

**5****AGENDA ITEM  
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS***Deadline for Submission - Wednesday 9 a.m. – Thirteen Days Prior to BCC Meeting***6/17/2025****BCC MEETING DATE****TO:** Joy Andrews, County Administrator**DATE:** May 14, 2025**FROM:** Amy Ring, Special Projects Manager**PHONE:** 904 209-0590**SUBJECT OR TITLE:** First Reading - LDCA 2024-03 Land Development Code Updates**AGENDA TYPE:** Business Item, Ordinance, Report**BACKGROUND INFORMATION:**

Updates to Land Development Code (LDC) Articles II, III, V, VI, IX, and XII, and the Table of Contents, to maintain consistency with Florida Statutes and to better organize existing parts of the code. The Planning and Zoning Agency voted on May 15, 2025 to recommend approval of this item 5-0.

**1. IS FUNDING REQUIRED?** No**2. IF YES, INDICATE IF BUDGETED.** No**IF FUNDING IS REQUIRED, MANDATORY OMB REVIEW IS REQUIRED:****INDICATE FUNDING SOURCE:****SUGGESTED MOTION/RECOMMENDATION/ACTION:**

First Reading - no action needed

**For Administration Use Only:**

Legal: Kealey West 6/3/2025

OMB: ARM 6/3/2025

Admin: Brad Bradley 6/6/2025



**Growth Management Department**  
**Growth Management Report**  
LDCA 2024-03 Land Development Code Updates

**To:** Board of County Commissioners

**Through:** Planning and Zoning Agency

**From:** Amy Ring, Special Projects Manager

**Date:** June 6, 2025

**Subject:** LDCA 2024-03 Land Development Code Updates

**Hearing Dates:** PZA – May 15, 2025  
BCC – June 17, 2025 (first reading)  
BCC – July 22, 2025 (second reading)

**Commissioner District:** N/A

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**Summary**

This amendment includes several updates to the Land Development Code (LDC) Articles II, III, V, VI, IX, XII, and the Table of Contents to maintain consistency with Florida Statutes (**Category 1**) and to better organize existing parts of the code (**Category 2**). All proposed changes are found in **Attachment 2 – Redline**.

**CATEGORY 1: STATUTORY UPDATES****A. COMMUNITY DEVELOPMENT DISTRICT (CDD)**

ISSUE: S. 1, Ch. 2016-94, Laws of Florida, amended the acreage threshold for the establishment of a CDD from 1,000 acres to 2,500 acres in 190.005 F.S.

AFFECTED CODE:

- Sec. 5.06.00 Community Development Districts

**B. COMPREHENSIVE PLAN AMENDMENT, SMALL SCALE**

ISSUE: S. 3, Ch. 2021-206, Laws of Florida, changed the qualifying acreage amount for a small scale comprehensive plan amendment from 10 acres to 50 acres in 163.3187 F.S.

AFFECTED CODE:

- Sec. 9.04.00 Rezoning of Land and Comprehensive Plan Amendments

**C. COMPREHENSIVE PLAN ADOPTION CYCLE**

ISSUE: S. 17, Ch. 2011-139, Laws of Florida, removed the June/December adoption cycle for comprehensive plan amendments (not including small scale or other specified amendments in F.S. 163) in 163.3184 F.S.

AFFECTED CODE:

- Sec. 9.05.02 Land Use Policy Decisions

**D. ELECTRIC SUBSTATIONS**

ISSUE: S. 4, Ch. 2023-31, Laws of Florida, changed regulations for electric substations (163.3208 F.S.), including:

- Definition of electric substation includes accessory administration or maintenance buildings and related accessory uses and structures;
- Except for substations in s. 163.3205(2)(c) relating to solar facilities, local governments may adopt and enforce reasonable land development regulations for new and existing electric substations, addressing only setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards;
- New and existing electric substations shall be a permitted use in all land use categories except those designated as preservation, conservation, or historic preservation on the future land use map;
- Procedural regulations applicable to the proposed placement or construction of new electric substations within a residential area;
- Land development and construction regulations for new electric substations or for changes to existing electric substations and local government review of an application for the placement or construction of a new electric substation or for changes to an existing electric substation shall only address land development, zoning, or aesthetic compatibility-based issues;
- Effective dates for siting standard application.

## AFFECTED CODE:

- Section 2.02.01
- Table 2.03.01 Table of Allowable and Special Uses
- Sec. 2.03.37 Electric Substations
- Sec. 3.11.05 (Allowable and Special Uses – West Augustine Overlay District)
- Table 3.12.04 Permitted Uses by Zoning District (Hastings Overlay District)
- Add Sec. 6.08.45 Electric Substations
- Add Article XII Definition of Electric Substation

**CATEGORY 2: GENERAL CLARIFICATIONS & UPDATES****A. OTHER ANIMALS**

ISSUE: The reference to related Land Development Code regulations requires updating.

PROPOSAL: Adjust reference to correct applicable code.

## AFFECTED CODE:

- Sec. 2.03.06

**B. SPECIAL USE REQUIREMENTS FOR BORROW AREAS**

ISSUE: A Special Use application for a Borrow Area does not require an engineered site plan, as is currently implied in Sec. 2.03.10; an engineered site plan is required at the time of construction plan approval as stated in Sec. 6.04.09.

PROPOSAL: Clarify Special Use application requirements for Borrow Areas in Sec. 2.03.10.

## AFFECTED CODE:

- Sec. 2.03.10 Land Excavation and Borrow Areas

**C. ON SITE OFFICE REQUIREMENTS**

ISSUE: Current regulations for Personal Property Mini-Warehouse Facilities and Recreational Vehicle/Boat Storage allowed by Special Use require facilities to contain a staffed on-site office.

PROPOSAL: Remove requirements for staffed on-site offices at these facilities while retaining the requirement restricting facility access to the hours of management personnel being on-site unless individual electronic access is available.

## AFFECTED CODE:

- Sec. 2.03.16.G Personal Property Mini-Warehouse Facilities
- Sec. 2.03.42.E Recreational Vehicle/Boat Storage

**D. RESTAURANTS WITHOUT DRIVE-THROUGHS IN THE NEIGHBORHOOD BUSINESS/COMMERCIAL USE CATEGORY**

ISSUE: Sec. 2.02.01 Use Classifications and Definitions provides descriptions and examples of Uses allowed within categories. Specifically, Restaurants without Drive Throughs are permitted as a Neighborhood Business and Commercial Use (Sec. 2.02.01.D).

PROPOSAL: Adjust Table 2.03.01 to reflect that Restaurants without Drive Throughs are permitted as a Neighborhood Business and Commercial Use.

AFFECTED CODE:

- Table 2.03.01 Table of Allowable and Special Uses

#### **E. TABLE 6.19 TABLE OF INTENSITY FOR BUFFERS AND SCREENING**

ISSUE: Table 6.19 expresses buffer and screening requirements per Land Use Classification. Currently, Multi-Family equal to six (6) units/acre is listed for both Groups 2 & 3. Clarification is required.

PROPOSAL: List Multi-Family greater than or equal to six (6) units/acre under Group 3 in accordance with the Comprehensive Plan (Maximum Residential Density Zones).

AFFECTED CODE:

- Table 6.19 Table of Intensity for Buffers and Screening

#### **F. LOCATION OF DEVELOPMENT CRITERIA WITHIN LDC**

ISSUE: Part 2.03.00 Allowable and Special Uses distinguishes whether certain Uses (Outdoor Plant Sales, Fish Camps, Car Wash Facilities, etc.) are allowed by right or by Special Use and offers specific development requirements for Uses that require Special Use permitting. Part 6.08.00 Supplemental Design Standards for Specified Uses contains design standards that apply to all Uses whether allowed by right or by Special Use to ensure compatibility with adjacent Uses and the surrounding neighborhood. Currently, some design standards that apply to all Uses are described in Part 2.03.00 rather than Part 6.08.00.

PROPOSAL: Move any development requirements applicable to all Uses to Part 6.08.00. Retain any development requirements applicable only to those Special Uses in Part. 2.03.00.

AFFECTED CODE:

- Sec. 2.03.27 RV Campgrounds (add new Sec. 6.08.46 RV Campgrounds)
- Sec. 2.03.56 Animal Care Facility
- Sec. 2.03.57 Brewpub (add new Sec. 6.05.47 Brewpub)
- Sec. 2.08.58 Microbrewery (add new Sec. 6.08.48 Microbrewery)

#### **G. LIST OF TABLES**

ISSUE: The LDC currently contains thirty-two (32) tables. Indexing these tables will provide quick reference for users.

PROPOSAL: Add List of Tables to the Table of Contents.

AFFECTED CODE:

- Table of Contents

#### **CORRESPONDENCE/PHONE CALLS**

Staff received three public inquiries of a general nature.

**PLANNING AND ZONING AGENCY (PZA)**

This item was presented to the Planning and Zoning Agency on May 15, 2025. Public comment consisted of general support. An Agency member requested and received the definition of electric substation provided from Florida Statute 163.3208. Another Agency member requested and received confirmation that the development criteria proposed for electric substations are not necessarily directly applicable to those required for solar facilities. The Agency voted 5-0 to recommend approval of all changes within the amendment (Absent: Henry Green).

**BOARD DIRECTION**

Staff requests that the Board of County Commissioners motion to hold the final hearing on the proposed Land Development Code amendments at the regularly scheduled Board of County Commissioners meeting on July 22, 2025 at 9:00 AM.

**ATTACHMENTS**

1. Ordinance  
**Exhibit A** LDC Articles II, III, V, VI, IX, XII (clean)
2. **Redline**
3. Supporting Documentation

**Attachment 1**  
**Recorded Documents Section**

**Begin Documents To Be Recorded**



**ORDINANCE NO. 2025-\_\_\_\_\_**

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY, FLORIDA, AMENDING PORTIONS OF ST. JOHNS COUNTY LAND DEVELOPMENT CODE (ORDINANCE 1999-51, AS AMENDED), SPECIFICALLY, AMENDING SECTION 2.03.06 (OTHER ANIMALS), PART 2.03.00 (ALLOWABLE AND SPECIAL USES), ARTICLE II (ZONING DISTRICTS AND SPECIAL USES) TO UPDATE THE REFERENCE TO CERTAIN EXCEPTIONS; AMENDING SECTION 2.03.10 (LAND EXCAVATION AND BORROW AREAS), PART 2.03.00 (ALLOWABLE AND SPECIAL USES), ARTICLE II (ZONING DISTRICTS AND SPECIAL USES) TO CLARIFY SPECIAL USE REQUIREMENTS FOR BORROW AREAS; AMENDING SECTION 2.03.16 (PERSONAL PROPERTY MINI-WAREHOUSE FACILITIES) AND SECTION 2.03.42 (RECREATIONAL VEHICLE/BOAT STORAGE), PART 2.03.00 (ALLOWABLE AND SPECIAL USES), ARTICLE II (ZONING DISTRICTS AND SPECIAL USES) TO REMOVE THE REQUIREMENT FOR STAFFED ON-SITE OFFICES; AMENDING SECTION 2.02.01 (USE CLASSIFICATIONS AND DEFINITIONS), PART 2.02.00 (USES ALLOWED WITHIN ZONING DISTRICTS) AND TABLE 2.03.01 TABLE OF ALLOWABLE AND SPECIAL USES, PART 2.03.00 (ALLOWABLE AND SPECIAL USES), ARTICLE II (ZONING DISTRICTS AND SPECIAL USES) TO REFLECT RESTAURANTS WITHOUT DRIVE THROUGHS ARE ALLOWED IN THE NEIGHBORHOOD BUSINESS/COMMERCIAL USE CATEGORY AND TO ALLOW ELECTRIC SUBSTATIONS IN ALL LAND USE CATEGORIES CONSISTENT WITH SECTION 163.3208, *FLORIDA STATUTES*; AMENDING SECTION 5.06.01 (GENERAL PROVISIONS), PART 5.06.00 (COMMUNITY DEVELOPMENT DISTRICTS), ARTICLE V (DEVELOPMENT OPTIONS) TO INCREASE THE ACREAGE THRESHOLD FOR ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT CONSISTENT WITH SECTION 190.005, *FLORIDA STATUTES*; AMENDING TABLE 6.19 TABLE OF INTENSITY FOR BUFFERS AND SCREENING, SECTION 6.06.04 (BUFFERING AND SCREENING REQUIREMENTS), PART 6.06.00 (LANDSCAPING AND BUFFERING REQUIREMENTS), ARTICLE VI (DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS) TO CLARIFY RESIDENTIAL MULTI-FAMILY EQUAL TO 6 UNITS PER ACRE BELONGS IN GROUP 3; AMENDING SECTION 9.04.01 (GENERALLY), PART 9.04.00 (REZONING OF LAND AND COMPREHENSIVE PLAN AMENDMENTS) AND SECTION 9.05.02 (PROCEDURES), PART 9.05.00 (LAND USE POLICY DECISIONS), ARTICLE IX (ADMINISTRATION) TO INCREASE THE ACREAGE FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AND TO REMOVE THE JUNE/DECEMBER ADOPTION CYCLE FOR COMPREHENSIVE PLAN AMENDMENTS CONSISTENT WITH SECTION 163.3187, *FLORIDA STATUTES*; AMENDING SECTION 2.03.37 (ELECTRIC SUBSTATIONS), PART 2.03.00 (ALLOWABLE AND SPECIAL USES), ARTICLE II (ZONING DISTRICTS AND SPECIAL USES) AND CREATING NEW SECTION 6.08.45 (ELECTRIC SUBSTATIONS), PART 6.08.00

(SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES), ARTICLE VI (DESIGN STANDARDS & IMPROVEMENT REQUIREMENTS) TO PROVIDE FOR ELECTRIC SUBSTATION DESIGN CRITERIA AND AMENDING ARTICLE XII (DEFINITIONS) TO ADD A DEFINITION OF ELECTRIC SUBSTATIONS; AMENDING TABLE 3.11.05 ALLOWABLE AND SPECIAL USES, SECTION 3.11.05 (USES AND ACTIVITIES SUBJECT TO THE REQUIREMENTS OF THE WEST AUGUSTINE OVERLAY DISTRICT), PART 3.11.00 (WEST AUGUSTINE OVERLAY DISTRICT), ARTICLE III (SPECIAL DISTRICTS) AND TABLE 3.12.04 PERMITTED USES BY ZONING DISTRICT, SECTION 3.12.04 (USES AND ACTIVITIES SUBJECT TO THE REQUIREMENTS OF THE HASTING OVERLAY DISTRICT), PART 3.12.00 (HASTINGS OVERLAY DISTRICT), ARTICLE III (SPECIAL DISTRICTS), TO UPDATE ELECTRIC SUBSTATIONS AS A PERMITTED USE IN CERTAIN LAND USE CATEGORIES ON THE FUTURE LAND USE MAP CONSISTENT WITH SECTION 163.3208, *FLORIDA STATUTES*; AMENDING SECTION 2.03.27 RV CAMPGROUNDS, SECTION 2.03.56 ANIMAL CARE FACILITY, SECTION 2.03.57 BREWPUB, AND SECTION 2.03.58 MICROBREWERY, PART 2.03.00 (ALLOWABLE AND SPECIAL USES), ARTICLE II (ZONING DISTRICTS AND SPECIAL USES) TO RELOCATE DESIGN STANDARDS APPLICABLE TO ALL SUCH USE TYPES TO NEWLY ADDED SECTION 6.08.46 RV CAMPGROUNDS, SECTION 6.08.47 BREWPUB, AND SECTION 6.08.48 MICROBREWERY, PART 6.08.00 (SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES), ARTICLE VI (DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS), RESPECTIVELY; ADDING A LIST OF TABLES TO THE TABLE OF CONTENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING 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"), enacted pursuant to Part II of Chapter 163 and Chapter 190, Florida Statutes, to maintain consistency with Florida State Statutes and to provide for additional clarity and ease of use; and

**WHEREAS**, St. Johns County has determined that reasonable amendments to land use regulations serve the public health, safety and welfare of the citizens of St. Johns County; and

**WHEREAS**, pursuant to Section 125.66, Florida Statutes, a business impact estimate is not required for ordinances enacted pursuant to Part II of Chapter 163, relating to compliance with federal or state law or regulation.

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

**SECTION 1. LEGISLATIVE FINDINGS OF FACT.** The above recitals and WHEREAS clauses are true and correct and are hereby adopted as legislative findings and incorporated herein by reference and made a part hereof.

**SECTION 2. LAND DEVELOPMENT CODE REGULATIONS.** Articles II, III, V, VI, IX, XII, and Table of Contents of the St. Johns County Land Development Code, Ordinance No. 1999-51, as previously amended, are hereby amended as follows in the attached **EXHIBIT A**, incorporated herein and made a part of this Ordinance.

**SECTION 3. APPLICABILITY.** The remaining portions of the St. Johns County Land Development Code, Ordinance No. 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 become and be made a part of the St. Johns County Land Development Code, Ordinance No. 1999-51, 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.

**SECTION 5. SCRIVENERS ERRORS.** It is the intent of the St. Johns County Board of County Commissioners that scriveners 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 6. SEVERABILITY.** 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, for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the constitutionality or validity of the ordinance as a whole, or any part thereof, other than the part so declared.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall take effect upon a certified copy of this Ordinance being filed with the Florida Department of State.

**PASSED AND ENACTED** by the Board of County Commissioners of St. Johns County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_  
Krista Joseph, Chair

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

By: \_\_\_\_\_  
Deputy Clerk

Effective Date: \_\_\_\_\_

<p style="text-align: center;"><b>ARTICLE II</b> <b>ZONING DISTRICTS AND SPECIAL USES</b></p>
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**PART 2.00.00 GENERALLY**

The purpose of this Article is to encourage and promote, in accordance with present and future needs, the public health, safety, morals, and general welfare of the citizens of the unincorporated area of St. Johns County, Florida. The districts and regulations contained herein are made in accordance with the Comprehensive Plan for St. Johns County and promote the orderly development of the County.

**PART 2.02.00 USES ALLOWED WITHIN ZONING DISTRICTS**

**Sec. 2.02.01 Use Classifications and Definitions**

The following Sections describe the categories of Uses which apply within St. Johns County. Each category contains a description of the fundamental characteristics of the category and a list of representative Uses. It is not possible to list each and every individual Use which may be allowable within a category. The intent is to describe the category and provide a sufficient number of illustrative or representative Uses to allow other Uses to be assigned to a category as they are proposed in a zoning district.

**O. Neighborhood Public Service and Emergency Service Uses**

1. This category represents those neighborhood-scale Uses which may have limited outdoor storage and outdoor activity, and may cause potential nuisance, but are nevertheless necessary as support to surrounding Uses. Any potential nuisance is mitigated by limitations on scale of Development, consistent with neighborhood scale Development. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes allowable Uses and Special Uses by zoning district.
2. The type of Uses included in this category include, but are not limited to neighborhood-scale fire stations, police stations, emergency medical services and facilities; water and Wastewater Treatment Plants and facilities and components of water and Wastewater Treatment Plants and facilities; Electric Substations; telephone equipment stations, switching stations, and similar communication facilities; communication Antennas and Antenna Towers; neighborhood support services; Social Assistance Centers; and other substantially similar facilities and Uses. Neighborhood Public Service and Emergency Service Uses shall not include the erection of structures, buildings, or office facilities for commercial activities, such as the sale of related merchandise or collection of bills, in those zoning districts where such commercial and office activities are prohibited.

**P. General Public Service and Emergency Service Uses**

1. This category represents those Uses which often operate on a twenty-four (24) hour time frame and have a high degree of outdoor storage and outdoor activity. These Uses may cause a nuisance due to noise, and high levels of truck or large

vehicle traffic. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes allowable Uses and Special Uses by zoning district.

