the Department of State of Florida.

**SECTION 9.** 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 & Comptroller

By:   
Deputy Clerk

Rendition Date: AUG 18 2021

Effective Date: SEP 17 2021



**Exhibit A – Article V and VI Redline**

## **PART 5.04.00 PLANNED RURAL DEVELOPMENT (PRD) DISTRICTS**

### **Sec. 5.04.01 Generally**

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

### **Sec. 5.04.02 Design Rules**

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

- A. The minimum Parcel size which may be rezoned to PRD shall be as follows:
1. Within lands designated as Agricultural-Intensive (A-I), the minimum PRD size shall be ~~thirty-nine (39)~~twenty (20) acres; and
  2. Within lands designated as Rural/Silviculture (R/S), the minimum PRD size shall be ~~one hundred forty (140)~~40 acres.

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

- B. Planned Rural Developments shall contain two distinct areas, the Development Area and the Reserve Area. The Development Area plus the Reserve Area shall constitute the Total PRD Parcel. The Total PRD Parcel shall be contiguous in location and configuration provided that roads, utility easements or other similar features may divide the Total PRD Parcel. The Total PRD Parcel shall be configured in such a manner as to permit continuation of any farming or silvicultural Use of the Reserve Area.

1. Development Area

The Development Area shall include that portion of the Parcel which is proposed for Development at the established density of the PRD.

2. Reserve Area

The Reserve Area shall be designated within the PRD as permanent open space.

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### **Sec. 5.04.06 Exemptions To PRD Requirements**

- A. Single Family Exemption to PRD Requirements

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

B. Family Farm and Lot Provision

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

Where an additional residence is placed or constructed on a Parcel, or where a new subparcel is created under this provision, Development shall be subject to all other applicable County and state requirements, including those contained within this Code. However, if the members of a Family Farm Use wish to terminate the Family Farm Use and create additional residences not limited to immediate family, they would be subject to the provisions outlined in Section 6.08.17.

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**Sec. 6.08.17 Family Farm**

- A. A Family Farm Use as described in this Section shall be allowed only in the Rural/Silviculture (R/S) and Agricultural-Intensive (A-I) Future Land Use Map designations of the Comprehensive Plan and shall only be used for the Owner's immediate family members.
- B. A Family Farm shall be used only for a member of the Owner's Immediate Family. For the purposes of this provision, Immediate Family shall mean the Owner's parents, step-parents, adopted parents, spouse, siblings, children, step-children, adopted children, and grandchildren; and the parents, step-parents, adopted parents, siblings, children, step-children, adopted children, and grandchildren of the Owner's spouse.
- C.      Dwelling Units on site shall be the permanent residences of those persons in residence on the Family Farm.
- D.      Terminating Family Farms

The Family FarmA 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. The Family Farm may be further subdivided and separated from the parent parcel that maintains a primary residence, subject to the following:

1. An application shall be made providing, but not limited to, the following:
  - a. Legal description of the property;
  - b. Legal Access information, including recorded or proposed easement meeting the requirements of LDC Section 6.04.07.B;
  - c. Site plan and survey depicting the property, single family residence, and all legal accessory structures; and,
  - d. Copy of the most recently issued Family Farm affidavit dated seven (7) years prior to application.
2. No division of land shall be permitted that has a lot size less than the minimum lot size required for the corresponding zoning designation outlined in Table 6.17.

Sub parcels with existing single family residences created from the division of a Family Farm and new Family Farms must adhere to all other applicable provisions within the Land Development Code and Comprehensive plan;

3. Upon meeting all criteria in LDC section 6.08.17.D, County shall release or cause to be released the Family Farm restrictions on subject property and may issue Development Permits..
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MINUTES AND RECORDS  
500 SAN SEBASTIAN VIEW  
ST. AUGUSTINE, FL 32084

ACCT: 15634  
AD# 0003365148-01  
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 adoption of the following proposed ordinance at regular meetings was published in said newspaper on 08/03/2020.

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.

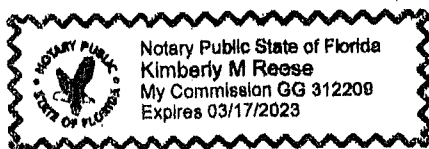
Sworn to (or affirmed) and subscribed before me by means of

physical presence or  
 online notarization

this day of **AUG 03 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 3, 2021, at 9:00 a.m.

Board of County Commissioners  
Tuesday, August 17, 2021, at 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:

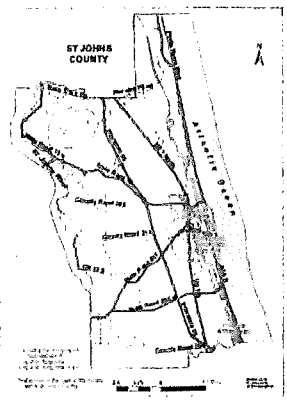
AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED, TO ALLOW FOR TERMINATION OF THE FAMILY FARM PROVISION AND REDUCE THE MINIMUM LOT SIZE REQUIREMENTS FOR PLANNED RURAL DEVELOPMENTS; SPECIFICALLY AMENDING ARTICLE V, PART 5.04.00 'PLANNED RURAL DEVELOPMENT DISTRICTS', SECTIONS 5.04.02.A.1, 5.04.02.A.2, AND 5.04.06.B; AMENDING ARTICLE VI, PART 6.08.00 'SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES', SECTION 6.08.17; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR MODIFICATION DURING PUBLIC HEARING; PROVIDING FOR INCLUSION AND CODIFICATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; 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.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
BRANDON J. PATTY, ITS CLERK  
By: Yvonne King, Deputy Clerk







## 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. 2021-53, which was filed in this office on August 20, 2021.

Sincerely,

Anya Grosenbaugh  
Program Administrator

AG/lb

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