

ORDINANCE NO. 2021-9

**AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 2015-19 ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE ORIGINATING WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY AND WHERE PROPERTY IN THE UNINCORPORATED AREA IS NEGATIVELY AFFECTED; THIS ORDINANCE AMENDS SPECIFICALLY SECTION 7, ENTITLED “GRANDFATHERING; VESTING; PRIORITY” TO PROVIDE FOR GRANDFATHERING, VESTING, AND PRIORITY FOR CERTAIN NOISE PRODUCING PUBLIC SERVICE ACTIVITY; MAKING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on or about March 17, 2015, the Board of County Commissioners for St. Johns County (“Board”) passed and enacted St. Johns County Ordinance No. 2015-9, regulating noise within the unincorporated areas of St. Johns County (“County); and

WHEREAS, the Board of County Commissioners of St. Johns County determined, and continues to find, a need to effectively control and abate noise pollution in the unincorporated areas of the County; and

WHEREAS, effectively controlling noise pollution and infractions of the previously existing noise ordinance has been a recurring issue in St. Johns County; and

WHEREAS, protecting and encouraging business, agricultural, and freedom of speech activities serves a legitimate governmental purpose of the Board of County Commissioners of St. Johns County while also protecting the public from excessive noise, particularly in residential areas; and

WHEREAS, Ordinance No. 2015-19 promotes and encourages the citizens and businesses of St. Johns County to comply with the County noise regulations by providing clarity on infractions, violations, and assessment of penalties; and

WHEREAS, the purpose of the regulations provided in Ordinance No. 2015-19 is to provide the public and enforcement officers with a clear delineation of enforcement procedures and with concise guidelines for regulating noise within the unincorporated areas of the County by providing specific prohibited noises, temporary noise permits, grandfathering standards, and determining enforcement responsibilities; and

WHEREAS, Section 6 of Ordinance No. 2015-19 provides for certain exemptions from noise level regulations, including but not limited to exemptions for public service activities and for equipment tests conducted between 8:00 a.m. and 5:00 p.m.; and

WHEREAS, Section 7 of Ordinance No. 2015-19 recognizes that existing or future development agreements, planning permits, or legal settlement may specifically govern noise or sound levels that prevail over otherwise conflicting provisions of the ordinance; and

WHEREAS, Section 7 of Ordinance No. 2015-19 further provides a procedure for accused violators to provide proof of vesting, priority, or grandfathering of their noise producing activity as to the provisions of the ordinance and recognizes that certain, specific noise producing activities shall be grandfathered, so long as it remains the same and does not stop for more than 180 consecutive days; and

WHEREAS, for approximately 35 years, the federal government and/or its contractors have continuously operated a marine repair division on a certain property in the County located on Binninger Drive near the intersection with US Highway 1 North ("Property"); and

WHEREAS, the operators of the facilities on the Property employ, and have long employed, approximately 100 persons variously trained in marine mechanics, welding, sandblasting, electrical, navigation, and marine upholstery, as well as management; and

WHEREAS, the Property has historically been separated from residential land uses by hundreds of feet; and

WHEREAS, the long-standing noise-producing activity that has been continuously conducted on the Property, and is described above, provides a public service; and has historically been separated from residential land uses by several hundred feet; and

WHEREAS, the Board determines that the long-standing noise-producing activity on the Property is further due to be grandfathered as to the provisions of Ordinance No. 2015-19, so long as the such activity remains the same and does not stop for more than 180 consecutive days; and

WHEREAS, this grandfathering of the noise-producing activity on the Property shall constitute a planning permit for purposes of the Ordinance; and

WHEREAS, additional minor revisions to Section 7 of Ordinance No. 2015-19 are necessary for clarity of the parameters of grandfathering; and

WHEREAS, it is in the best interest of the County and the public to enact the amendments to Ordinance No. 2015-19 provided herein.

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

**Section 1.** The above recitals 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.** Section 7, "Grandfathering; Vesting; Priority" of St. Johns County Ordinance No. 2015-19 is amended to read as follows:

**Section 7. Grandfathering; Vesting; Priority**

Noises or sound levels specifically governed by existing or future Planned Unit Development (PUD) Agreements, planning permits, or legal settlements shall prevail over otherwise conflicting provisions of this Ordinance. Except as provided forth below, any accused violator of this Ordinance shall have an affirmative duty to provide proof of vesting, priority, or grandfathering.