2. The types of Uses included in this category include, but are not limited to public use Airports, terminals, heliports, and associated infrastructure; seaplane support facilities; rail yards and terminals; ambulance services; fire stations; police stations, emergency medical services and facilities; government offices and facilities; water and Wastewater Treatment Plants and facilities and components of water and Wastewater Treatment Plants and facilities; Electric Substations; maintenance, garage, and storage yards for school buses, highway Construction equipment, telephone equipment, utility company trucks and equipment; microwave, radio, and television transmission towers; radiotelephone communication facilities; communication Antennas and Antenna Towers; and other substantially similar facilities and Uses.

## **PART 2.03.00 ALLOWABLE AND SPECIAL USES**

The Special Uses contained in this Part shall be considered and approved, approved with conditions, or denied in accordance with the requirements of this Code Part 9.01.00 for the issuance of Development Permits. The following Special Uses if allowed in a zoning district according to Section 2.02.02 and identified in Section 2.03.01 or allowed in this Part by reference to a zoning district may only be permitted upon demonstration of compliance with all of the requirements of this Part. The Special Uses, listed in Section 2.03.01, may be allowed within PUDs and PRDs, subject to the Uses being provided within the PUD or PRD Master Development Plan and approved with the PUD or PRD, and subject to the limitations of the Comprehensive Plan.

It is not possible to list each specific Use allowed by right or through Special Use review. The intent is to provide a sufficient number of illustrative or representative Special Uses and to allow other Special Uses to be assigned to a category as they are proposed in a zoning district. If a Use is proposed that is not specifically listed or described as allowable by right or by Special Use, and is not specifically prohibited, such use may be reviewed and approved by Special Use Permit to ensure that any adverse impacts can be and are mitigated. Some uses may be allowed by right if very similar to a use listed by right in the corresponding zoning district. However, if such Use is not closely matched to an existing Use, then it must meet at a minimum Section 2.03.01.A in addition to the criteria of the most similar Special Use. This determination will be rendered by the County Administrator and/or designee.

### **Sec. 2.03.06 Other Animals**

Other Animals (excluding the possession of wildlife and the possession or location of honey bee colonies and/or apiaries, as provided in Florida Statutes and excluding five (5) or fewer hens as provided for in Section 2.02.04.B.18), not otherwise defined by the Code, may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. If a place of shelter is provided outside the main residence, such shelter shall be no closer than one hundred (100) feet from any other residence.
- B. Domestic fowl or bird species shall be subject to the following standards:
  - 1. Domestic fowl or bird species, except as provided in Section 2.02.04.B.18, shall be maintained in a coop and pen or portable chicken tractor, and such coops and enclosures may not include residential structures or garages. The coop and enclosure must be fenced and ventilated. All domestic fowl or bird species must be secured in an enclosure during non-daylight hours; however, during daylight hours, they may be located outdoors in the chicken pen and/or run.
  - 2. Domestic fowl or bird coops, enclosures, pens, and tractors (whether stationary or mobile) are only permitted in the rear of the residential dwelling, behind the line formed by the back wall of the residence. Domestic fowl or bird coops, pens, and tractors (whether stationary or mobile) shall be located no closer than fifteen (15) feet on any side or rear property line unless a greater distance is required by the Planning and Zoning Agency. These structures shall be located no closer than one-hundred (100) feet from any other residence and must be located closer to the owner's primary residence than any neighboring residence. A waiver to the 100

foot distance requirement may be granted by the Planning and Zoning Agency.

3. Domestic fowl or bird coops, enclosures, tractors, and/or pens must be properly designed and constructed to provide adequate security from rodents, wild birds, and predators.
  4. Domestic fowl or bird coops, enclosures, pens, and tractors shall be maintained in a clean and sanitary condition at all times. Domestic fowl or birds shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.
  5. The coop, enclosure, pens, or tractors shall not be taller than six (6) feet, as measured from the existing natural grade.
  6. All stored feed must be kept in a rodent and predator-proof container.
- C. An application for Special Use Permit for Other Animals shall state the maximum number and species of Animals to be housed.
- D. There shall be no commercial activity associated with the granting of a Special Use for Other Animals.

#### **Sec. 2.03.10 Land Excavation and Borrow Areas**

Land Excavation and Borrow Areas may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the following regulations.

##### **A. Locational Criteria**

In order to protect the public health, safety and welfare from the possible adverse impacts of Land Excavation and Borrow Areas, (e.g., noise, dust, water table drawdown) the following locational criteria are established:

##### **1. Where Allowed**

- a. Lake creations and lake cleaning may be allowed within all zoning districts.
- b. Dry Land Excavation and Borrow Areas may be allowed by Special Use within the OR, IW, and PS districts.

##### **2. Setbacks**

There shall be no Land Excavation, with the exception of perimeter ditches and recharge ditches, within the setbacks for Dry Land Excavation, Borrow Areas, and lake creations as follows:

- a. Twenty-five (25) feet of any Right-of-Way line of a publicly owned road or street, except for Dry Land Excavation and Borrow Areas which shall be one hundred fifty (150) feet of a publicly-owned local road or street and two hundred (200) feet of any Right-of-Way line of a publicly-owned Arterial or



Collector.

- b. Twenty-five (25) feet of the boundary line of a publicly owned drainage or utility easement.
- c. Twenty-five (25) feet of any non-residential property line, including Agricultural Use.
- d. One hundred (100) feet of any existing or developing residential property line. In cases where a Land Excavation or Borrow Area is adjacent to residential land Use with a density of two Dwelling Units per acre or more, setbacks shall be increased from the existing one hundred (100) feet to one hundred fifty (150) feet. As an alternative, the setback may be decreased to one hundred twenty-five (125) feet, provided that a series of undulating berms are provided that serve to screen the Land Excavation or Borrow Area, when used in conjunction with required planted trees.
- e. One thousand (1,000) feet of a school, hospital or house of worship measured on a straight line along the shortest distance between the perimeter of the Land Excavation or Borrow Area and the boundary of the property upon which the facility is situated.
- f. Fifty (50) feet of a Wetland Conservation Area.

3. Access

- a. Land Excavation and Borrow Areas shall be encouraged to locate in areas which have direct access to the receiving site of the excavated materials, with direct access to Arterials or Minor or Major Collectors, within approved subdivision and site Development projects under Construction, adjacent to public improvement projects such as new road corridors or in conjunction with stormwater utility projects. Site specific analysis must be performed to determine if proposed Land Excavations and Borrow Areas in the encouraged areas meet all other locational and environmental requirements.
  - (1) Where the Applicant intends to provide material for a new road corridor, priority shall be given to locating such Land Excavation, in the following order of precedence:
    - (2) Within the corridor.
    - (3) Within one-half (0.5) mile of the corridor. Proposed Land Excavation in these areas would be investigated to determine if they could interface with the County's Stormwater Utility Program or recreational planning program.
    - (4) Within the remaining areas of the County, highest priority for Land Excavations in the remaining area of the County would be given to Land Excavations located within approved DRIs, subdivisions, and site Development projects which are under Construction in proximity to the corridor and in Land Excavations which interface

with stormwater utility projects.

4. Mitigation of Impacts

- a. Techniques to mitigate the impacts of offsite hauling on existing neighborhoods fronting onto Arterial or Collector Roadways may include restrictions on the hours and days of offsite hauling, contribution by the Applicant to the cost of road improvements on the haul route, and development of alternative haul routes.
- b. Restrictions may be imposed on the hours and days of operation of any Land Excavation when such restrictions are necessary to protect the public health, safety, and welfare.

5. Where Prohibited

Land Excavations and Borrow Areas shall be prohibited within the following locations:

- a. Within two hundred (200) feet of abandoned dumpsites or landfills as identified on the Florida Department of Environmental Protection list of closed landfills in St. Johns County.
- b. Within two hundred (200) feet or the one (1) year travel time as defined in Table 2 of "Wellhead Protection Area Delineation for Public Supply Utilities Located in St. Johns County, Florida" produced by the St. Johns River Water Management District, 1993, whichever is greater, of a public potable water supply well.
- c. Within Environmentally Sensitive Areas as defined in Article XII, except as permitted in Article IV.

6. Where Restricted

Land Excavations and Borrow Areas shall be restricted within the following locations:

- a. Areas susceptible to groundwater contamination or within one-quarter (0.25) of a mile from a Class I or Class II landfill.
- b. A detailed site specific hydrogeologic study shall be submitted that would assess any potential impact of the excavation on groundwater resources. A proposal for the study shall be submitted to the County for approval prior to conducting the actual study. The County Administrator shall have the right to grant an exemption from this requirement where, in the judgment of the County Administrator, the excavation will not negatively impact groundwater resources.

B. Special Use Permit

1. When Required

Land Excavation and Borrow Areas Special Use Permits shall be required for Land Excavation and Borrow Area activities except for the following:

- a. Land Excavation and Borrow Area activities pursuant to Board of County Commissioners permission which may be requested by a governmental agency, an Applicant under the permission of another governmental agency, or under the permission of a court having jurisdiction in St. Johns County.
- b. Land Excavation activities within Utility Rights-of-Way, public Rights-of-Way or easements necessary to supply electric, gas, water, sanitary or storm sewer, telephone, or cable television service, provided these activities do not adversely impact an Environmentally Sensitive Area. Land Excavation activities exempted under this Section shall be regulated under Article IV of this Code. This exemption does not include excavation for the Construction of detention basins and/or retention basins which otherwise meet the definition of Land Excavation.
- c. Land Excavation for swimming pool construction.
- d. Land Excavation activities disturbing less than three thousand (3,000) square feet of land area.
- e. Bona Fide Agricultural Operations that involve standard agricultural practices.
- f. Maintenance of dredging of canals, lakes and stormwater ponds, provided Permit requirements from other local, state and federal agencies are met.
- g. Lake Creations and retention/detention ponds within approved Construction projects permitted through other provisions of this Code where such Lake Creations or retention/detention ponds are incidental to the primary purpose of the Construction (i.e. retention ponds constructed as part of the stormwater system for a residential development Project).

## 2. Application Submittal and Public Notice

The information required for a Special Use Permit shall be considered in accordance with the requirements of Part 9.03.00 of this Code, and Public Notice shall be provided pursuant to the requirements of Part 9.06.00.

## 3. Factors to be Considered

The following factors shall be considered in the review of a Land Excavation or Borrow Area Special Use Permit application:

- a. The compatibility of the proposed Land Excavation and Borrow Area with existing and planned land Uses as stipulated in the St. Johns County Comprehensive Plan. In making a determination of compatibility, the following shall be considered:
  - (1) The nature of existing and planned land Uses.
  - (2) The size of the proposed Land Excavation or Borrow Area.
  - (3) The effect of increased truck traffic generation on existing and

planned land Uses.

(4) The proximity to residences, schools, hospitals, or houses of worship.

(5) The proximity to recreational Uses such as parks and playgrounds.

b. Impact on the roads and bridges located along the proposed haul route.

c. Adequacy and compatibility of the reclamation plan relative to the environmental as well as existing and planned Uses.

d. Cumulative impact of all permitted (active and inactive) Land Excavation and Borrow Areas within one (1) mile of the proposed Land Excavation or Borrow Area.

e. Whether the haul routes for the removal of Land Excavation or Borrow Area material pass schools, hospitals or houses of worship and whether the increased truck traffic incidental to the Land Excavation or Borrow Area activity will adversely affect the conduct of the institution's activities. In evaluating the effect of the truck traffic, the following shall be considered: the capacity and existing service level of the road(s) designated as the haul route within five hundred (500) feet of the boundaries of the institution's property, the hours of operation of the Land Excavation or Borrow Area and of the institution; the estimated volume of truck traffic; and the location of access to the school, hospital or house of worship.

#### 4. Duration of Permit

The Land Excavation or Borrow Area Special Use Permit shall be issued for a period based upon the estimated length of the Land Excavation or Borrow Area activity.

#### 5. Fencing

a. Unless otherwise authorized by the Planning and Zoning Agency, all Land Excavation or Borrow Areas shall be secured with a fence and gate to prevent unauthorized access to the Land Excavation or Borrow Area. All points of access shall be secured when no activity is occurring in the Land Excavation or Borrow Area. In determining whether a fence is required for a Land Excavation or Borrow Area and the type of fence to be required, the Planning and Zoning Agency shall consider the following factors.

(1) The location, size, depth and side slope of the Land Excavation or Borrow Area.

(2) The nature of the surrounding Uses and the land Uses designated on the Future Land Use Map of the St. Johns County Comprehensive Plan for the area.

(3) The depth of water, if any, in the Land Excavation or Borrow Area during the period of Land Excavation or Borrow Area activity.

(4) Natural or man-made features existing on the site.

- b. The fence and gate shall be maintained throughout the duration of Land Excavation or Borrow Area activities and may be removed after reclamation is completed.

6. Expiration of Permit

If the Land Excavation or Borrow Area is not operating within one (1) year after approval of a Special Use Permit, the Special Use Permit shall expire.

C. Waiver

1. Generally

The requirements of this Section may be waived where literal or strict enforcement of the terms or provisions of this Part would:

- a. Impose upon the Applicant an unreasonable, unnecessary or exceptional burden due to irregular shaped Parcel of property, unusual topography, or other unusual condition.
- b. Where the Applicant can show that literal or strict enforcement would impose upon the Applicant an unusual or practical difficulty and granting the request will not serve as a mere convenience to the Applicant. No such waiver shall be granted which seriously or adversely affects any adjoining property or health, safety and welfare of the general public.

2. Decision by Planning and Zoning Agency

The Planning and Zoning Agency, in review of the application for Special Use Permit, shall make a decision on any waiver request that pertains to the locational criteria.

3. Factors to be Considered

The following factors shall be considered, as applicable to the particular waiver request:

- a. The location of the Land Excavation or Borrow Area.
- b. The size of the Land Excavation or Borrow Area.
- c. The depth of the Land Excavation or Borrow Area.
- d. The cubic yards of material to be excavated and removed.
- e. The side slope requested, if applicable.
- f. The nature of the Land Excavation or Borrow Area material to be removed.

- g. The nature of existing or developing Uses in the surrounding area.
- h. The projected depth of water, if any, in the Land Excavation or Borrow Area at the time of completion of the Land Excavation or Borrow Area activity.
- i. Proximity of the Land Excavation or Borrow Area to Environmentally Sensitive Areas.
- j. The existing location, configuration, setbacks and slopes of a previously permitted Land Excavation or Borrow Area.

### **Sec. 2.03.16 Personal Property Mini-Warehouse Facilities**

Personal Property Mini-Warehouse Facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following conditions and limitations:

- A. Storage Buildings shall be sub-divided by permanent partitions into spaces containing not more than four hundred (400) square feet each and each such space shall have an independent entrance under the exclusive control of the tenant thereof.
- B. Not more than four thousand (4,000) square feet in total area shall be occupied or used by any single tenant.
- C. Storage of goods shall be limited to personal property with no commercial distribution or sales or other business activities allowed on the premises.
- D. The storage of hazardous materials shall be prohibited.
- E. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.
- F. A minimum six (6) foot masonry wall or security fence shall be required around the perimeter of the facility. If fenced, such fence shall be opaque along property lines adjacent to Open Rural or residential zoning districts. Fencing shall not be required for storage facilities that maintain all storage bays within a completely enclosed structure.
- G. Access to the facility shall be restricted to the hours of management personnel being on-site, unless individual electronic access is available.
- H. No portion of a Personal Property Mini-Warehouse Facility shall be allowed as a Special Use within six hundred (600) feet of the Right-of-Way of a designated Scenic Highway or Scenic Roadway. For the purposes of this provision, the definition of Scenic Highway or Scenic Roadway shall be the same as the definition of Scenic Highway or Scenic Roadway as it applies to Antenna Towers.
- I. No portion of a Personal Property Mini-Warehouse Facility shall be allowed as a Special Use within five hundred (500) feet of residentially zoned property or residential portions of Planned Developments.

### **Sec. 2.03.27 Recreational Vehicle Campgrounds**

Recreational vehicle campgrounds may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the conditions, limitations, and requirements of Section 6.08.46 of this Code.

### **Sec. 2.03.37 Reserved**

### **Sec. 2.03.42 Recreational Vehicle/Boat Storage**

Recreational vehicle/boat storage may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. The storage area shall be screened from public view and from all streets or roadways. Screening shall be provided with Evergreen plants six (6) feet in height at the time of planting and an overall screening opacity of seventy-five percent (75%) or greater, or a solid wooden, pvc, or similar material fence, or masonry or concrete block wall at least six (6) feet in height. If masonry or block wall is provided, it shall be painted and architecturally finished on the outside.
- B. There shall be a site plan submitted with the Special Use Permit that is in compliance with all requirements of the Land Development Code and such site plan shall indicate whether employee quarters are included.
- C. If signs are to be placed on the property, the Special Use Permit shall include such signage locations and a drawing shall be submitted that shows compliance with the sign regulations of the Land Development Code. Such sign plan shall be made part of the Special Use Permit.
- D. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.
- E. Access to the facility shall be restricted to the hours of management personnel being on-site unless individual electronic access is available.

### **Sec. 2.03.56 Animal Care Facility**

Animal Care Facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the conditions, limitations, and requirements of Section 6.08.43 of this code.

### **Sec. 2.03.57 Brewpub**

Brewpubs are a special use with limited on-site manufacturing of malted beverages with no distribution component where the primary activity is the onsite sales and consumption of alcohol.

This Use must be associated with a tasting room, service area, restaurant, bar, saloon, tavern, and/or retail component for patrons onsite. Brewpubs are allowed as a special use within districts provided in Section 2.03.01. Brewpubs in conjunction with a Bar, Cocktail Lounge, Tavern, or Saloon pursuant to Section 2.03.47 are only allowed in the same zoning district that would allow Bars and other similar facilities. Whether permitted by right or Special Use, the use shall be subject to the criteria for alcoholic beverages in Section 2.03.02 and the conditions, limitations, and requirements of Section 6.08.47 to ensure compatibility with adjacent Uses and the surrounding neighborhood.

#### **Sec. 2.03.58 Microbrewery**

Microbrewery is a special use where the primary activity is the manufacturing of malted beverages, with a distribution component together with a limited retail component for sales for on-premise or off-premise consumption. This Use must include a retail space and Tasting Room for patrons on-site. Microbreweries may sell to wholesalers or act as wholesalers and sell directly to the consumer on-premise through carry outs (growlers), on-site Tasting Room or restaurant sales. Whether permitted by right or Special Use, the use shall be subject to the criteria for alcoholic beverages in Section 2.03.02 and the conditions, limitations, and requirements of Section 6.08.48 to ensure compatibility with adjacent Uses and the surrounding neighborhood.



TABLE 2.03.01

[illegible]

[illegible]

Sec. 2.03.40	Aircraft Landing Fields	S																					
	<b>Cultural / Institutional Use</b>																						
	Libraries	A										A	A	A	A	A		A					A
	Galleries	A										A	A	A	A	A		A					A
	Museums	A										A	A	A	A	A		A					A
	Schools (Conventional Academic)	A										A	A	A	A	A		A					A
	Adult Day Care (child and adult daycare)	A	S	S	S	S	S	S	S	S	S	A	A	A	S	A	A	A			S	S	A
	Community Centers	A										A	A	A	A	A		A					A
Sec. 2.03.12	Churches and Synagogues	A	S	S	S	S	S	S	S	S	S	A	A	A	S	A	A	A	S	S	S	S	A
Sec. 2.03.38	Private Clubs	A										S	S	A		A	A	A					S
	Parks and Recreation Facilities (w/wo lighted fields and courts)	A										A	A	A	A	A		A					A
	<b>Neighborhood Business/ Commercial Uses</b>																						
	Commercial Indoor Recreation												A	A		A	A	A	S	S	S		
	Archery												A	A	A	A	A	A					A
	Entertainment												A	A	A	A	A	A					A
	Hospitality												A	A	A	A	A	A					A
	Retail good stores												A	A	A	A	A	A					A
Sec. 2.03.46	Financial Institutions w/wo drive through												A	A	A*	A	A	A	S	S			
	Funeral homes											A	A	A	A	A	A	A					A
Sec. 2.03.44	Convenience Stores without gas pumps												A	A	A	A	A	A					
	Grocery Stores												A	A	A	A	A	A					A
	Specialty Food Stores												A	A	A	A	A	A					A
	Pharmacies (w/o drive through)												A	A	A	A	A	A					A
	Billards and Pool parlors												A	A	A	A	A	A					A
	Spas/gyms and health clubs												A	A	A	A	A	A					A
	Trade schools											A	A	A	A	A	A	A	A	A	A		A
Sec 2.03.12	Churches											A	A	A	S	A	A	A	S	S	S	S	A
Sec. 2.03.24	Bed and Breakfast (max 10 units)											S	Sx	Ax	A	A	A	A					A
	Mini Warehouse / personal property											S	S	S		S	A	S	A	A	A		A
Sec. 2.03.42	Recreational Vehicle/Boat Storage												S	S		A	A		A	A	A	A	

	Personal Services (catering, printing, mail & package, travel agencies, laundries, beauty shops, barbers, photo studios)												A	A	A	A	A	A								A
Sec. 2.03.41	Veterinary Offices and Animal Hospitals (no outdoor boarding facilities and enclosed within soundproof building)													A	A	S	A	A	A							S
	Child and Adult Daycare												A	A	A	S	A	A	A			S	S			A
	Nursing Homes													A	A	A	A	A	A							A
Sec. 2.03.23	Special Care Housing Level III	S												A	A	A			A							S
Sec. 2.03.45	Restaurants without drive through												S	A	A	A	A	A	A	A	A					
Sec. 2.03.57	Brewpub													S	S	S	S	S		S	S					
Sec. 2.03.22	Psychics, Astorlogists, Palmists (Ord. 98-18)												S	S	A	S	A	A	A	A	A	A				A
Sec. 2.03.19	Community Marinas													S	A				S							
	Medical/professional offices												A	A	A	A	A	A	A	A	A					A
	Government offices												A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Schools for fine arts or martial arts												A	A	A	A	A	A	A							A
	<b>General Business / Commercial Use</b>																									
Sec. 2.03.43	Commercial Recreation														A		A	A	A	S	S	S				
	Archery														A	A	A	A	A							A
	Entertainment														A	A	A	A	A							A
	Hospitality														A	A	A	A	A							A
	Retail good stores														A	A	A	A	A							A
Sec. 2.03.46	Financial Institutions (w/wo drive through)														A	A*	A	A	A	S	S					
	Pharmacies (w/wo drive through)														A	A*	A	A	A*							A
	Free Standing ATMS														A	A		A								A
Sec. 2.03.14	Crematoriums, Funeral Homes, Mortuaries,														S	A		S	S	S	S					S
	Indoor Farm and Garden Supply Centers														A	A		A	A							A
	Outdoor Plant Sales														A	A	A	A								A
	Outdoor Storage														S		A	A	S	A	A	A	A			A
Sec. 2.03.44	Neighborhood Convenience Stores w/wo pumps														A		A	A		S	S					
	Gas station w/out auto service repair														A	A	A	A		A	A					A
Sec. 2.03.50	Car Wash Facilities														S		A	A	S	A	A					
Sec. 2.03.51	Auto Oil Change Facilities														S		A	A	S	A	A					

Sec. 2.03.52	Tire Service Centers													S		A	A	S	A	A					
	Small car rental offices with fleet													A	A		A								A
	Grocery Stores, Specialty Food Stores												A	A	A	A	A	A							A
	Supermarkets													A	A		A								A
	Bowling alleys													A	A		A								A
	Spas, Gyms, Health Clubs													A	A	A	A	A							A
	Community hospitals													A	A		A								A
	Vocational/Trade School												A	A	A	A	A	A	A	A	A				A
Sec. 2.03.24	Bed and Breakfast	Sx											S	Sx	Ax	A	A	A	A						A
Sec. 2.03.16	Personal Property/Mini Warehouse												S	S	S		S	A	S	A	A	A			A
Sec. 2.03.42	RV/Boat Storage													S	S		A	A		A	A	A	A		
	Personal Services (catering, printing, mail & package, travel agencies, upholstery, laundries)												A	A	A	A	A	A							A
	Small appliance repair shops												A	A	A	A		A			A	A			A
	Upholstery service													A	A	A	A	A	A						A
	Personal Services													A	A	A	A	A	A						A
	Employment services												A	A	A	A		A		A	A				A
	Bail bonds												A	A	A	A		A							A
	Photography Studios												A	A	A	A	A	A	A						A
Sec. 2.03.22	Psychics (Ord. 98-18)												S	S	A	S	A	A	A	A	A	A			A
	Adult and Child Care Centers	A	S	S	S	S	S	S	S	S	S		A	A	A	A	A	A	A	A	A	S	S		A
	Nursing Homes													A	A	A	A	A	A						A
Sec. 2.03.23	Special Care Housing Level III	S												A	A	A			A						S
	Psychiatric Care and Treatment Facilities with or without Housing														A	A		A							A
Sec. 2.03.45	Restaurants (with/without drive through)												S	A*	A	A*	A	A	A	A	A				
Sec. 2.03.57	Brewpub													S	S	S	S	S		S	S				
Sec. 2.03.58	Microbrewery														S	S	S	S		S	S	S	S		
Sec. 2.03.19	Community Marinas		S	S	S	S	S	S	S	S	S			S	A				S						
	General and Professional Offices, Medical Offices												A	A	A	A	A	A	A	A	A				A
Sec. 2.03.41	Veterinary Offices and Animal Hospitals (w/o outdoor boarding, sound proof, no more than 10 outside runs not to exceed 640 sqft)														A	S		A							S
	Government offices												A	A	A	A	A	A	A	A	A	A	A	A	A
	Golf driving ranges														A	A		A							A

	Movie theaters with three or fewer screens												A	A		A								A
	Schools for fine arts or martial arts											A	A	A	A	A	A							A
	<b>Town Center Mixed Use</b>																							
	Retail												A	A	A	A	A	A						A
	General Business													A	A	A								
	Office											A	A	A	A	A	A	A	A					A
	Hospitality, Beach and Recreation, Resort Svcs													A										
Sec. 2.03.24	Bed and Breakfast	S										S	S	A	A	A	A	A						A
	Hotel/Motel														A	A	A		A	A				
	Grocery Stores												A	A	A	A	A	A						
	Pharmacies (w/wo drive through)												A*	A	A*	A	A	A*						A
	Bank (w/wo drive through)												A	A	A*	A	A	A	S	S				
	Medical/professional offices											A	A	A	A	A	A	A	A	A				A
Sec. 2.03.41	Veterinary Offices and Animal Hospitals w/o outdoor boarding														S									
	Personal Services: Beauty Shops, Barbers, Day Spas											A	A	A	A	A	A	A						A
	Daily Neighborhood Business Services														A									
	Mail and Package Services											A	A	A	A	A	A	A						A
Sec. 2.03.45	Restaurants											S	A*	A	A*	A	A	A	A	A				
Sec. 2.03.57	Brewpub												S	S	S	S	S		S	S				A
Sec. 2.03.58	Microbrewery													S	S	S	S		S	S	S	S		A
Sec. 2.03.47	Bars, Pubs, Night Clubs														S	S		S	S					
	Deli												A	A	A	A	A	A						A
	Personal Services (catering, printing, copying, mail & package, travel agencies, laundries, beauty shops, barbers, photo studios, video)											A	A	A	A	A	A	A						A
	Billiards and Pool Parlors												A	A	A	A	A	A						A
	Specialty Food Stores												A	A	A	A	A	A						A
	Liquor and Wine Stores												A	A	A	A	A	A						A
	Urgent Care Facilities (not hospitals)											A	A	A	A		A							A
	Special Care Housing Levels II & III														A									
	Health Clubs, Gyms												A	A	A	A	A	A						
Sec. 2.03.22	Psychics											S	S	A	S	A	A	A	A	A	A			A
	Multi-family Residential			Aa	Aa	Aa	A	A				Aa	Aa	Aa	A	Aa	Aa							

	Government Offices (PO, Library, Sheriff SubStation)											A	A	A	A	A	A	A	A	A	A	A	A	A
	Town Center Mainstreet Office													A										
	Cultural Centers													A										
	Vendors Subject to Permitting													A										
	Schools for Performing or Cultural Arts													A										
	Indoor Recreation including movie/live theatre													A										
	Alcoholic Beverage Sales subject to 2.03.01, 2.03.02	S										S	S	S	A	S	S	S	S	S	S			S
	Outdoor Sit Down Cafes													A										
	Art Galleries													A										
	Pottery Shops													A										
	Apparel, Vintage Clothing													A										
	Gift Shops, Home Décor													A										
	Garden Stores, Book Stores													A										
	Kite Shops, Surf Shops, Bike Shops													A										
	Dry Cleaner (Mail and Package only)													A										
	Travel, Real Estate, Financial Advisor													A										
	Live/Work Units																							
	<b>Highway Commercial Uses</b>																							
	Service stations w/wo retail food sales														A	A		A	A					A
Sec. 2.03.51	Auto Oil Change Facilities (3 enclosed bays)													S		A	A	S	A	A				
	Auto service (3 enclosed bays no outdoor storage)													A		A								A
Sec. 2.03.50	Car Wash Facilities													S		A	A	S	A	A				
Sec. 2.03.45	Restaurants, w/wo drive through facilities											S	A*	A	A*	A	A	A	A	A				
	Agricultural Stands Temp/Perm														A	A	A	A	A					A
	Outdoor Plant Sales													A	A	A		A	A					A
Sec. 2.03.27	RV Campgrounds														A	S	A	S	S	S				A
Sec. 2.03.19	Marinas													S	S	A	A		A	A	A			S
	Hotels and Motels													A	A	A		A	A					
	Adult Arcade Amusement Centers														S	A		A	S					

Sec. 2.03.48	Electronic Game Promotions														S	S		S	S					
Sec. 2.03.33	Retreats	S													A	A	A							A
Sec. 2.03.34	Fish Camps	S													A		A							
Sec. 2.03.44	Convenience Stores w/wo gas sales												A		A	A		S	S					
	Tourist Retail Sales														A	A								A
Sec. 2.03.36	Truck Stops														S	S		S	S					
	<b>High Intensity Commercial Uses</b>																							
	automobile sales - I															A		A	A					A
	automobile rental - I															A		A	A					A
	automobile service/repair - I, Repair of farm and garden equipment															A		A	A					A
	automobile storage -I															A		A	A					A
	Body shops															A		A	A					A
Sec. 2.03.50	Car Wash Facilities												S		A	A	S	A	A					
	Service stations															A		A	A					A
Sec. 2.03.44	Convenience Stores with gas pumps												A		A	A		S	S					
	Large scale discount centers															A		A	A					A
	Supercenters															A		A	A					A
	Large Scale Building Supply Centers															A		A	A					A
	Big Box retailers															A		A	A					A
	Outdoor plant and garden supply sales															A		A	A					A
	Professional Office, general office, govn office											A	A	A	A	A	A	A	A					A
Sec. 2.03.22	Psychics (Ord. 98-18)											S	S	A	S	A	A	A	A	A	A			A
Sec. 2.03.46	Financial institutions w/wo drive through												A	A	A*	A	A	A	S	S				
Sec. 2.03.45	Restaurants w/wo drive through											S	A*	A	A*	A	A	A	A	A				
Sec. 2.03.43	Commercial recreation												A	A		A	A	A	S	S	S			
	Vocational, technical trade school											A	A	A	A	A	A	A	A	A	A			A
	Licensed parimutual permit holder															S	A		S	A				
	newspaper printing operations and distribution centers																A		A	A				A
Sec. 2.03.47	Free Standing Taverns, Bars, Lounges, Clubs													S		S		S	S					
Sec. 2.03.48	Electronic Game Promotions														S	S		S	S					
	Adult Uses															S		S	S	S				



Sec. 2.03.48	Indoor Activities, Adult Arcades														S	A		A	S				
	Agricultural Stands (temporary or perm)														A	A	A	A	A				A
	Outdoor arenas	A														A		A	A				A
	Rodeo Grounds															A		A	A				A
	Livestock auction facilities															A		A	A				A
	Race tracks (auto, dog, kart, horse, moto)															A		A	A				A
	Indoor shooting firing ranges															A		A	A				A
Sec. 2.03.27	RV Campgrounds														A	S	A	S	S	S			S
Sec. 2.03.19	Ports															A		A	A	A	A		
Sec. 2.03.19	Marinas											S	S		A	A		A	A	A			S
Sec. 2.03.41	Veterinary Office/Animal Hospital (outdoor boarding)															A		A	A				S
Sec. 2.03.32	Kennels and other animal boarding facility	S														A	A	A	A	A			S
	storage yards for equipment/machinery															A		A	A				A
	dry storage for boats, building contractors, landscaping services, garbage haulers															A		A	A				A
	extermination/ pest control															A		A	A				A
	Flea Markets (outdoor/indoor sales complex) temporary or permanent															A		A	A				A
Sec. 2.03.36	Truck Stops														S	S		S	S				
	Hotels/Motels														A	A		A	A				A
	<b>Rural Commercial Uses</b>																						
Sec. 2.03.29	General Stores	S											A	A		A	A	A					
Sec. 2.03.45	Restaurants w/wo drive through											S	A*	A	A*	A	A	A	A	A			
	Gas Stations													A		A	A		S	S			
	Farm and Garden Supply Stores													A	A		A	A					A
Sec. 2.03.50	Car Wash Facilities													S		A	A	S	A	A			
Sec. 2.03.51	Auto Oil Change Facilities													S		A	A	S	A	A			
Sec. 2.03.52	Tire Service Centers													S		A	A	S	A	A			
	Bait and Tackle General Supplies																	A					
	Agricultural Stands															A	A	A	A	A			A
	Nurseries	A																A					
Sec. 2.03.34	Fish Camps	S														A		A					
Sec. 2.03.19	Community Marinas		S	S	S	S	S	S	S	S	S		S	A				S					
Sec. 2.03.24	Bed and Breakfast Establishments	S										S	S	A	A	A	A	A					A

Sec. 2.03.33	Retreats	S													A	A	A							A
	Primitive Campgrounds	A															A							A
Sec. 2.03.27	RV Campgrounds														A	S	A	S	S	S				S
Sec. 2.03.38	Private Clubs (Hunt, Saddle, Riding)	A									S	S	A		A	A	A							S
Sec. 2.03.32	Boarding Stables, Kennels, other animals	S														A	A	A	A	A				S
	Shooting Ranges	S															A							
Sec. 2.03.54	Outside storage												S		A	A	S	A	A	A	A	A	A	A
Sec. 2.03.41	Veterinary Offices and Animal Hospitals with outdoor boarding																A							
	<b>Light Industrial Uses</b>																							
	Boat and RV storage											S	S		A	A		A	A	A	A			
	Light Manufacturing																		A	A				A
	Vegetable Food Processing																		A	A				A
	Production, Packaging, Assembly Plants																		A	A				A
	Warehousing w/wo Distribution Centers																		A	A				A
	Lumberyards																		A	A				A
	Large Scale Printing Plants																		A	A				A
	Newspaper Printing Operation/Distribution																		A	A				A
	Business and Commerce Parks																		A	A				A
Sec. 2.03.19	Ports															A		A	A	A	A			
Sec. 2.03.19	Marinas												S	S	A	A		A	A	A				S
	Office Showrooms																		A	A				A
Sec. 2.03.31	Vehicle Recycling Facilities																		S	S				
Sec. 2.03.49	Composting and other Yard Waste Facilities	S																		S	A			
	Extermination and Pest Control Svcs															A		A	A	A				A
	Storage Yards for Equipment, Machinery, Boats and supplies for trades contractors															A		A	A	A				A
	Boat and RV storage											S	S		A	A		A	A	A	A			
	Landscaping Services															A		A	A	A				A
	Garbage Haulers															A		A	A	A				A
	Appliance Repair Shops																		A	A				A
	Machine Shops																		A	A				A
	Vehicle Repair and Storage (All Types)																		A	A	A			A
	Mini Warehousing Personal Property										S	S	S		S	A	S	A	A	A				A

	Indoor Kennels and other animal boarding	S														A	A	A	A	A			S
Sec. 2.03.41	Veterinary Office and Animal Hospitals and Groomers																		A	A			S
	Vocational/Technical Trade Schools										A	A	A	A	A	A	A	A	A	A			A
Sec. 2.03.43	Commercial Recreation											A	A		A	A	A	S	S	S			
	<b>Heavy Industrial</b>																						
	Heavy Manufacturing																				A		A
	Slaughterhouse and Animal Processing																				A		A
Sec. 2.03.19	Port Facilities														A			A	A	A	A		
Sec. 2.03.19	Marinas											S	S	A	A			A	A	A			S
	Power Plants																				A		A
	Dry Cleaning Plants																				A		A
	Metal and Rubber Fabrication																				A		A
	Chemical and Fertilizer Manufacturing																				A		A
	Paper and Pulp Manufacturing																				A		A
	Petroleum Refining																				A		A
	Plastic, Glass, Cement, Concrete, Clay Manufacture																				A		A
	<b>Mining and Extraction Activities</b>																						
Sec. 2.03.10	Land Excavation/Borrow Pits	S																	S	S	A	S	A
	Onsite processing of resources	A																		A	A		A
	<b>Office and Professional Services</b>																						
	Personal Services (catering, printing, mail & package, travel agencies, laundries, beauty shops, barbers, photo studios)											A	A	A	A	A	A						A
	Small Appliance Repair											A	A	A	A		A						A
	Upholstery service											A	A	A	A		A						A
	Bail Bond Agencies											A	A	A	A		A						A
	Employment Services											A	A	A	A			A	A				A
	Vocational/Technical Schools											A	A	A	A	A	A	A	A	A	A		A
Sec. 2.03.45	Restaurants											S	A*	A	A*	A	A	A	A	A			
	Offices - Government											A	A	A	A	A	A	A	A	A	A	A	A
	Offices - Professional											A	A	A	A	A	A	A	A				A

[illegible]

	Maintenance, Garage, Storage Yards for School Buses, Highway Construction Equipment, Towers; Microwave, Radio, Telecom, Antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	S	A	A	A	A	A	A
Sec. 2.03.26		S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	S	A	A	A	A	S	S
	<b>Regional Business and Commercial Uses</b>																						
	Shopping Mall															A							A
	Commerce Parks															A							A
	All uses in General Business Category															A							A
	All uses in High Intensity Commerical Category															A							A
	All uses in Office and Professional Services Category															A							A
	<b>Regional Cultural and Entertainment Facilities</b>																						
	Colleges and Universities															A							
	Amusement and Theme Parks															A							
	Performing Arts Center															A							
	Hospitals and Medical Centers															A							
	Convention Centers															A							
	<b>Solid Waste &amp; Correctional Facilities</b>																						
Sec. 2.03.11	Solid Waste Transfer Facilities	S																			A		
	Hazardous Waste Transfer Facilities	A																			A		
	Recycling Centers	A																			A		
Sec. 2.03.49	Composting and other Yard Waste Facilities	S																	S	A			
Sec. 2.03.20	Criminal Justice Detention Correctional Facilities	S																			S		
	<b>Other uses</b>																						
Sec. 2.03.15	Offsite unpaved parking lots	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
	Horse and Pony	A	S	S	S	S	S	S	S	S	S												
	alcoholic beverages	S										S	S	S	A	S	S	S	S	S			S
Sec. 2.03.25	Water / Wastewater Treatment Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	A	S
Sec. 2.03.26	Antennae Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	S	A	A	A	A	S	S
Sec. 2.03.54	Outside Storage														A	A	S	A	A	A	A	A	A
Sec. 2.03.55	Large Place of Assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	A	S	S	S	S	S	S

\* drive thru prohibited

\*\* gas pumps not permitted

<b>a</b>	accessory use per section 2.02.04
<b>A</b>	Allowed by right
<b>S</b>	Special use
<b>I</b>	all vessels to include automobiles, buses, boats, farm and garden equipment, motorcycles, trucks, recreational vehicles, manufactured mobile homes
<b>x</b>	limited to maximum of 10 units
<b>xx</b>	limited to max of 20 units

# ARTICLE III SPECIAL DISTRICTS

## PART 3.11.00 West Augustine Overlay District

### Sec. 3.11.05 Uses and Activities subject to the requirements of the West Augustine Overlay District

In the West Augustine Overlay District, mixed use means a single development consisting of the combination of residential and nonresidential uses collocated within the same building, or collocated on the same lot or on contiguous lots. Within the District, mixed use and commercial development are permitted in both Sub-Areas.