The following shall be automatically grandfathered, so long as the noise producing activity remains the same and does not stop for more than 180 consecutive days:

- A. Veranda Partners, Ltd., Major Modification of The Players Club PUD 2006-21, approved by Ordinance 2006-140 and including the following parcels:
  - (1) Veranda I (Parcel A) 061940-0070;
  - (2) Veranda II (Parcel B) 061940-0100;
  - (3) Veranda III (Parcel C) 061940-0110;
  - (4) Veranda IV (Parcel D) 061940-0120;
  - (5) Veranda V (Parcel E) 061940-0130;
  - (6) Veranda VI (Parcel F) 061940-0140; and
  - (7) Veranda Owners (common areas) 061940-0020
  
- B. Hydro-Aluminum Master Parcel 2004-195, PUD #2008-06, (Ord. 2008-60) and including the following parcels:
  - (1) 183080-0010
  - (2) 183110-0000
  - (3) 183310-0000
  - (4) 184410-0000
  - (5) 184410-0010
  
- C. The property bearing Parcel Identification Numbers 074510-0000 and 074510-0010 (Binninger Drive) as to the noise-producing activity of marine mechanics, welding, sandblasting, electrical, navigation, and marine upholstery.

**Section 3.** The remaining portions of St. Johns County Ordinance No. 2015-19 shall remain in full force and effect.

**Section 4. 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 sections, subsections, sentences, clauses, phrases, or provision of this Ordinance.

**Section 5. 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 16 day of February, 2021.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: *Jeremiah R. Blocker*  
Jeremiah R. Blocker, Chair

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

By: *Yvonne King*  
Deputy Clerk

Rendition Date: FEB 18 2021

Effective Date: FEB 18 2021



MINUTES AND RECORDS  
500 SAN SEBASTIAN VIEW

SAINT AUGUSTINE, FL 32084

ACCT: 15634  
AD# 0003336430-01

PO# 0003336430

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 **NOTICE OF HEARING** in the matter of **021621 NOISE ORD.** was published in said newspaper on **02/04/2021**.

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.

NOTICE OF PUBLIC HEARING OF THE  
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

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 ordinance at a regular meeting on Tuesday, February 16, 2021, 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, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 2015-19 ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE ORIGINATING WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY AND WHERE PROPERTY IN THE UNINCORPORATED AREA IS NEGATIVELY AFFECTED; THIS ORDINANCE AMENDS SPECIFICALLY SECTION 7, ENTITLED "GRANDFATHERING, VESTING, PRIORITY" TO PROVIDE FOR GRANDFATHERING, VESTING, AND PRIORITY FOR CERTAIN NOISE PRODUCING PUBLIC SERVICE ACTIVITY; MAKING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; 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 interested parties prior to the said public hearing. 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 hearing.

In accordance with, and subject to, State Executive Orders 20-91 and 20-92, and St. Johns County Emergency Order 2020-10, remote attendance, including public attendance, is authorized under communication media technology (CMT) procedures. CMT being used to conduct this meeting includes phone and wireless microphone. A physical quorum is required for conducting any business other than emergency issues.

A person may attend this CMT meeting by calling the telephone number at 904.209.1265. Written or physical documentation may be submitted to the Board of County Commissioners, 500 San Sebastian View, St. Augustine, FL 32084, or e-mail address: [sicpublichearing@sjcl.us](mailto:sicpublichearing@sjcl.us). Any person who submits documentation should specify whether the documentation is requested to be included as part of the official record. In order for submitted documentation to be considered as part of the official record, such documentation must be received no less than 24 hours prior to the meeting. A designated access point to attend this CMT meeting is located at 500 San Sebastian View, St. Augustine, FL.

Additional information may be obtained at:

Mailing address: Board of County Commissioners  
500 San Sebastian View  
St. Augustine, FL 32084  
Email address: [sicpublichearing@sjcl.us](mailto:sicpublichearing@sjcl.us)  
Phone number: 904.209.0300

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.

**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 PATTY, ITS CLERK  
By: Yvonne King, Deputy Clerk

0003336430 February 4, 2021

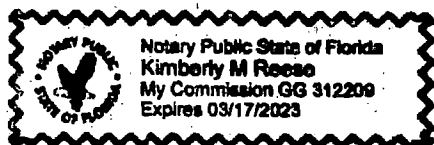
Sworn to (or affirmed) and subscribed before me by means of

physical presence or  
 online notarization

this \_\_\_\_\_ day of **FEB 04 2021**

by *[Signature]* who is personally known to me or who has produced as identification

*[Signature]*  
(Signature of Notary Public)





## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

February 18, 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. 2021-9, which was filed in this office on February 18, 2021.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

FILED **FEB 18 2021**  
ST. JOHNS COUNTY  
CLERK OF COURT  
BY: *Yvonne King*  
DEPUTY CLERK