- A. **WANC and WAGC Sub-Areas: Allowable and Special Uses.** Notwithstanding any other provision in the Land Development Code, the uses for the property contained within the WANC and WAGC Sub-Areas in the West Augustine Overlay District shall be as prescribed in Table 3.11.05, except where such use is not permitted by the St. Johns County Comprehensive Plan. This table is interpreted to allow uses by right and by Special Use approval. Those uses listed within the table that are not “Approved by right” or as a “Special Use”, shall be prohibited. Where a use is allowed in the underlying zoning district but not listed in Table 3.11.05, the use shall be allowed as in the underlying zoning district.

Table 3.11.05

<b>A</b>	<b>Approved by right</b>	West Augustine Neighborhood Commercial <b>WANC</b>	West Augustine General Commercial <b>WAGC</b>
<b>S</b>	<b>Special Use</b>		
*	<b>Must adhere to Section 3.11.07.B.</b>		
**	<b>Gas Pumps Prohibited</b>		
***	<b>No outdoor boarding facilities/enclosed within a sound proofed building</b>		
	<b>Residential Use</b>	√	√
	Single Family Detached (Ref. LDC Sec. 2.03.39)	<b>A</b>	<b>A</b>
	Multi Family	<b>A</b>	<b>A</b>
	Manufactured/Mobile home (Ref. LDC Sec. 2.03.08)	<b>S</b>	<b>S</b>
	Condominium ownership	<b>A</b>	<b>A</b>
	Cooperatives and other ownership arrangements	<b>A</b>	<b>A</b>
	Special Care Housing (Ref. LDC Sec. 2.03.23)	<b>S</b>	<b>S</b>

Cemeteries (Ref. LDC Sec. 2.03.13)	S	S
Private Schools (Ref. LDC Sec. 2.03.17)	S	S
Schools (with conventional academic curriculum)	S	S
Community Marinas	S	A
Model homes with or without sales office/construction trailer	A	A
Home Occupation (Ref. LDC Sec. 2.03.07)	A	A
Horse and Ponies (Ref. LDC Sec. 2.03.05)	S	S
Other animals (Ref. LDC Sec. 2.03.06)	S	S
Household Animals (Ref. LDC Sec. 2.02.04.B.1.)	A	A
Two family dwellings (Ref. LDC Sec. 2.03.18)	A	A
More than one main use structure on residential lot (Ref. LDC Sec. 2.03.28)	A	A
<b>Cultural/Institutional Use</b>	√	√
Child and Adult care (Ref. LDC Sec. 2.03.04)	A	A
Museum	A	A
Library	A	A
Art Gallery	A	A
Private clubs (Ref. LDC Sec. 2.03.38)	S	A
<b>Neighborhood Business</b>	√	√
Commercial indoor recreation	A	A
Archery	A	A
Hospitality	A	A
Retail Good Store	A	A
Financial Institutions with or without drive-through facilities	A	A
Funeral homes	A	A
Neighborhood Convenience Stores	A**	A
Grocery stores	A	A
Specialty food stores	A	A
Take Out Restaurant	A	A
Pharmacies	A	A
Pharmacies w/Drive-thru	S	A
Billiards	A	A
Spas/gyms	A	A
Trade schools	A	A
Mini warehouse / personal property (Ref. LDC Sec. 2.03.16)	S	S
Service businesses (catering, printing, mail & package, laundries)	A	A
Veterinary Offices (Ref. LDC Sec. 2.03.41)	A***	A***
Beauty shops	A	A
Barbers	A	A
Photography studios	A	A
Psychics (Ref. LDC Sec. 2.03.22)	S	A
Medical/professional offices	A	A
Schools for Fine Arts	A	A



<b>General Business / Commercial Use</b>		√
Commercial recreation (Ref. Sec. 2.03.43)	<b>A</b>	<b>A</b>
Free standing ATMS	<b>A</b>	<b>A</b>
Indoor Farm and Garden Supply Centers		<b>A</b>
Outdoor Plant Sales	<b>A</b>	<b>A</b>
Gas Station		<b>A</b>
Car Wash facilities (Ref. LDC Sec. 2.03.50)		<b>A</b>
Auto Oil Change Facilities (Ref. LDC Sec. 2.03.51)		<b>S</b>
Tire Service Centers (Ref. LDC Sec. 2.03.52)		<b>S</b>
Small Car Rental Offices with Fleet		<b>A</b>
General Store (Ref. LDC Sec. 2.03.29)	<b>A</b>	<b>A</b>
Supermarkets		<b>A</b>
Bowling Alleys		<b>A</b>
Community Hospitals		<b>A</b>
Bed and breakfast (Ref. LDC Sec. 2.03.24)	<b>S</b>	<b>A</b>
Small Appliance Repair Shops		<b>S</b>
Upholstery Service	<b>A</b>	<b>A</b>
Employment Services		<b>A</b>
Bail Bonds		<b>A</b>
Psychiatric Care and Treatment Facilities with or without housing		<b>A</b>
Alcohol Rehabilitation Centers with/without housing	<b>S</b>	<b>S</b>
Social Assistance Center (Ref. LDC Sec. 2.03.53)		<b>S</b>
Restaurants	<b>A</b>	<b>A</b>
Restaurants w/Drive-thru	<b>S</b>	<b>A</b>
Veterinary Office (no more than 10 outside runs not to exceed 640 SF)		<b>A***</b>
Government Offices	<b>S</b>	<b>A</b>
Golf Driving Ranges		<b>A</b>
Movie Theaters with three or less screens		<b>A</b>
Commercial/Vocational/Business/Trade School		<b>A</b>
RV and Boat Storage (Ref. LDC Sec. 2.03.42)	<b>S</b>	<b>S</b>
<b>Other uses</b>		
Hotel/Motel	<b>A</b>	<b>A</b>
Offsite Parking and Unpaved Parking Lots (Ref. LDC Sec. 2.03.15 )	<b>A*</b>	<b>A*</b>
Alcoholic Beverages (Ref. LDC Sec. 2.03.02)	<b>S</b>	<b>S</b>
Water / Wastewater Treatment Facility	<b>S</b>	<b>S</b>
Antennae Towers	<b>S</b>	<b>S</b>
Electric Substations	<b>A</b>	<b>A</b>
Outdoor Storage (Ref. LDC Sec. 2.03.54)	<b>S</b>	<b>A</b>
Large Places of Assembly (Ref. LDC Sec. 2.03.55)	<b>S</b>	<b>S</b>
Warehouse (less than 10,000 sf)		<b>A</b>
Urban Agriculture (Ref. LDC Sec. 3.11.11)	<b>A</b>	<b>A</b>

## PART 3.12.00 Hastings Overlay District

### Sec. 3.12.04 Uses and Activities subject to the requirements of the Hastings Overlay District

- A. **Allowable and Special Uses** Notwithstanding any other provision in the Land Development Code, the uses for property contained within the Hastings Overlay District shall be as prescribed in this section and Table 3.12.04, except where such use is not permitted by the St. Johns County Comprehensive Plan. This table is interpreted to identify special treatment of uses within the Overlay District and to allow uses by right and by Special Use approval. Those uses specifically listed within the table that are not “Approved by right” or as a “Special Use”, shall be prohibited in this Overlay, regardless of its allowance in the underlying Zoning District. Where a use is allowed in the underlying zoning district but not specifically listed in Table 3.12.04, the use shall be allowed as in the underlying zoning district. Properties rezoned to other zoning districts unaddressed by this Part shall comply with all other applicable Land Development Code requirements. Uses are subject to applicable Supplemental Design Standards in Part 6.08.00.

**Table 3.12.04**

#### PERMITTED USES BY ZONING DISTRICT

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
<b>Residential</b>							
Single Family	A	A	A	S	A	A	A
Mobile Home (1)	S	S	S	S	A	S	A
Multi-Family Dwelling	A						
Community Residential Home (Group Home)	A				S		
Child Care (In the Home)	S	A	A	A		A	S
Bed and Breakfast	S	A	A	A	S	S	
Temporary Residences (Construction, model home, etc.)	S	S	S	S	S	S	S
Home Occupations (Ref. LDC Section 2.03.07)	A					A	
Guest Cottage (Ref. LDC Sec. 2.02.04.B.2.)	A					A	
Residences Above Businesses (Ref. LDC Sec. 2.02.04.C)		A	A	A			A
<b>Offices</b>							
Professional Offices	S	A	A	A	S		A

# **PERMITTED USES BY ZONING DISTRICT**

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
Business Offices	S	A	A	A	S		A
Bank		A*	A	A			
Medical Office	S	A	A	A	A		
Hospital			A		A		
<b>Retail/Sales/Service</b>							
Personal Services	S	A	A	A			
Day Care Center	S	A	A	A	A		S
Beauty/Barber	S	A	A	A			
Drug Store/ Apothecary		A*	A	A	S		
Repair Shops			A	A			A
Restaurants (Ref. LDC Sec. 6.08.16)		A*	A	A			S
Funeral Home	S	A	A	A	S		
Service Station (Ref. LDC Sec. 6.08.19)			A	A			A
Specialty Shops	S	A	A	A			
Retail Sales (No outdoor storage)		A	A	A			A
Retail Sales (Outdoor storage)			A	S			A
Theaters (3 or less screens) (Ref 2.02.01.E.2)			A	A			
Convenience Stores		A**	A	A			S
Dry Cleaners, Laundromat		A*	A	A			
Restaurants (with on-site alcohol consumption)		S*	S	S			
Nightclub/Bar/Saloon (with on-site alcohol consumption)			S	S			
Nursing Homes and/or Assisted Living Facilities			A	A	A	A***	
Equipment Rental (some outside storage)			A	S			A
Personal Storage (Mini warehouse)		S	A	S			A
Veterinarian (Ref. LDC Sec. 2.03.41)		A	A	A			A
Motel/Hotel			A				
Shopping Center		A	A	A			
Wholesale Sales (No outdoor storage or display) (Ref. LDC Sec. 2.02.04.D)		S	A	S			A

## PERMITTED USES BY ZONING DISTRICT

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
Wholesale Sales (Outdoor storage or display)			A				A
Nurseries/Greenhouses (with retail sales)			A				A
Manufacturing (No outdoor storage or display)		S	A	S			A
Manufacturing (Outdoor storage or display)			A				A
<b>Educational, Cultural, Religious Uses</b>							
Elementary, Middle, & High Schools	A	A	A	A	A	S	A
Trade & Vocational Schools		A	A	A	A		A
Churches, Synagogues, Temples, etc.	A	A	A	A	A	A	A
Libraries, Art Museums, etc.	S	A	A	A	A	A	A
Social, Fraternal Clubs, Lodges	A	A	A	A	S	A	A
<b>Recreation, Amusement, Entertainment</b>							
Uses where activity is conducted entirely within building (Bowling alleys, skating rinks, exercise facilities, etc.)		S	A	A		A	S
Drive-in Movie (Ref. LDC Sec. 6.08.15)			A				S
Privately owned recreational facilities such as golf courses, country clubs, swimming pools, tennis courts, etc.	A	A	A	A	S	A	
Publicly owned and operated recreational facilities such as athletic fields, parks, swimming pool, tennis courts, etc.				A	A	A	
Golf driving range not accessory to golf course, par 3 golf, miniature golf, water slides, skate board parks and similar commercial ventures			A		S	S	S
Horseback Riding Stables			S			A	
<b>Motor Vehicle-related Sales &amp; Services</b>							

## PERMITTED USES BY ZONING DISTRICT

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
Sales with installation of motor vehicle parts			A				A
Motor vehicle maintenance, repair, painting or body work			A				A
Gas Sales		S	A	A			A
Car Wash		S	A	S			A
<b>Miscellaneous Facilities</b>							
Utility facility not Electric Substation	S	S	A	S	S	S	A
Electric Substations	A	A	A	A	A	A	A
Post Office	S	S*	A	A	P		S
Open Air Markets, Flea Markets, Crafts, etc.		S	A	S			S

### Explanation of Table 3.12.04

- A - Use is allowable by right
- S - Use is allowable by Special Use
- \* -Drive-through not permitted
- \*\* -Gas pumps not permitted
- \*\*\* -Nursing Homes not permissible in Open Rural (OR) zoning designation

- B. Per Comprehensive Plan policy A.1.11.1.J., Agricultural Uses are permissible within the lands designated with an Industrial Land Use and having an Industrial Warehouse or Open Rural zoning district.

## **ARTICLE V DEVELOPMENT OPTIONS**

### **PART 5.06.00 COMMUNITY DEVELOPMENT DISTRICTS**

#### **Sec. 5.06.01 General Provisions**

**A. Short Title**

This Part shall be known and may be cited as the "St. Johns County Community Development District Regulations."

**B. Purpose**

It is the intent of this Part to set forth the procedures and requirements necessary for St. Johns County to consider and approve Community Development Districts. It is the further intent of this Part to encourage a strong commitment to capital facilities planning, management and financing to ensure the provision of adequate capital infrastructure to service projected growth without overburdening the general taxpayer.

**C. Community Development Districts For Land Areas of 2,500 Acres Or More In Size**

1. Any person may petition to establish a District, including public entities.
2. The information in the Petition shall be set forth in Section 190.005(1)(a), F.S., and Rule 42-1, F.A.C.
3. The Petition shall be submitted, along with a non-refundable processing fee of \$15,000 to St. Johns County at least ten (10) days prior to being filed with the Florida Land and Water Adjudicatory Commission. A copy of said Petition shall be filed with the County Clerk, a copy with the County Administrator, a copy with the Office of the County Attorney and a copy with each of the members of the St. Johns County District Processing Group established by the County Administrator. A copy of said Petition shall also be submitted, on the same day as submitted to the County, to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the District. The Board of County Commissioners may amend the applicable processing fees by resolution, as may be allowed by Florida law.
4. Petitioner may confer informally with County to official submission of the Petition. Petitioner may informally make non-final drafts of a Petition with attachments available to the County prior to its formal submission and filing.
5. The County shall have forty-five (45) days, or other time period provided by law, from the date of official filing with the State to conduct its optional hearing under

Section 190.005(1)(c), F.S., and Rule 42-1., F.A.C.

6. The County Administrator and representative of Petitioner shall confer no later than the date of official submission to the County on the contents of a stipulation, including procedural and substantive matters for the processing of the Petition and for the determination of the circumstances under which the County may or may not elect to notice and conduct the optional hearing.
  7. The County Administrator shall prepare and file with the Board of County Commissioners a staff report which shall include but not be limited to conclusions and recommendations. The report shall be so filed within time sufficient to allow for its consideration at the public hearing within forty-five (45) days after the official filing of the Petition with the State.
- D. Community Development Districts For Land Areas Less Than Two Thousand Five Hundred (2,500) Acres In Size
1. The information in the Petition shall be as set forth in Section 190.005(2)(a), F.S., and Rule 42-1, F.A.C.
  2. The Petition to establish Community Development Districts of less than two thousand five hundred (2,500) acres in size shall be submitted to St. Johns County. The original of the Petition shall be filed with the County Clerk, a copy with the County Administrator, and a copy with the Office of the County Attorney. A copy shall also be submitted on the same day as submitted to the County to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the District.
  3. When the Petition is filed with the County, the Petitioner shall pay a filing fee of fifteen thousand dollars (\$15,000) to the County. However, based on written documentation of the County having incurred expenses in excess of fifteen thousand dollars (\$15,000) for review and processing of a particular proposed Community Development District of less than two thousand five hundred (2,500) acres in size, the County Administrator may assess the cost of said expense exceeding fifteen thousand dollars (\$15,000) for payment by the Petitioner. Such assessment shall be paid prior to final County action on the Community Development District. The County may amend the initial filing fee by resolution.
  4. Prior to filing, Petitioner shall coordinate with the County Administrator on time frames, procedures and substantive matters relative to the Petition, and the County and Petitioner may enter into a Stipulation governing these matters. Said Stipulation must be approved by the County Administrator and the Office of the County Attorney.
  5. The St. Johns County Board of County Commissioners may elect to hold a noticed workshop in regard to the Petition.
  6. Notice and conduct of the public hearing on whether to grant or deny the Petition to adopt the Ordinance to establish the District shall be by the Board of County

Commissioners in accordance with the requirements and proceedings of Section 190.005(2)(b), F.S.

7. The Petition shall be deemed completed if it contains responses to the matters required to be contained in the Petition by Section 190.005(1)(a), F.S. The County Administrator shall determine completeness of the Petition and notify the Petitioner of his determination no later than fifteen (15) working days after the date of filing by certified letter, return receipt requested. If the County Administrator determines the Petition to be incomplete, Petitioner shall have fifteen (15) working days from official notification thereto, to refile the petition. These procedures may be varied, and any alternative procedures may be put into effect, between the County Administrator and representatives of the Petitioner by Stipulation referenced above.
8. The Petition and its attachments shall be determined sufficient to commence the process of County consideration by the County Administrator within fifteen (15) working days from determination of completeness. Sufficiency shall mean that the responses to the contents of the Petition shall have enough information with which the County may begin the process of consideration. These matters dealing with sufficiency of the Petition and its attachments may be modified by mutual agreement between the County Administrator and representatives of the Petitioner in the Stipulation referenced above.
9. Notwithstanding any other provision in this Part, the St. Johns County Board of County Commissioners may, within ninety (90) days after a Petition has been filed, transfer the Petition to the Florida Land and Water Adjudicatory Commission for processing and approval or denial, and the County shall thereafter have no right or power to grant or deny the said Petition that has been transferred to the Florida Land and Water Adjudicatory Commission.
10. The County Administrator shall have thirty (30) working days from the date of determination of sufficiency of the Petition and its attachments to prepare and file with the Board of County Commissioners, and Office of the County Attorney, a report which shall include conclusions and recommendations for consideration by the Board of County Commissioners by non-emergency Ordinance procedures of the relationship of its Petition and its attachments to the factors listed in Section 190.005(1)(e), F.S. If the Petitioner wishes to submit supplementary information with regard to the factors to be considered by the Board of County Commissioners, in order to assist the County Administrator its report, Petitioner shall submit such supplemental information no later than five (5) days after the date of official determination of sufficiency of the Petition and its attachments. Said report shall contain a conclusion with regard to each of the statutory factors in Section 190.005(1)(e), F.S. The time frames and procedures involved in consideration of the said factors, the Petition and its attachments and any supplementary information filed, may be modified by the County Administrator and Petitioner by mutual agreement in the above referenced Stipulation.
11. In any event, unless modified by the Stipulation between the County and Petitioner, the Board of County Commissioners of St. Johns County shall conduct a noticed



and non-emergency hearing on whether to adopt the Ordinance to establish the District no later than four (4) weeks from the date of receipt of the report and conclusions from the County Administrator.

12. At the hearing, the Board of County Commissioners of St. Johns County shall consider the information of record, including the Petition and its attachments, any supplementary information and the report and conclusions of the County Administrator, in the light of the six (6) statutory factors in making its determination to grant or deny a Petition to establish a Community Development District by Ordinance to serve lands less than two thousand five hundred (2,500) acres in size. The process establishing a District by County Ordinance shall be based on the statutory factors and any other relevant or material information allowed by law.
13. The Ordinance creating a Community Development District is not a Development Order within the meaning of Chapter 380, F.S. or Chapter 163, F.S. Such District as established by Ordinance shall not have the power of local government to adopt a Comprehensive Plan, Building Code or Land Development Code and the District shall take no action which is inconsistent with applicable St. Johns County Comprehensive Plans, Ordinances or Regulations governing the use of the land in the planning, permitting and approval of the Development to be serviced by the Development District. All developmental planning, environmental and land Development laws, regulations and rules shall apply to all Development of the land to be serviced by the District. The Ordinance establishing the District shall include:
  - a. The description of the external boundaries of the District and of any real property within the external boundaries of the District which is to be excluded.
  - b. The names of five (5) persons designated in the Petition to be the initial members of the Board of Supervisors.
  - c. The name of the District and for other matters required or allowed by law or this Code.

E. County As Petitioner Or Co-Petitioner

1. The Board of County Commissioners may petition the Florida Land and Water Adjudicatory Commission to establish a Community Development District to provide systems, facilities and services for lands the size of two thousand five hundred (2,500) acres or more and shall follow the procedures in Section 190.005(1), F.S.
2. The Board of County Commissioners may also co-Petition with any other Petitioner for the establishment of a District to provide systems, facilities and services to lands of two thousand five hundred (2,500) acres or more in size.
3. The Board of County Commissioners of St. Johns County may also decide by duly noticed non-emergency Ordinance to establish a Community Development District to service land areas less than two thousand five hundred (2,500) acres in size in

accordance with the provisions of Section 190.005(2), F.S.

**F. Additional Requirements For All Petitions**

1. In addition to the information required in the Petition and its attachments by law, the County may require the Petitioner to submit documentation providing relevant material and pertinent information necessary for the consideration of the factors referenced in Section 190.005(1)(e) or 190.005(2)(c), F.S. The purpose of such information shall be:
  - a. Establish that appropriate planning, engineering, economic, management and other expertise, as may be appropriate, has been provided and applied to the information in the particular Petition and to the statutory factors to be considered.
  - b. Establish that in the process of applying said expertise to said factors, if any unusual matter or problem has arisen, then the information from those experts has been applied to identify the problem and discuss and propose how it can be resolved.

# ARTICLE VI

## DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS

### PART 6.00.00 GENERALLY

This Article contains the minimum design standards and Improvement requirements that apply to all Development in St. Johns County. The standards or requirements in this Article may be supplemented or superseded by more stringent standards or requirements associated with specific Development criteria addressed in other Articles of this Code.

#### Sec. 6.06.04 Buffering and Screening Requirements

##### A. Buffers Between Incompatible Land Uses

The minimum required buffer distance between proposed land Uses and the zoning Lot line is set forth in the tables below. If the land next to the proposed Development is vacant, the buffer required shall be determined by the existing zoning on the adjacent vacant Parcel. If the adjacent Parcel is vacant but is zoned for a more intensive zoning district, no buffer area shall be required of the less intensive Use. For any Special Use listed on Table 2.03.01, the buffer required shall be determined by the Use Category the Special Use is permitted in.

The nature of surrounding Land Uses shall be considered in order to mitigate incompatibilities. Buffer widths and screening standards represent minimum required details which may be expanded, averaged, modified and/or increased to minimize external impacts. The relative degree of intensity shall be determined as follows:

TABLE 6.19

<b>Table of Intensity for Buffers and Screening</b>	
<b>Group</b>	<b>Land Use Classification</b>
1	Residential - Single-Family
2	Residential - Multi-Family less than six (6) units/acre (u/a)
3	Residential - Multi-Family equal to or greater than six (6) u/a Cultural/Institutional Office and Professional Services
4	Neighborhood Business and Commercial General Business and Commercial Rural Commercial Town Center Mixed Use
5	High Intensity Commercial Highway Commercial Public Service/Emergency Service
6	Light Industrial Heavy Industrial Mining and Extractive Regional Business and Commercial Regional Cultural and Entertainment Solid Waste & Correctional Facilities Correctional Institutions
7	Outdoor/Passive Agricultural (Except Bona Fide Agricultural and Silvicultural Uses)

## **PART 6.08.00 SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES**

### **Sec. 6.08.01 Generally**

The following Uses have been determined to require additional design standards to ensure compatibility with adjacent Uses and the surrounding neighborhood. The standards described for each Use below shall supplement and be in addition to the standards and criteria otherwise required within this Code. Compliance with these supplemental standards shall be determined during Development review and shall not require any additional procedural steps or review processes. Unless stated differently below the following Uses shall be allowed only in the appropriate zoning district as provided in Article II of this Code.

### **Sec. 6.08.45 Electric Substation**

- A. In accordance with 163.3208, Florida Statutes, Electric Substations are a permitted use in all future land use categories except Conservation.
- B. Any overlay district regulations not in conflict with F.S. 163.3208 shall apply.

- C. Electric Substations shall provide for year-round visual screening and buffering which will minimize adverse impacts on neighboring properties.
1. Setbacks shall be 100 feet.
  2. The Electric Substation equipment/structure area shall be protected by a security fence consisting of an eight-foot finished masonry wall or decay-resistant fence with not less than seventy-five (75%) opacity. The security fence will be buffered by, at a minimum, native landscaping and a continuous hedge.
  3. Existing vegetation shall be preserved to the maximum extent practicable and may be credited as appropriate toward landscaping requirements.
  4. Buffers will consist of native landscaping, including trees and shrub material, according to the following:
    - a. A row of shade Trees a minimum of ten (10) feet tall and a maximum of ten (10) feet apart shall be planted around the perimeter of the security fence;
    - b. A continuous hedge at least thirty-six (36) inches high at the time of planting, capable of growing to at least forty-eight (48) inches in height within eighteen (18) months, shall be planted in front of the Tree line referenced above;
    - c. All required landscaping shall be of the evergreen variety;
    - d. All required landscaping shall be native drought tolerant species and/or irrigated and properly maintained to ensure good health and vitality.
    - e. Vegetated buffers or screening beneath aerial access points to the substation equipment shall not be required to have a mature height in excess of fourteen (14) feet.
  5. Ground and building lighting, if any, shall be limited to the permanent equipment/structure area, and shall be shielded to cast light down on the substation property and not onto adjacent properties. The maximum height of a light pole shall be 20 feet. If a federal, state or local agency requires lighting, the most unobtrusive method of lighting available shall be requested from the regulating agency.
- D. When siting a new Electric Substation adjacent to a similar or more intensive land Use, buffering and setback relief may be requested. The consideration of such application for a Variance will be administered and considered in accordance with Part 9.03.00 of this Code.

#### **Sec. 6.08.46 RV Campgrounds**

A. Location and Access

A recreational vehicle park or campground shall be so located that no entrance nor exit from a park shall discharge traffic onto any residential district. A recreational vehicle park

or campground fronting on a public street shall have a minimum of one hundred fifty (150) feet of frontage.

**B. Uses Permitted and Length of Stay**

Spaces in the recreational vehicle park and campgrounds are intended for portable housing units, including park models as defined by Florida Statutes, and those units defined as Recreational Vehicles. Placement of a unit without permanently attached Structure Additions, so that the unit may be removed within four (4) hours in reasonable judgment of the Building Official or designee, shall be considered a Portable Housing Unit.

- C. Portable Housing Unit shall not have Additions that are permanently attached to the unit. For this purpose, Additions that are easily removable so the unit may travel within four (4) hours time or Additions that are not permanently attached to the unit are allowed. Park trailers which remain in the same location over forty five (45) days shall be permitted and inspected by the Building Department for compliance with tie down and installation as required for park trailers by Florida Statutes 320.8325(6), as may be amended from time to time.
- D. Any unit not in compliance with paragraphs (B) and (C) above in existence on or before January 26, 1999 shall be considered "legally non conforming" and shall be subject to the provisions of Article X of this Code.
- E. Management headquarters, recreational facilities, toilets, showers, coin operated laundry facilities, and other Uses and Structures customarily incidental to the operation of a recreational vehicle campground are permitted as Accessory Uses.
- F. Front, side and rear setbacks for all Structures along the perimeter of the recreational vehicle campground Parcel shall be a minimum of twenty five (25) feet.
- G. In campgrounds, for purposes of calculating density, every ten (10) campsites shall constitute one (1) Dwelling Unit, based on maximum camp capacity. Therefore, the facility shall be located on a Lot large enough to meet the density requirements of the Future Land Use Map of the Comprehensive Plan for the number of Dwelling Units or the minimum requirements of the zoning district in which it is located, whichever is the most restrictive.

**Sec. 6.08.47 Brewpub**

A Brewpub features limited on-site manufacturing of malted beverages with no distribution component where the primary activity is the onsite sales and consumption of alcohol. This Use must be associated with a tasting room, service area, restaurant, bar, saloon, tavern, and/or retail component for patrons' onsite. A Brewpub shall be subject to the criteria for alcoholic beverages in Section 2.03.02 of this code and the following conditions, limitations, and requirements to ensure compatibility with adjacent Uses and the surrounding neighborhood:

- A. This use shall be permitted only in conjunction with a restaurant, bar, tavern, saloon, tasting room or retail service that is allowed in the zoning district. No more than fifty percent (50%) of the total gross floor area of the establishment shall be used for the brewery or manufacturing function including, but not limited to, the brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
- B. Brewpubs shall manufacture in quantities less than 5,000 kegs of beer per year.

- C. Where permitted by local ordinance, state and federal law, retail carryout sale of beer produced on the premises shall be allowed in specialty containers holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces). These containers are commonly referred to as growlers.
- D. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.
- E. No outdoor storage shall be allowed in conjunction with this use. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.
- F. All mechanical equipment visible from the street, an adjacent residential use, or residential zoning district shall be screened using architectural features consistent with the principal structure.
- G. Outdoor seating areas or areas of patron congregation shall be prohibited when the property directly abuts a residential zoning district.

#### **Sec. 6.08.48 Microbrewery**

The primary activity of a Microbrewery is the manufacturing of malted beverages with a distribution component together with a limited retail component for sales for on-premise or off-premise consumption. This Use must include a retail space and Tasting Room for patrons on-site. Microbreweries may sell to wholesalers or act as wholesalers and sell directly to the consumer on-premise through carry outs (growlers), on-site Tasting Room or restaurant sales. A Microbrewery shall be subject to the criteria for alcoholic beverages in Section 2.03.02 of this code and the following conditions, limitations, and requirements to ensure compatibility with adjacent Uses and the surrounding neighborhood:

- A. The use must be engaged in the manufacturing and brewing of malt beverages. This use may be permitted with a restaurant, bar, tasting room or retail service as an on-site component of the brewery, subject to allowances in the zoning district. No less than seventy-five percent (75%) of the total gross floor area of the establishment may be used for the brewery function including, but not limited to, the brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
- B. When located within Commercial zoning designations (CG, TCMU, CHT, CI, and CHI) Microbreweries shall be no larger than 10,000 square feet and shall manufacture in quantities no more than 30,000 kegs. There is no limitation for brewing or manufacturing when located in property zoned to allow light or heavy industrial uses.
- C. No outdoor storage shall be allowed in Commercial zoning designations (CG, TCMU, CHT, CI, and CHI). This prohibition includes the use of portable storage units, cargo containers and tractor trailers.
- D. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.
- E. All mechanical equipment visible from the street, an adjacent residential use, or residential

zoning district shall be screened using architectural features consistent with the principal structure.

- F. Outdoor seating areas or areas of patron congregation shall be prohibited when the property directly abuts a residential zoning district.



## **ARTICLE IX ADMINISTRATION**

### **PART 9.04.00 REZONING OF LAND AND COMPREHENSIVE PLAN AMENDMENTS**

#### **Sec. 9.04.01 Generally**

##### **A. Amendments Authorized**

The Zoning Atlas and Future Land Use Map of the St. Johns County Comprehensive Plan may from time to time be amended pursuant to the procedures set forth below.

##### **B. Small-Scale Land Use Map Amendment Defined**

A small-scale land Use map amendment is an amendment to the Future Land Use Map portion of the St. Johns County Comprehensive Plan involving fifty (50) acres or less of land, as provided for in Section 163.3187(1)(a), F.S.

#### **Sec. 9.04.02 Initiation Of Proposals**

An Ordinance for the rezoning of land or for a land Use map amendment to the Future Land Use Map may be proposed only by the owner(s) of the subject property or duly authorized agent, the St. Johns County Board of County Commissioners, the Planning and Zoning Agency, or the County Planning Department. All such proposals shall be submitted in writing accompanied by all pertinent information which may be required by the County Administrator for proper consideration of the matter which shall include certificate of title by a title or abstract company or attorney, licensed in the State of Florida, or current copy of recorded deed.

#### **Sec. 9.04.03 Review By Planning and Zoning Agency**

##### **A. Public Hearing**

A public hearing shall be held by the Planning and Zoning Agency to consider a proposal for a rezoning. The hearing for a site-specific rezoning shall be a quasi-judicial type hearing in accordance with the procedures at Part 9.06.00 below. The hearing for a land Use map amendment shall be legislative in nature.

##### **B. Planning and Zoning Agency Report**

1. The Planning and Zoning Agency shall prepare a report and recommendations to the Board of County Commissioners which shall address:
  - a. The need and justification for the change; and
  - b. The relationship of the proposed amendment or rezoning to the County Comprehensive Plan and this Land Development Code.

2. Unless a longer time is mutually agreed upon by the Board of County Commissioners and the Planning and Zoning Agency, in the particular case, the Planning and Zoning Agency shall submit its report and recommendations to the Board of County Commissioners no later than sixty (60) days from the date a complete application was filed with the County Administrator.
3. The report and recommendation of the Planning and Zoning Agency shall be advisory only and shall not be construed to be binding upon the Board of County Commissioners.

#### **Sec. 9.04.04 Action By Board Of County Commissioners**

A public hearing shall be held by the Board of County Commissioners to consider a proposal for a site-specific rezoning. The hearing shall be a quasi-judicial hearing pursuant to the procedures at Part 9.06.00 below.

#### **Sec. 9.04.05 Limitations On Rezoning Land**

##### **A. Re-Application After Approval of Rezoning**

Whenever the Board of County Commissioners has, by amendment to this Code, changed the zoning classification of land, the Planning and Zoning Agency shall not then consider any application for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such amendment to this Code.

##### **B. Re-Application After Denial of Rezoning**

Whenever the Board of County Commissioners has denied an application for the rezoning of land, no further application shall be filed for the same rezoning category of any part, or all of the same land for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same rezoning for any part or all of the same land has been denied, no further application shall be filed for the same rezoning category of any part or all of the same land for a period of two (2) years from the date of such action denying the last application filed.

##### **C. Waiver of Time Limits**

The time limits in Sections 9.04.05.A. and 9.04.05.B. above may be waived by the affirmative vote of a majority of the Board of County Commissioners when such action is deemed necessary to prevent injustice or to facilitate proper development of the County.

## **PART 9.05.00 LAND USE POLICY DECISIONS**

### **Sec. 9.05.01 Generally**

#### **A. Land Use Policy Decisions Defined**

Land Use policy decisions are those that have been declared by the courts of Florida to be “legislative” in nature, rather than “quasi-judicial”. These include the following:

1. Amendments to the text of the Comprehensive Plan.
2. Amendments to the Future Land Use Map of the Comprehensive Plan.
3. Large-scale administrative rezonings initiated by the County involving multiple parcels of property.

#### **B. Applicability**

The procedures in this Part shall be followed for the making of all land Use policy decisions as defined above.

#### **C. State Law Controlling**

This Part supplements the mandatory requirements of state law, which must be adhered to in all respects.

### **Sec. 9.05.02 Procedures**

#### **A. Application**

1. A property owner, or duly authorized agent, of land seeking a land Use amendment, the Board of County Commissioners, the Planning and Zoning Agency, or the County Planning Department may initiate a proposal for a Comprehensive Plan text or Future Land Use Map change.
2. Applications for amendments to the Comprehensive Plan, other than small-scale development amendments, or applications otherwise exempt by F.S. 163.3184(2)(c), shall follow the state coordinated review process pursuant to F.S. 163.3184(4).

#### **B. Referral to Planning and Zoning Agency**

The County Administrator shall refer all land Use policy matters to the Planning and Zoning Agency for review. The County Administrator shall set the application for hearing before the Planning and Zoning Agency not more than one hundred twenty (120) days from the date the application was received, unless specific time periods are otherwise established per Florida Statutes.

C. Recommendation of Planning and Zoning Agency

The Planning and Zoning Agency shall hold a legislative hearing on each land Use policy matter pursuant to the procedures at Part 9.06.00 below. The Planning and Zoning Agency shall thereafter submit to the Board of County Commissioners a written recommendation which:

1. Identifies any provisions of this Code, the Comprehensive Plan, or other law relating to the proposed change and describes how the proposal relates to them.
2. States factual and policy considerations pertaining to the recommendation.
3. In the case of proposed amendments to this Code, include the written comments, if any, received from the Planning and Zoning Agency.

D. Decision By Board of County Commissioners

The Board of County Commissioners shall hold a legislative hearing on Comprehensive Plan Amendments, not including small-scale amendments, pursuant to the procedures of Part 9.06.00 below. At the conclusion of the hearing(s) the Board of County Commissioners shall vote to transmit or not transmit the proposed amendments to the Florida Department of Community Affairs. Within one hundred twenty (120) days of receiving the Objections, Recommendations and Comments (ORC) report from the Department of Community Affairs, the Board of County Commissioners shall hold a legislative hearing on the proposed amendments pursuant to the procedures in Part 9.06.00 below to decide to adopt, adopt with changes, or not adopt the proposed amendment(s).

History: Ord. 2000-58; Ord. 2003-73; Ord. 2004-22; Ord. 2009-48; Ord. 2010-23; Ord. 2013-26; Ord. 2015-14; Ord. 2018-41; Ord. 2019-84

<b>ARTICLE XII DEFINITIONS</b>
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**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**

**Electric Substation:** An electric substation, including accessory administration or maintenance buildings and related accessory uses and structures, which takes electricity from the transmission grid and converts it to another voltage or lower voltage so it can be distributed to customers through one or more lines.

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**End Documents To Be Recorded**

## **Attachment 2 Redline**

## **ARTICLE II ZONING DISTRICTS AND SPECIAL USES**

### **PART 2.00.00 GENERALLY**

The purpose of this Article is to encourage and promote, in accordance with present and future needs, the public health, safety, morals, and general welfare of the citizens of the unincorporated area of St. Johns County, Florida. The districts and regulations contained herein are made in accordance with the Comprehensive Plan for St. Johns County and promote the orderly development of the County.

### **PART 2.02.00 USES ALLOWED WITHIN ZONING DISTRICTS**

#### **Sec. 2.02.01 Use Classifications and Definitions**

The following Sections describe the categories of Uses which apply within St. Johns County. Each category contains a description of the fundamental characteristics of the category and a list of representative Uses. It is not possible to list each and every individual Use which may be allowable within a category. The intent is to describe the category and provide a sufficient number of illustrative or representative Uses to allow other Uses to be assigned to a category as they are proposed in a zoning district.

#### **O. Neighborhood Public Service and Emergency Service Uses**

1. This category represents those neighborhood-scale Uses which may have limited outdoor storage and outdoor activity, and may cause potential nuisance, but are nevertheless necessary as support to surrounding Uses. Any potential nuisance is mitigated by limitations on scale of Development, consistent with neighborhood scale Development. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes allowable Uses and Special Uses by zoning district.
2. The type of Uses included in this category include, but are not limited to neighborhood-scale fire stations, police stations, emergency medical services and facilities; water and Wastewater Treatment Plants and facilities and components of water and Wastewater Treatment Plants and facilities; ~~E~~electric ~~S~~ubstations; telephone equipment stations, switching stations, and similar communication facilities; communication Antennas and Antenna Towers; neighborhood support services; Social Assistance Centers; and other substantially similar facilities and Uses. Neighborhood Public Service and Emergency Service Uses shall not include the erection of structures, buildings, or office facilities for commercial activities, such as the sale of related merchandise or collection of bills, in those zoning districts where such commercial and office activities are prohibited.

#### **P. General Public Service and Emergency Service Uses**

1. This category represents those Uses which often operate on a twenty-four (24) hour time frame and have a high degree of outdoor storage and outdoor activity. These Uses may cause a nuisance due to noise, and high levels of truck or large

vehicle traffic. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes allowable Uses and Special Uses by zoning district.

2. The types of Uses included in this category include, but are not limited to public use Airports, terminals, heliports, and associated infrastructure; seaplane support facilities; rail yards and terminals; ambulance services; fire stations; police stations, emergency medical services and facilities; government offices and facilities; water and Wastewater Treatment Plants and facilities and components of water and Wastewater Treatment Plants and facilities; ~~E~~electric ~~S~~substations; maintenance, garage, and storage yards for school buses, highway Construction equipment, telephone equipment, utility company trucks and equipment; microwave, radio, and television transmission towers; radiotelephone communication facilities; communication Antennas and Antenna Towers; and other substantially similar facilities and Uses.

## PART 2.03.00 ALLOWABLE AND SPECIAL USES

The Special Uses contained in this Part shall be considered and approved, approved with conditions, or denied in accordance with the requirements of this Code Part 9.01.00 for the issuance of Development Permits. The following Special Uses if allowed in a zoning district according to Section 2.02.02 and identified in Section 2.03.01 or allowed in this Part by reference to a zoning district may only be permitted upon demonstration of compliance with all of the requirements of this Part. The Special Uses, listed in Section 2.03.01, may be allowed within PUDs and PRDs, subject to the Uses being provided within the PUD or PRD Master Development Plan and approved with the PUD or PRD, and subject to the limitations of the Comprehensive Plan.

It is not possible to list each specific Use allowed by right or through Special Use review. The intent is to provide a sufficient number of illustrative or representative Special Uses and to allow other Special Uses to be assigned to a category as they are proposed in a zoning district. If a Use is proposed that is not specifically listed or described as allowable by right or by Special Use, and is not specifically prohibited, such use may be reviewed and approved by Special Use Permit to ensure that any adverse impacts can be and are mitigated. Some uses may be allowed by right if very similar to a use listed by right in the corresponding zoning district. However, if such Use is not closely matched to an existing Use, then it must meet at a minimum Section 2.03.01.A in addition to the criteria of the most similar Special Use. This determination will be rendered by the County Administrator and/or designee.

### Sec. 2.03.06 Other Animals

Other Animals (excluding the possession of wildlife and the possession or location of honey bee colonies and/or apiaries, as provided in Florida Statutes and excluding five (5) or fewer hens as provided for in Section ~~2.03.562.02.04.B.18~~), not otherwise defined by the Code, may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. If a place of shelter is provided outside the main residence, such shelter shall be no closer than one hundred (100) feet from any other residence.
- B. Domestic fowl or bird species shall be subject to the following standards:
  1. Domestic fowl or bird species, except as provided in Section ~~2.03.562.02.04.B.18~~, shall be maintained in a coop and pen or portable chicken tractor, and such coops and enclosures may not include residential structures or garages. The coop and enclosure must be fenced and ventilated. All domestic fowl or bird species must be secured in an enclosure during non-daylight hours; however, during daylight hours, they may be located outdoors in the chicken pen and/or run.
  2. Domestic fowl or bird coops, enclosures, pens, and tractors (whether stationary or mobile) are only permitted in the rear of the residential dwelling, behind the line formed by the back wall of the residence. Domestic fowl or bird coops, pens, and tractors (whether stationary or mobile) shall be located no closer than fifteen (15) feet on any side or rear property line unless a greater distance is required by the Planning and Zoning Agency. These structures shall be located no closer than one-hundred (100) feet from any other residence and must be located closer to the owner's primary residence than any neighboring residence. A waiver to the 100

foot distance requirement may be granted by the Planning and Zoning Agency.

3. Domestic fowl or bird coops, enclosures, tractors, and/or pens must be properly designed and constructed to provide adequate security from rodents, wild birds, and predators.
  4. Domestic fowl or bird coops, enclosures, pens, and tractors shall be maintained in a clean and sanitary condition at all times. Domestic fowl or birds shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.
  5. The coop, enclosure, pens, or tractors shall not be taller than six (6) feet, as measured from the existing natural grade.
  6. All stored feed must be kept in a rodent and predator-proof container.
- C. An application for Special Use Permit for Other Animals shall state the maximum number and species of Animals to be housed.
- D. There shall be no commercial activity associated with the granting of a Special Use for Other Animals.

#### **Sec. 2.03.10 Land Excavation and Borrow Areas**

~~In addition to the requirements of Section 6.04.09 of this Code,~~ Land Excavation and Borrow Areas may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the following regulations.

##### **A. Locational Criteria**

In order to protect the public health, safety and welfare from the possible adverse impacts of Land Excavation and Borrow Areas, (e.g., noise, dust, water table drawdown) the following locational criteria are established:

1. Where Allowed
  - a. Lake creations and lake cleaning may be allowed within all zoning districts.
  - b. Dry Land Excavation and Borrow Areas may be allowed by Special Use within the OR, IW, and PS districts.
2. Setbacks

There shall be no Land Excavation, with the exception of perimeter ditches and recharge ditches, within the setbacks for Dry Land Excavation, Borrow Areas, and lake creations as follows:

- a. Twenty-five (25) feet of any Right-of-Way line of a publicly owned road or street, except for Dry Land Excavation and Borrow Areas which shall be one hundred fifty (150) feet of a publicly-owned local road or street and two

hundred (200) feet of any Right-of-Way line of a publicly-owned Arterial or Collector.

- b. Twenty-five (25) feet of the boundary line of a publicly owned drainage or utility easement.
- c. Twenty-five (25) feet of any non-residential property line, including Agricultural Use.
- d. One hundred (100) feet of any existing or developing residential property line. In cases where a Land Excavation or Borrow Area is adjacent to residential land Use with a density of two Dwelling Units per acre or more, setbacks shall be increased from the existing one hundred (100) feet to one hundred fifty (150) feet. As an alternative, the setback may be decreased to one hundred twenty-five (125) feet, provided that a series of undulating berms are provided that serve to screen the Land Excavation or Borrow Area, when used in conjunction with required planted trees.
- e. One thousand (1,000) feet of a school, hospital or house of worship measured on a straight line along the shortest distance between the perimeter of the Land Excavation or Borrow Area and the boundary of the property upon which the facility is situated.
- f. Fifty (50) feet of a Wetland Conservation Area.

### 3. Access

- a. Land Excavation and Borrow Areas shall be encouraged to locate in areas which have direct access to the receiving site of the excavated materials, with direct access to Arterials or Minor or Major Collectors, within approved subdivision and site Development projects under Construction, adjacent to public improvement projects such as new road corridors or in conjunction with stormwater utility projects. Site specific analysis must be performed to determine if proposed Land Excavations and Borrow Areas in the encouraged areas meet all other locational and environmental requirements.
  - (1) Where the Applicant intends to provide material for a new road corridor, priority shall be given to locating such Land Excavation, in the following order of precedence:
    - (2) Within the corridor.
    - (3) Within one-half (0.5) mile of the corridor. Proposed Land Excavation in these areas would be investigated to determine if they could interface with the County's Stormwater Utility Program or recreational planning program.
    - (4) Within the remaining areas of the County, highest priority for Land Excavations in the remaining area of the County would be given to Land Excavations located within approved DRIs, subdivisions, and site Development projects which are under Construction in

proximity to the corridor and in Land Excavations which interface with stormwater utility projects.

4. Mitigation of Impacts

- a. Techniques to mitigate the impacts of offsite hauling on existing neighborhoods fronting onto Arterial or Collector Roadways may include restrictions on the hours and days of offsite hauling, contribution by the Applicant to the cost of road improvements on the haul route, and development of alternative haul routes.
- b. Restrictions may be imposed on the hours and days of operation of any Land Excavation when such restrictions are necessary to protect the public health, safety, and welfare.

5. Where Prohibited

Land Excavations and Borrow Areas shall be prohibited within the following locations:

- a. Within two hundred (200) feet of abandoned dumpsites or landfills as identified on the Florida Department of Environmental Protection list of closed landfills in St. Johns County.
- b. Within two hundred (200) feet or the one (1) year travel time as defined in Table 2 of "Wellhead Protection Area Delineation for Public Supply Utilities Located in St. Johns County, Florida" produced by the St. Johns River Water Management District, 1993, whichever is greater, of a public potable water supply well.
- c. Within Environmentally Sensitive Areas as defined in Article XII, except as permitted in Article IV.

6. Where Restricted

Land Excavations and Borrow Areas shall be restricted within the following locations:

- a. Areas susceptible to groundwater contamination or within one-quarter (0.25) of a mile from a Class I or Class II landfill.
- b. A detailed site specific hydrogeologic study shall be submitted that would assess any potential impact of the excavation on groundwater resources. A proposal for the study shall be submitted to the County for approval prior to conducting the actual study. The County Administrator shall have the right to grant an exemption from this requirement where, in the judgment of the County Administrator, the excavation will not negatively impact groundwater resources.

B. Special Use Permit

1. When Required

Land Excavation and Borrow Areas Special Use Permits shall be required for Land



Excavation and Borrow Area activities except for the following:

- a. Land Excavation and Borrow Area activities pursuant to Board of County Commissioners permission which may be requested by a governmental agency, an Applicant under the permission of another governmental agency, or under the permission of a court having jurisdiction in St. Johns County.
- b. Land Excavation activities within Utility Rights-of-Way, public Rights-of-Way or easements necessary to supply electric, gas, water, sanitary or storm sewer, telephone, or cable television service, provided these activities do not adversely impact an Environmentally Sensitive Area. Land Excavation activities exempted under this Section shall be regulated under Article IV of this Code. This exemption does not include excavation for the Construction of detention basins and/or retention basins which otherwise meet the definition of Land Excavation.
- c. Land Excavation for swimming pool construction.
- d. Land Excavation activities disturbing less than three thousand (3,000) square feet of land area.
- e. Bona Fide Agricultural Operations that involve standard agricultural practices.
- f. Maintenance of dredging of canals, lakes and stormwater ponds, provided Permit requirements from other local, state and federal agencies are met.
- g. Lake Creations and retention/detention ponds within approved Construction projects permitted through other provisions of this Code where such Lake Creations or retention/detention ponds are incidental to the primary purpose of the Construction (i.e. retention ponds constructed as part of the stormwater system for a residential development Project).

2. Application Submittal and Public Notice

The information required for a Special Use Permit shall be considered in accordance with the requirements of Part 9.03.00 of this Code, and Public Notice shall be provided pursuant to the requirements of Part 9.06.00.

3. Factors to be Considered

The following factors shall be considered in the review of a Land Excavation or Borrow Area Special Use Permit application:

- a. The compatibility of the proposed Land Excavation and Borrow Area with existing and planned land Uses as stipulated in the St. Johns County Comprehensive Plan. In making a determination of compatibility, the following shall be considered:
  - (1) The nature of existing and planned land Uses.
  - (2) The size of the proposed Land Excavation or Borrow Area.

- (3) The effect of increased truck traffic generation on existing and planned land Uses.
    - (4) The proximity to residences, schools, hospitals, or houses of worship.
    - (5) The proximity to recreational Uses such as parks and playgrounds.
  - b. Impact on the roads and bridges located along the proposed haul route.
  - c. Adequacy and compatibility of the reclamation plan relative to the environmental as well as existing and planned Uses.
  - d. Cumulative impact of all permitted (active and inactive) Land Excavation and Borrow Areas within one (1) mile of the proposed Land Excavation or Borrow Area.
  - e. Whether the haul routes for the removal of Land Excavation or Borrow Area material pass schools, hospitals or houses of worship and whether the increased truck traffic incidental to the Land Excavation or Borrow Area activity will adversely affect the conduct of the institution's activities. In evaluating the effect of the truck traffic, the following shall be considered: the capacity and existing service level of the road(s) designated as the haul route within five hundred (500) feet of the boundaries of the institution's property, the hours of operation of the Land Excavation or Borrow Area and of the institution; the estimated volume of truck traffic; and the location of access to the school, hospital or house of worship.
- 4. Duration of Permit
 

The Land Excavation or Borrow Area Special Use Permit shall be issued for a period based upon the estimated length of the Land Excavation or Borrow Area activity.
- 5. Fencing
  - a. Unless otherwise authorized by the Planning and Zoning Agency, all Land Excavation or Borrow Areas shall be secured with a fence and gate to prevent unauthorized access to the Land Excavation or Borrow Area. All points of access shall be secured when no activity is occurring in the Land Excavation or Borrow Area. In determining whether a fence is required for a Land Excavation or Borrow Area and the type of fence to be required, the Planning and Zoning Agency shall consider the following factors.
    - (1) The location, size, depth and side slope of the Land Excavation or Borrow Area.
    - (2) The nature of the surrounding Uses and the land Uses designated on the Future Land Use Map of the St. Johns County Comprehensive Plan for the area.
    - (3) The depth of water, if any, in the Land Excavation or Borrow Area

during the period of Land Excavation or Borrow Area activity.

(4) Natural or man-made features existing on the site.

- b. The fence and gate shall be maintained throughout the duration of Land Excavation or Borrow Area activities and may be removed after reclamation is completed.

6. Expiration of Permit

If the Land Excavation or Borrow Area is not operating within one (1) year after approval of a Special Use Permit, the Special Use Permit shall expire.

C. Waiver

1. Generally

The requirements of this Section may be waived where literal or strict enforcement of the terms or provisions of this Part would:

- a. Impose upon the Applicant an unreasonable, unnecessary or exceptional burden due to irregular shaped Parcel of property, unusual topography, or other unusual condition.
- b. Where the Applicant can show that literal or strict enforcement would impose upon the Applicant an unusual or practical difficulty and granting the request will not serve as a mere convenience to the Applicant. No such waiver shall be granted which seriously or adversely affects any adjoining property or health, safety and welfare of the general public.

2. Decision by Planning and Zoning Agency

The Planning and Zoning Agency, in review of the application for Special Use Permit, shall make a decision on any waiver request that pertains to the locational criteria.

3. Factors to be Considered

The following factors shall be considered, as applicable to the particular waiver request:

- a. The location of the Land Excavation or Borrow Area.
- b. The size of the Land Excavation or Borrow Area.
- c. The depth of the Land Excavation or Borrow Area.
- d. The cubic yards of material to be excavated and removed.
- e. The side slope requested, if applicable.
- f. The nature of the Land Excavation or Borrow Area material to be removed.

- g. The nature of existing or developing Uses in the surrounding area.
- h. The projected depth of water, if any, in the Land Excavation or Borrow Area at the time of completion of the Land Excavation or Borrow Area activity.
- i. Proximity of the Land Excavation or Borrow Area to Environmentally Sensitive Areas.
- j. The existing location, configuration, setbacks and slopes of a previously permitted Land Excavation or Borrow Area.

#### **Sec. 2.03.16 Personal Property Mini-Warehouse Facilities**

Personal Property Mini-Warehouse Facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 subject to the following conditions and limitations:

- A. Storage Buildings shall be sub-divided by permanent partitions into spaces containing not more than four hundred (400) square feet each and each such space shall have an independent entrance under the exclusive control of the tenant thereof.
- B. Not more than four thousand (4,000) square feet in total area shall be occupied or used by any single tenant.
- C. Storage of goods shall be limited to personal property with no commercial distribution or sales or other business activities allowed on the premises.
- D. The storage of hazardous materials shall be prohibited.
- E. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.
- F. A minimum six (6) foot masonry wall or security fence shall be required around the perimeter of the facility. If fenced, such fence shall be opaque along property lines adjacent to Open Rural or residential zoning districts. Fencing shall not be required for storage facilities that maintain all storage bays within a completely enclosed structure.

~~———— The facility shall contain a staffed on-site office.~~

~~H.G.~~ Access to the facility shall be restricted to the hours of management personnel being on-site, unless individual electronic access is available.

~~I.H.~~ No portion of a Personal Property Mini-Warehouse Facility shall be allowed as a Special Use within six hundred (600) feet of the Right-of-Way of a designated Scenic Highway or Scenic Roadway. For the purposes of this provision, the definition of Scenic Highway or Scenic Roadway shall be the same as the definition of Scenic Highway or Scenic Roadway as it applies to Antenna Towers.

~~J.I.~~ No portion of a Personal Property Mini-Warehouse Facility shall be allowed as a Special Use within five hundred (500) feet of residentially zoned property or residential portions of Planned Developments.

## Sec. 2.03.27 Recreational Vehicle Campgrounds

Recreational vehicle campgrounds may be permitted as a Special Use within districts as defined in Section 2.03.01 and ~~whether permitted by right or by Special Use~~ shall be subject to the ~~following conditions and~~ limitations: and requirements of Section 6.08.46 of this Code.

### ~~Location and Access~~

~~A recreational vehicle park or campground shall be so located that no entrance nor exit from a park shall discharge traffic onto any residential district. A recreational vehicle park or campground fronting on a public street shall have a minimum of one hundred fifty (150) feet of frontage.~~

### ~~Uses Permitted and Length of Stay~~

~~Spaces in the recreational vehicle park and campgrounds are intended for portable housing units, including park models as defined by Florida Statutes, and those units defined as Recreational Vehicles. Placement of a unit without permanently attached Structure Additions, so that the unit may be removed within four (4) hours in reasonable judgment of the Building Official or designee, shall be considered a Portable Housing Unit.~~

~~Portable Housing Unit shall not have Additions that are permanently attached to the unit. For this purpose, Additions that are easily removable so the unit may travel within four (4) hours time or Additions that are not permanently attached to the unit are allowed. Park models as defined by the Florida Administrative Code which remain in the same location over forty-five (45) days shall be permitted and inspected by the Building Department for compliance with tie-down and installation as required for park models by Florida Statutes 320.8325(6), as may be amended from time to time.~~

~~Any unit not in compliance with paragraphs (B) and (C) above in existence on or before January 26, 1999 shall be considered "legally non-conforming" and shall be subject to the provisions of Article X of this Code.~~

~~Management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, and other Uses and Structures customarily incidental to the operation of a recreational vehicle campground are permitted as Accessory Uses.~~

~~Front, side and rear setbacks for all Structures along the perimeter of the recreational vehicle campground Parcel shall be a minimum of twenty-five (25) feet.~~

~~In campgrounds, for purposes of calculating density, every ten (10) campsites shall constitute one (1) Dwelling Unit, based on maximum camp capacity. Therefore, the facility shall be located on a Lot large enough to meet the density requirements of the Future Land Use Map of the Comprehensive Plan for the number of Dwelling Units or the minimum requirements of the zoning district in which it is located, whichever is the most restrictive.~~

### **Sec. 2.03.37 ~~Electric Substations~~Reserved**

~~Electric Substations may be permitted as a Special Use within districts as defined in Section 2.03.01.~~

### **Sec. 2.03.42 Recreational Vehicle/Boat Storage**

Recreational vehicle/boat storage may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations:

- A. The storage area shall be screened from public view and from all streets or roadways. Screening shall be provided with Evergreen plants six (6) feet in height at the time of planting and an overall screening opacity of seventy-five percent (75%) or greater, or a solid wooden, pvc, or similar material fence, or masonry or concrete block wall at least six (6) feet in height. If masonry or block wall is provided, it shall be painted and architecturally finished on the outside.
- B. There shall be a site plan submitted with the Special Use Permit that is in compliance with all requirements of the Land Development Code and such site plan shall indicate whether employee quarters are included.
- C. If signs are to be placed on the property, the Special Use Permit shall include such signage locations and a drawing shall be submitted that shows compliance with the sign regulations of the Land Development Code. Such sign plan shall be made part of the Special Use Permit.
- D. All outdoor lighting shall be directional and shall not shine directly onto adjacent properties.
- ~~D. The facility shall contain a staffed on-site office.~~
- E. Access to the facility shall be restricted to the hours of management personnel being on-site unless individual electronic access is available.

### **Sec. 2.03.56 Animal Care Facility**

Animal Care Facilities may be permitted as a Special Use within districts as defined in Section 2.03.01 and shall be subject to the conditions, limitations, and requirements of Section 6.08.43 of this code.

- ~~A. All domestic animals shall be kept within a completely enclosed structure and under direct control of the kennel operator at all times and in accordance with St. Johns County Animal Code.~~
- ~~B. Structures shall be located no closer than 100 feet of any property that maintains a residential zoning designation, or any property zoned Open Rural (OR) in a Residential Future Land Use designation.~~
- ~~C. Daytime domestic animal boarding shall only occur between the hours of six o'clock (6:00~~

~~A.M.) and eight o'clock (8:00 P.M.).~~

~~D. The operation of the Pet Care Facility shall not allow the creation of noise by any animal or animals under its care which can be heard by any person at or beyond the property line of the lot on which the kennel is located.~~

~~E. Overnight boarding is prohibited.~~

### **Sec. 2.03.57 Brewpub**

Brewpubs, are a special use with limited on-site manufacturing of malted beverages with no distribution component where the primary activity is the onsite sales and consumption of alcohol. This Use ~~is~~ must be associated with a tasting room, service area, restaurant, bar, saloon, tavern, and/or retail component for patrons' onsite. Brewpubs are allowed as a special use within districts provided in Section 2.03.01. Brewpubs in conjunction with a Bar, Cocktail Lounge, Tavern, or Saloon pursuant to Section 2.03.47 are only allowed in the same zoning district that would allow Bars and other similar facilities. Whether permitted by right or Special Use, the use shall be subject to the criteria for alcoholic beverages in Section 2.03.02 and the following conditions, and limitations, and requirements of Section 6.08.47 to ensure compatibility with adjacent Uses and the surrounding neighborhood ~~as provided below.~~

~~A. This use shall be permitted only in conjunction with a restaurant, bar, tavern, saloon, tasting room or retail service that is allowed in the zoning district. No more than fifty percent (50%) of the total gross floor area of the establishment shall be used for the brewery or manufacturing function including, but not limited to, the brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.~~

~~B. Brewpubs shall manufacture in quantities less than 5,000 kegs of beer per year.~~

~~C. Where permitted by local ordinance, state and federal law, retail carryout sale of beer produced on the premises shall be allowed in specialty containers holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces). These containers are commonly referred to as growlers.~~

~~D. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.~~

~~E. No outdoor storage shall be allowed in conjunction with this use. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.~~

~~F. All mechanical equipment visible from the street, an adjacent residential use, or residential zoning district shall be screened using architectural features consistent with the principal structure.~~

~~G. Outdoor seating areas or areas of patron congregation shall be prohibited when the property directly abuts a residential zoning district.~~



## Sec. 2.03.58 Microbrewery

Microbrewery, is a special use where the primary activity is the manufacturing of malted beverages, with a distribution component together with a limited retail component for sales for on-premise or off-premise consumption. This Use must include a retail space and Tasting Room for patrons on-site. Microbreweries may sell to wholesalers or act as wholesalers and sell directly to the consumer on-premise through carry outs (growlers), on-site Tasting Room or restaurant sales. Whether permitted by right or Special Use, the use shall be subject to the criteria for alcoholic beverages in Section 2.03.02 and the following conditions, and limitations, and requirements of Section 6.08.48 to ensure compatibility with adjacent Uses and the surrounding neighborhood ~~as provided below.~~

- ~~A. The use must be engaged in the manufacturing and brewing of malt beverages. This use may be permitted with a restaurant, bar, tasting room or retail service as an on-site component of the brewery, subject to allowances in the zoning district. No less than seventy-five percent (75%) of the total gross floor area of the establishment may be used for the brewery function including, but not limited to, the brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.~~
- ~~B. When located within Commercial zoning designations (CG, TCMU, CHT, CI, and CHI) Microbreweries shall be no larger than 10,000 square feet and shall manufacture in quantities no more than 30,000 kegs. There is no limitation for brewing or manufacturing when located in property zoned to allow light or heavy industrial uses.~~
- ~~C. No outdoor storage shall be allowed in Commercial zoning designations (CG, TCMU, CHT, CI, and CHI). This prohibition includes the use of portable storage units, cargo containers and tractor trailers.~~
- ~~D. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.~~
- ~~E. All mechanical equipment visible from the street, an adjacent residential use, or residential zoning district shall be screened using architectural features consistent with the principal structure.~~
- ~~F. Outdoor seating areas or areas of patron congregation shall be prohibited when the property directly abuts a residential zoning district.~~



TABLE 2.03.01

[illegible]

[illegible]

Sec. 2.03.40	Aircraft Landing Fields	S																						
	<b>Cultural / Institutional Use</b>																							
	Libraries	A											A	A	A	A	A		A					A
	Galleries	A											A	A	A	A	A		A					A
	Museums	A											A	A	A	A	A		A					A
	Schools (Conventional Academic)	A											A	A	A	A	A		A					A
	Adult Day Care (child and adult daycare)	A	S	S	S	S	S	S	S	S	S		A	A	A	S	A	A	A			S	S	A
	Community Centers	A											A	A	A	A	A		A					A
Sec. 2.03.12	Churches and Synagogues	A	S	S	S	S	S	S	S	S	S		A	A	A	S	A	A	A	S	S	S	S	A
Sec. 2.03.38	Private Clubs	A											S	S	A		A	A	A					S
	Parks and Recreation Facilities (w/wo lighted fields and courts)	A											A	A	A	A	A		A					A
	<b>Neighborhood Business/ Commercial Uses</b>																							
	Commercial Indoor Recreation													A	A		A	A	A	S	S	S		
	Archery													A	A	A	A	A	A					A
	Entertainment													A	A	A	A	A	A					A
	Hospitality													A	A	A	A	A	A					A
	Retail good stores													A	A	A	A	A	A					A
Sec. 2.03.46	Financial Institutions w/wo drive through													A	A	A*	A	A	A	S	S			
	Funeral homes												A	A	A	A	A	A	A					A
Sec. 2.03.44	Convenience Stores without gas pumps													A	A	A	A	A	A					
	Grocery Stores													A	A	A	A	A	A					A
	Specialty Food Stores													A	A	A	A	A	A					A
	Pharmacies (w/o drive through)													A	A	A	A	A	A					A
	Billards and Pool parlors													A	A	A	A	A	A					A
	Spas/gyms and health clubs													A	A	A	A	A	A					A
	Trade schools												A	A	A	A	A	A	A	A	A	A		A
Sec 2.03.12	Churches												A	A	A	S	A	A	A	S	S	S	S	A
Sec. 2.03.24	Bed and Breakfast (max 10 units)												S	Sx	Ax	A	A	A	A					A
	Mini Warehouse / personal property												S	S	S		S	A	S	A	A	A		A
Sec. 2.03.42	Recreational Vehicle/Boat Storage													S	S		A	A		A	A	A	A	

	Personal Services (catering, printing, mail & package, travel agencies, laundries, beauty shops, barbers, photo studios)												A	A	A	A	A	A	A								A
Sec. 2.03.41	Veterinary Offices and Animal Hospitals (no outdoor boarding facilities and enclosed within soundproof building)													A	A	S	A	A	A								S
	Child and Adult Daycare												A	A	A	S	A	A	A			S	S				A
	Nursing Homes													A	A	A	A	A	A								A
Sec. 2.03.23	Special Care Housing Level III	S												A	A	A			A								S
Sec. 2.03.45	Restaurants (with/without drive through)												S	A*	A	A*	A	A	A	A	A						
Sec. 2.03.57	Brewpub													S	S	S	S	S		S	S						
Sec. 2.03.22	Psychics, Astorlogists, Palmists (Ord. 98-18)												S	S	A	S	A	A	A	A	A	A					A
Sec. 2.03.19	Community Marinas													S	A				S								
	Medical/professional offices												A	A	A	A	A	A	A	A	A						A
	Government offices												A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Schools for fine arts or martial arts												A	A	A	A	A	A	A								A
	<b>General Business / Commercial Use</b>																										
Sec. 2.03.43	Commercial Recreation															A		A	A	A	S	S	S				
	Archery															A	A	A	A	A							A
	Entertainment															A	A	A	A	A							A
	Hospitality															A	A	A	A	A							A
	Retail good stores															A	A	A	A	A							A
Sec. 2.03.46	Financial Institutions (w/wo drive through)															A	A*	A	A	A	S	S					
	Pharmacies (w/wo drive through)															A	A*	A	A	A*							A
	Free Standing ATMS															A	A		A								A
Sec. 2.03.14	Crematoriums, Funeral Homes, Mortuaries,															S	A		S	S	S	S					S
	Indoor Farm and Garden Supply Centers															A	A		A	A							A
	Outdoor Plant Sales															A	A	A	A								A
	Outdoor Storage															S		A	A	S	A	A	A	A			A
Sec. 2.03.44	Neighborhood Convenience Stores w/wo pumps															A		A	A		S	S					
	Gas station w/out auto service repair																A	A	A	A		A	A				A
Sec. 2.03.50	Car Wash Facilities															S		A	A	S	A	A					
Sec. 2.03.51	Auto Oil Change Facilities															S		A	A	S	A	A					

Sec. 2.03.52	Tire Service Centers													S		A	A	S	A	A					
	Small car rental offices with fleet													A	A		A								A
	Grocery Stores, Specialty Food Stores												A	A	A	A	A	A							A
	Supermarkets													A	A		A								A
	Bowling alleys													A	A		A								A
	Spas, Gyms, Health Clubs												A	A	A	A	A	A							A
	Community hospitals													A	A		A								A
	Vocational/Trade School												A	A	A	A	A	A	A	A	A				A
Sec. 2.03.24	Bed and Breakfast	Sx											S	Sx	Ax	A	A	A	A						A
Sec. 2.03.16	Personal Property/Mini Warehouse												S	S	S		S	A	S	A	A	A			A
Sec. 2.03.42	RV/Boat Storage													S	S		A	A		A	A	A	A		
	Personal Services (catering, printing, mail & package, travel agencies, upholstery, laundries)												A	A	A	A	A	A							A
	Small appliance repair shops												A	A	A	A		A			A	A			A
	Upholstery service													A	A	A	A	A	A						A
	Personal Services													A	A	A	A	A	A						A
	Employment services												A	A	A	A		A		A	A				A
	Bail bonds												A	A	A	A		A							A
	Photography Studios												A	A	A	A	A	A	A						A
Sec. 2.03.22	Psychics (Ord. 98-18)												S	S	A	S	A	A	A	A	A	A			A
	Adult and Child Care Centers	A	S	S	S	S	S	S	S	S	S		A	A	A	A	A	A	A	A	A	S	S		A
	Nursing Homes													A	A	A	A	A	A						A
Sec. 2.03.23	Special Care Housing Level III	S												A	A	A			A						S
	Psychiatric Care and Treatment Facilities with or without Housing														A	A		A							A
Sec. 2.03.45	Restaurants (with/without drive through)												S	A*	A	A*	A	A	A	A	A				
Sec. 2.03.57	Brewpub													S	S	S	S	S		S	S				
Sec. 2.03.58	Microbrewery														S	S	S	S		S	S	S	S		
Sec. 2.03.19	Community Marinas		S	S	S	S	S	S	S	S	S			S	A				S						
	General and Professional Offices, Medical Offices												A	A	A	A	A	A	A	A	A				A
Sec. 2.03.41	Veterinary Offices and Animal Hospitals (w/o outdoor boarding, sound proof, no more than 10 outside runs not to exceed 640 sqft)														A	S		A							S
	Government offices												A	A	A	A	A	A	A	A	A	A	A	A	A
	Golf driving ranges														A	A		A							A

	Movie theaters with three or fewer screens												A	A		A								A
	Schools for fine arts or martial arts											A	A	A	A	A	A							A
	<b>Town Center Mixed Use</b>																							
	Retail												A	A	A	A	A	A						A
	General Business													A	A	A								
	Office											A	A	A	A	A	A	A	A					A
	Hospitality, Beach and Recreation, Resort Svcs													A										
Sec. 2.03.24	Bed and Breakfast	S										S	S	A	A	A	A	A						A
	Hotel/Motel														A	A	A		A	A				
	Grocery Stores												A	A	A	A	A	A						
	Pharmacies (w/wo drive through)												A*	A	A*	A	A	A*						A
	Bank (w/wo drive through)												A	A	A*	A	A	A	S	S				
	Medical/professional offices											A	A	A	A	A	A	A	A	A				A
Sec. 2.03.41	Veterinary Offices and Animal Hospitals w/o outdoor boarding														S									
	Personal Services: Beauty Shops, Barbers, Day Spas											A	A	A	A	A	A	A						A
	Daily Neighborhood Business Services														A									
	Mail and Package Services											A	A	A	A	A	A	A						A
Sec. 2.03.45	Restaurants											S	A*	A	A*	A	A	A	A	A				
Sec. 2.03.57	Brewpub												S	S	S	S	S		S	S				A
Sec. 2.03.58	Microbrewery													S	S	S	S		S	S	S	S		A
Sec. 2.03.47	Bars, Pubs, Night Clubs														S	S		S	S					
	Deli												A	A	A	A	A	A						A
	Personal Services (catering, printing, copying, mail & package, travel agencies, laundries, beauty shops, barbers, photo studios, video)											A	A	A	A	A	A	A						A
	Billiards and Pool Parlors												A	A	A	A	A	A						A
	Specialty Food Stores												A	A	A	A	A	A						A
	Liquor and Wine Stores												A	A	A	A	A	A						A
	Urgent Care Facilities (not hospitals)											A	A	A	A		A							A
	Special Care Housing Levels II & III														A									
	Health Clubs, Gyms												A	A	A	A	A	A						
Sec. 2.03.22	Psychics											S	S	A	S	A	A	A	A	A	A			A
	Multi-family Residential			Aa	Aa	Aa	A	A				Aa	Aa	Aa	A	Aa	Aa							

	Government Offices (PO, Library, Sheriff SubStation)											A	A	A	A	A	A	A	A	A	A	A	A	A
	Town Center Mainstreet Office													A										
	Cultural Centers													A										
	Vendors Subject to Permitting													A										
	Schools for Performing or Cultural Arts													A										
	Indoor Recreation including movie/live theatre													A										
	Alcoholic Beverage Sales subject to 2.03.01, 2.03.02	S										S	S	S	A	S	S	S	S	S	S			S
	Outdoor Sit Down Cafes													A										
	Art Galleries													A										
	Pottery Shops													A										
	Apparel, Vintage Clothing													A										
	Gift Shops, Home Décor													A										
	Garden Stores, Book Stores													A										
	Kite Shops, Surf Shops, Bike Shops													A										
	Dry Cleaner (Mail and Package only)													A										
	Travel, Real Estate, Financial Advisor													A										
	Live/Work Units																							
	<b>Highway Commercial Uses</b>																							
	Service stations w/wo retail food sales														A	A		A	A					A
Sec. 2.03.51	Auto Oil Change Facilities (3 enclosed bays)													S		A	A	S	A	A				
	Auto service (3 enclosed bays no outdoor storage)													A		A	A							A
Sec. 2.03.50	Car Wash Facilities													S		A	A	S	A	A				
Sec. 2.03.45	Restaurants, w/wo drive through facilities											S	A*	A	A*	A	A	A	A	A				
	Agricultural Stands Temp/Perm														A	A	A	A	A					A
	Outdoor Plant Sales													A	A	A	A		A	A				A
Sec. 2.03.27	RV Campgrounds														A	S	A	S	S	S				A
Sec. 2.03.19	Marinas													S	S	A	A		A	A	A			S
	Hotels and Motels														A	A	A		A	A				
	Adult Arcade Amusement Centers														S	A		A	S					

Sec. 2.03.48	Electronic Game Promotions														S	S		S	S					
Sec. 2.03.33	Retreats	S													A	A	A							A
Sec. 2.03.34	Fish Camps	S													A		A							
Sec. 2.03.44	Convenience Stores w/wo gas sales												A		A	A		S	S					
	Tourist Retail Sales														A	A								A
Sec. 2.03.36	Truck Stops														S	S		S	S					
	<b>High Intensity Commercial Uses</b>																							
	automobile sales - I															A		A	A					A
	automobile rental - I															A		A	A					A
	automobile service/repair - I, Repair of farm and garden equipment															A		A	A					A
	automobile storage -I															A		A	A					A
	Body shops															A		A	A					A
Sec. 2.03.50	Car Wash Facilities												S		A	A	S	A	A					
	Service stations															A		A	A					A
Sec. 2.03.44	Convenience Stores with gas pumps												A		A	A		S	S					
	Large scale discount centers															A		A	A					A
	Supercenters															A		A	A					A
	Large Scale Building Supply Centers															A		A	A					A
	Big Box retailers															A		A	A					A
	Outdoor plant and garden supply sales															A		A	A					A
	Professional Office, general office, govn office											A	A	A	A	A	A	A	A					A
Sec. 2.03.22	Psychics (Ord. 98-18)											S	S	A	S	A	A	A	A	A	A			A
Sec. 2.03.46	Financial institutions w/wo drive through												A	A	A*	A	A	A	S	S				
Sec. 2.03.45	Restaurants w/wo drive through											S	A*	A	A*	A	A	A	A	A				
Sec. 2.03.43	Commercial recreation												A	A		A	A	A	S	S	S			
	Vocational, technical trade school											A	A	A	A	A	A	A	A	A	A			A
	Licensed parimutual permit holder															S	A		S	A				
	newspaper printing operations and distribution centers																A		A	A				A
Sec. 2.03.47	Free Standing Taverns, Bars, Lounges, Clubs													S		S		S	S					
Sec. 2.03.48	Electronic Game Promotions														S	S		S	S					
	Adult Uses															S		S	S	S				



Sec. 2.03.48	Indoor Activities, Adult Arcades														S	A		A	S				
	Agricultural Stands (temporary or perm)														A	A	A	A	A				A
	Outdoor arenas	A														A		A	A				A
	Rodeo Grounds															A		A	A				A
	Livestock auction facilities															A		A	A				A
	Race tracks (auto, dog, kart, horse, moto)															A		A	A				A
	Indoor shooting firing ranges															A		A	A				A
Sec. 2.03.27	RV Campgrounds														A	S	A	S	S	S			S
Sec. 2.03.19	Ports															A		A	A	A	A		
Sec. 2.03.19	Marinas											S	S		A	A		A	A	A			S
Sec. 2.03.41	Veterinary Office/Animal Hospital (outdoor boarding)															A		A	A				S
Sec. 2.03.32	Kennels and other animal boarding facility	S														A	A	A	A	A			S
	storage yards for equipment/machinery															A		A	A				A
	dry storage for boats, building contractors, landscaping services, garbage haulers															A		A	A				A
	extermination/ pest control															A		A	A				A
	Flea Markets (outdoor/indoor sales complex) temporary or permanent															A		A	A				A
Sec. 2.03.36	Truck Stops														S	S		S	S				
	Hotels/Motels														A	A		A	A				A
	<b>Rural Commercial Uses</b>																						
Sec. 2.03.29	General Stores	S											A	A		A	A	A					
Sec. 2.03.45	Restaurants w/wo drive through											S	A*	A	A*	A	A	A	A	A			
	Gas Stations													A		A	A		S	S			
	Farm and Garden Supply Stores													A	A		A	A					A
Sec. 2.03.50	Car Wash Facilities													S		A	A	S	A	A			
Sec. 2.03.51	Auto Oil Change Facilities													S		A	A	S	A	A			
Sec. 2.03.52	Tire Service Centers													S		A	A	S	A	A			
	Bait and Tackle General Supplies																	A					
	Agricultural Stands															A	A	A	A	A			A
	Nurseries	A																A					
Sec. 2.03.34	Fish Camps	S														A		A					
Sec. 2.03.19	Community Marinas		S	S	S	S	S	S	S	S	S		S	A				S					
Sec. 2.03.24	Bed and Breakfast Establishments	S										S	S	A	A	A	A	A					A

Sec. 2.03.33	Retreats	S													A	A	A							A
	Primitive Campgrounds	A															A							A
Sec. 2.03.27	RV Campgrounds														A	S	A	S	S	S				S
Sec. 2.03.38	Private Clubs (Hunt, Saddle, Riding)	A									S	S	A		A	A	A							S
Sec. 2.03.32	Boarding Stables, Kennels, other animals	S														A	A	A	A	A				S
	Shooting Ranges	S															A							
Sec. 2.03.54	Outside storage												S		A	A	S	A	A	A	A	A	A	A
Sec. 2.03.41	Veterinary Offices and Animal Hospitals with outdoor boarding																A							
	<b>Light Industrial Uses</b>																							
	Boat and RV storage											S	S		A	A		A	A	A	A			
	Light Manufacturing																		A	A				A
	Vegetable Food Processing																		A	A				A
	Production, Packaging, Assembly Plants																		A	A				A
	Warehousing w/wo Distribution Centers																		A	A				A
	Lumberyards																		A	A				A
	Large Scale Printing Plants																		A	A				A
	Newspaper Printing Operation/Distribution																		A	A				A
	Business and Commerce Parks																		A	A				A
Sec. 2.03.19	Ports															A		A	A	A	A			
Sec. 2.03.19	Marinas												S	S	A	A		A	A	A				S
	Office Showrooms																		A	A				A
Sec. 2.03.31	Vehicle Recycling Facilities																		S	S				
Sec. 2.03.49	Composting and other Yard Waste Facilities	S																		S	A			
	Extermination and Pest Control Svcs															A		A	A	A				A
	Storage Yards for Equipment, Machinery, Boats and supplies for trades contractors															A		A	A	A				A
	Boat and RV storage											S	S		A	A		A	A	A	A			
	Landscaping Services															A		A	A	A				A
	Garbage Haulers															A		A	A	A				A
	Appliance Repair Shops																		A	A				A
	Machine Shops																		A	A				A
	Vehicle Repair and Storage (All Types)																		A	A	A			A
	Mini Warehousing Personal Property										S	S	S		S	A	S	A	A	A				A

	Indoor Kennels and other animal boarding	S														A	A	A	A	A			S
Sec. 2.03.41	Veterinary Office and Animal Hospitals and Groomers																		A	A			S
	Vocational/Technical Trade Schools									A	A	A	A	A	A	A	A	A	A	A			A
Sec. 2.03.43	Commercial Recreation										A	A		A	A	A	S	S	S				
	<b>Heavy Industrial</b>																						
	Heavy Manufacturing																				A		A
	Slaughterhouse and Animal Processing																				A		A
Sec. 2.03.19	Port Facilities													A			A	A	A	A			
Sec. 2.03.19	Marinas										S	S	A	A			A	A	A				S
	Power Plants																				A		A
	Dry Cleaning Plants																				A		A
	Metal and Rubber Fabrication																				A		A
	Chemical and Fertilizer Manufacturing																				A		A
	Paper and Pulp Manufacturing																				A		A
	Petroleum Refining																				A		A
	Plastic, Glass, Cement, Concrete, Clay Manufacture																				A		A
	<b>Mining and Extraction Activities</b>																						
Sec. 2.03.10	Land Excavation/Borrow Pits	S																	S	S	A	S	A
	Onsite processing of resources	A																		A	A		A
	<b>Office and Professional Services</b>																						
	Personal Services (catering, printing, mail & package, travel agencies, laundries, beauty shops, barbers, photo studios)										A	A	A	A	A	A	A						A
	Small Appliance Repair										A	A	A	A		A							A
	Upholstery service										A	A	A	A		A							A
	Bail Bond Agencies										A	A	A	A		A							A
	Employment Services										A	A	A	A		A		A	A				A
	Vocational/Technical Schools										A	A	A	A	A	A	A	A	A	A			A
Sec. 2.03.45	Restaurants										S	A*	A	A*	A	A	A	A	A	A			
	Offices - Government										A	A	A	A	A	A	A	A	A	A	A	A	A
	Offices - Professional										A	A	A	A	A	A	A	A	A				A

	Medical offices w/scheduled or emergency services (No overnight lodging)											A	A	A	A		A							A
	Diagnostic Centers: Radiology, Screening, Testing											A	A	A	A		A							A
Sec. 2.03.41	Veterinary Offices, Animal Hospitals (in standalone, soundproof building w/o outdoor exercise yard)											A	A	A	S		A							S
	Medical Equipment, Supplies											A	A	A	A		A							A
	Outdoor /Passive Uses																							
	Walking and Hiking Trails	A	A	A	A	A	A	A	A	A	A				A									A
	Bridle Paths	A	A	A	A	A	A	A	A	A	A				A									A
	Greenways	A	A	A	A	A	A	A	A	A	A				A									A
	Game Preserves	A	A	A	A	A	A	A	A	A	A				A									A
	Natural Preserves	A	A	A	A	A	A	A	A	A	A				A									A
	Parks with Picnic Areas	A	A	A	A	A	A	A	A	A	A				A									A
	Primitive Camps	A	A	A	A	A	A	A	A	A	A				A									A
	Country Clubs	A	A	A	A	A	A	A	A	A	A	S	S	A		A	A	A						S
	Golf Clubs, Golf Driving Ranges	A	A	A	A	A	A	A	A	A	A			A	A		A							A
Sec. 2.03.13	Cemeteries (People or Pets) Mausoleums	A	S	S	S	S	S	S	S	S	S	S	S	S										A
	Neighborhood Public and Emergency Service																							
	Neighborhood Scale Fire, Police Stations, EMS	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Sec. 2.03.25	Wastewater/Water Treatment Plants	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	A	A	S
Sec. 2.03.37	Electric Substations	S-A	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	A	A	SA
	Telephone Equipment, Switching, Similar	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Sec. 2.03.26	Antennas, Antenna Towers	S	S	S	S	S	S	S	S	S	S	S	S	S		S	A	S	A	A	A	A	S	S
Sec. 2.03.53	Social Assistance Centers	S										S	S	S	S	S	A	S	A	A	S	S	A	S
	General Public and Emergency Service																							
	Airports, Heliport Seaplane Facilities															A			A	A	A	A	A	
	Rail Yards															A			A	A	A	A	A	
	Ambulance/Fire/Police/EMS															A			A	A	A	A	A	
	Government offices											A	A	A	A	A	A	A	A	A	A	A	A	
Sec. 2.03.25	Wastewater/Water Treatment Plants	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	A	A	S
Sec. 2.03.37	Electric Substations	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	A	SA	SA	SA	SA	SA	SA	A	A	SA

[illegible]

<b>**</b>	gas pumps not permitted
<b>a</b>	accessory use per section 2.02.04
<b>A</b>	Allowed by right
<b>S</b>	Special use
<b>I</b>	all vessels to include automobiles, buses, boats, farm and garden equipment, motorcycles, trucks, recreational vehicles, manufactured mobile homes
<b>x</b>	limited to maximum of 10 units
<b>xx</b>	limited to max of 20 units

# ARTICLE III SPECIAL DISTRICTS

## PART 3.11.00 West Augustine Overlay District

### Sec. 3.11.05 Uses and Activities subject to the requirements of the West Augustine Overlay District

In the West Augustine Overlay District, mixed use means a single development consisting of the combination of residential and nonresidential uses collocated within the same building, or collocated on the same lot or on contiguous lots. Within the District, mixed use and commercial development are permitted in both Sub-Areas.

- A. **WANC and WAGC Sub-Areas: Allowable and Special Uses.** Notwithstanding any other provision in the Land Development Code, the uses for the property contained within the WANC and WAGC Sub-Areas in the West Augustine Overlay District shall be as prescribed in Table 3.11.05, except where such use is not permitted by the St. Johns County Comprehensive Plan. This table is interpreted to allow uses by right and by Special Use approval. Those uses listed within the table that are not “Approved by right” or as a “Special Use”, shall be prohibited. Where a use is allowed in the underlying zoning district but not listed in Table 3.11.05, the use shall be allowed as in the underlying zoning district.

Table 3.11.05

<b>A</b>	<b>Approved by right</b>	West Augustine Neighborhood Commercial <b>WANC</b>	West Augustine General Commercial <b>WAGC</b>
<b>S</b>	<b>Special Use</b>		
*	<b>Must adhere to Section 3.11.07.B.</b>		
**	<b>Gas Pumps Prohibited</b>		
***	<b>No outdoor boarding facilities/enclosed within a sound proofed building</b>		
<b>Residential Use</b>		✓	✓
Single Family Detached (Ref. LDC Sec. 2.03.39)		<b>A</b>	<b>A</b>
Multi Family		<b>A</b>	<b>A</b>
Manufactured/Mobile home (Ref. LDC Sec. 2.03.08)		<b>S</b>	<b>S</b>
Condominium ownership		<b>A</b>	<b>A</b>
Cooperatives and other ownership arrangements		<b>A</b>	<b>A</b>
Special Care Housing (Ref. LDC Sec. 2.03.23)		<b>S</b>	<b>S</b>

Cemeteries (Ref. LDC Sec. 2.03.13)	S	S
Private Schools (Ref. LDC Sec. 2.03.17)	S	S
Schools (with conventional academic curriculum)	S	S
Community Marinas	S	A
Model homes with or without sales office/construction trailer	A	A
Home Occupation (Ref. LDC Sec. 2.03.07)	A	A
Horse and Ponies (Ref. LDC Sec. 2.03.05)	S	S
Other animals (Ref. LDC Sec. 2.03.06)	S	S
Household Animals (Ref. LDC Sec. 2.02.04.B.1.)	A	A
Two family dwellings (Ref. LDC Sec. 2.03.18)	A	A
More than one main use structure on residential lot (Ref. LDC Sec. 2.03.28)	A	A
<b>Cultural/Institutional Use</b>	√	√
Child and Adult care (Ref. LDC Sec. 2.03.04)	A	A
Museum	A	A
Library	A	A
Art Gallery	A	A
Private clubs (Ref. LDC Sec. 2.03.38)	S	A
<b>Neighborhood Business</b>	√	√
Commercial indoor recreation	A	A
Archery	A	A
Hospitality	A	A
Retail Good Store	A	A
Financial Institutions with or without drive-through facilities	A	A
Funeral homes	A	A
Neighborhood Convenience Stores	A**	A
Grocery stores	A	A
Specialty food stores	A	A
Take Out Restaurant	A	A
Pharmacies	A	A
Pharmacies w/Drive-thru	S	A
Billiards	A	A
Spas/gyms	A	A
Trade schools	A	A
Mini warehouse / personal property (Ref. LDC Sec. 2.03.16)	S	S
Service businesses (catering, printing, mail & package, laundries)	A	A
Veterinary Offices (Ref. LDC Sec. 2.03.41)	A***	A***
Beauty shops	A	A
Barbers	A	A
Photography studios	A	A
Psychics (Ref. LDC Sec. 2.03.22)	S	A
Medical/professional offices	A	A
Schools for Fine Arts	A	A



<b>General Business / Commercial Use</b>		√
Commercial recreation (Ref. Sec. 2.03.43)	A	A
Free standing ATMS	A	A
Indoor Farm and Garden Supply Centers		A
Outdoor Plant Sales	A	A
Gas Station		A
Car Wash facilities (Ref. LDC Sec. 2.03.50)		A
Auto Oil Change Facilities (Ref. LDC Sec. 2.03.51)		S
Tire Service Centers (Ref. LDC Sec. 2.03.52)		S
Small Car Rental Offices with Fleet		A
General Store (Ref. LDC Sec. 2.03.29)	A	A
Supermarkets		A
Bowling Alleys		A
Community Hospitals		A
Bed and breakfast (Ref. LDC Sec. 2.03.24)	S	A
Small Appliance Repair Shops		S
Upholstery Service	A	A
Employment Services		A
Bail Bonds		A
Psychiatric Care and Treatment Facilities with or without housing		A
Alcohol Rehabilitation Centers with/without housing	S	S
Social Assistance Center (Ref. LDC Sec. 2.03.53)		S
Restaurants	A	A
Restaurants w/Drive-thru	S	A
Veterinary Office (no more than 10 outside runs not to exceed 640 SF)		A***
Government Offices	S	A
Golf Driving Ranges		A
Movie Theaters with three or less screens		A
Commercial/Vocational/Business/Trade School		A
RV and Boat Storage (Ref. LDC Sec. 2.03.42)	S	S
<b>Other uses</b>		
Hotel/Motel	A	A
Offsite Parking and Unpaved Parking Lots (Ref. LDC Sec. 2.03.15 )	A*	A*
Alcoholic Beverages (Ref. LDC Sec. 2.03.02)	S	S
Water / Wastewater Treatment Facility	S	S
Antennae Towers	S	S
Electric Substations	SA	SA
Outdoor Storage (Ref. LDC Sec. 2.03.54)	S	A
Large Places of Assembly (Ref. LDC Sec. 2.03.55)	S	S
Warehouse (less than 10,000 sf)		A
Urban Agriculture (Ref. LDC Sec. 3.11.11)	A	A

## PART 3.12.00 Hastings Overlay District

### Sec. 3.12.04 Uses and Activities subject to the requirements of the Hastings Overlay District

- A. **Allowable and Special Uses** Notwithstanding any other provision in the Land Development Code, the uses for property contained within the Hastings Overlay District shall be as prescribed in this section and Table 3.12.04, except where such use is not permitted by the St. Johns County Comprehensive Plan. This table is interpreted to identify special treatment of uses within the Overlay District and to allow uses by right and by Special Use approval. Those uses specifically listed within the table that are not “Approved by right” or as a “Special Use”, shall be prohibited in this Overlay, regardless of its allowance in the underlying Zoning District. Where a use is allowed in the underlying zoning district but not specifically listed in Table 3.12.04, the use shall be allowed as in the underlying zoning district. Properties rezoned to other zoning districts unaddressed by this Part shall comply with all other applicable Land Development Code requirements. Uses are subject to applicable Supplemental Design Standards in Part 6.08.00.

**Table 3.12.04**

#### PERMITTED USES BY ZONING DISTRICT

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
<b>Residential</b>							
Single Family	A	A	A	S	A	A	A
Mobile Home (1)	S	S	S	S	A	S	A
Multi-Family Dwelling	A						
Community Residential Home (Group Home)	A				S		
Child Care (In the Home)	S	A	A	A		A	S
Bed and Breakfast	S	A	A	A	S	S	
Temporary Residences (Construction, model home, etc.)	S	S	S	S	S	S	S
Home Occupations (Ref. LDC Section 2.03.07)	A					A	
Guest Cottage (Ref. LDC Sec. 2.02.04.B.2.)	A					A	
Residences Above Businesses (Ref. LDC Sec. 2.02.04.C)		A	A	A			A
<b>Offices</b>							
Professional Offices	S	A	A	A	S		A

## PERMITTED USES BY ZONING DISTRICT

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
Business Offices	S	A	A	A	S		A
Bank		A*	A	A			
Medical Office	S	A	A	A	A		
Hospital			A		A		
<b>Retail/Sales/Service</b>							
Personal Services	S	A	A	A			
Day Care Center	S	A	A	A	A		S
Beauty/Barber	S	A	A	A			
Drug Store/ Apothecary		A*	A	A	S		
Repair Shops			A	A			A
Restaurants (Ref. LDC Sec. 6.08.16)		A*	A	A			S
Funeral Home	S	A	A	A	S		
Service Station (Ref. LDC Sec. 6.08.19)			A	A			A
Specialty Shops	S	A	A	A			
Retail Sales (No outdoor storage)		A	A	A			A
Retail Sales (Outdoor storage)			A	S			A
Theaters (3 or less screens) (Ref 2.02.01.E.2)			A	A			
Convenience Stores		A**	A	A			S
Dry Cleaners, Laundromat		A*	A	A			
Restaurants (with on-site alcohol consumption)		S*	S	S			
Nightclub/Bar/Saloon (with on-site alcohol consumption)			S	S			
Nursing Homes and/or Assisted Living Facilities			A	A	A	A***	
Equipment Rental (some outside storage)			A	S			A
Personal Storage (Mini warehouse)		S	A	S			A
Veterinarian (Ref. LDC Sec. 2.03.41)		A	A	A			A
Motel/Hotel			A				
Shopping Center		A	A	A			
Wholesale Sales (No outdoor storage or display) (Ref. LDC Sec. 2.02.04.D)		S	A	S			A

## PERMITTED USES BY ZONING DISTRICT

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
Wholesale Sales (Outdoor storage or display)			A				A
Nurseries/Greenhouses (with retail sales)			A				A
Manufacturing (No outdoor storage or display)		S	A	S			A
Manufacturing (Outdoor storage or display)			A				A
<b>Educational, Cultural, Religious Uses</b>							
Elementary, Middle, & High Schools	A	A	A	A	A	S	A
Trade & Vocational Schools		A	A	A	A		A
Churches, Synagogues, Temples, etc.	A	A	A	A	A	A	A
Libraries, Art Museums, etc.	S	A	A	A	A	A	A
Social, Fraternal Clubs, Lodges	A	A	A	A	S	A	A
<b>Recreation, Amusement, Entertainment</b>							
Uses where activity is conducted entirely within building (Bowling alleys, skating rinks, exercise facilities, etc.)		S	A	A		A	S
Drive-in Movie (Ref. LDC Sec. 6.08.15)			A				S
Privately owned recreational facilities such as golf courses, country clubs, swimming pools, tennis courts, etc.	A	A	A	A	S	A	
Publicly owned and operated recreational facilities such as athletic fields, parks, swimming pool, tennis courts, etc.				A	A	A	
Golf driving range not accessory to golf course, par 3 golf, miniature golf, water slides, skate board parks and similar commercial ventures			A		S	S	S
Horseback Riding Stables			S			A	
<b>Motor Vehicle-related Sales &amp; Services</b>							

## PERMITTED USES BY ZONING DISTRICT

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
Sales with installation of motor vehicle parts			A				A
Motor vehicle maintenance, repair, painting or body work			A				A
Gas Sales		S	A	A			A
Car Wash		S	A	S			A
<b>Miscellaneous Facilities</b>							
Utility facility <u>not Electrical Substation</u>	S	S	A	S	S	S	A
<u>Electrical Substations</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Post Office	S	S*	A	A	P		S
Open Air Markets, Flea Markets, Crafts, etc.		S	A	S			S

### Explanation of Table 3.12.04

- A - Use is allowable by right
- S - Use is allowable by Special Use
- \* - Drive-through not permitted
- \*\* - Gas pumps not permitted
- \*\*\* - Nursing Homes not permissible in Open Rural (OR) zoning designation

- B. Per Comprehensive Plan policy A.1.11.1.J., Agricultural Uses are permissible within the lands designated with an Industrial Land Use and having an Industrial Warehouse or Open Rural zoning district.

## ARTICLE V DEVELOPMENT OPTIONS

### PART 5.06.00 COMMUNITY DEVELOPMENT DISTRICTS

#### Sec. 5.06.01 General Provisions

A. Short Title

This Part shall be known and may be cited as the "St. Johns County Community Development District Regulations."

B. Purpose

It is the intent of this Part to set forth the procedures and requirements necessary for St. Johns County to consider and approve Community Development Districts. It is the further intent of this Part to encourage a strong commitment to capital facilities planning, management and financing to ensure the provision of adequate capital infrastructure to service projected growth without overburdening the general taxpayer.

C. Community Development Districts For Land Areas of ~~1,000~~2,500 Acres Or More In Size

1. Any person may petition to establish a District, including public entities.
2. The information in the Petition shall be set forth in Section 190.005(1)(a), F.S., and Rule 42-1, F.A.C.
3. The Petition shall be submitted, along with a non-refundable processing fee of \$15,000 to St. Johns County at least ten (10) days prior to being filed with the Florida Land and Water Adjudicatory Commission. A copy of said Petition shall be filed with the County Clerk, a copy with the County Administrator, a copy with the Office of the County Attorney and a copy with each of the members of the St. Johns County District Processing Group established by the County Administrator. A copy of said Petition shall also be submitted, on the same day as submitted to the County, to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the District. The Board of County Commissioners may amend the applicable processing fees by resolution, as may be allowed by Florida law.
4. Petitioner may confer informally with County to official submission of the Petition. Petitioner may informally make non-final drafts of a Petition with attachments available to the County prior to its formal submission and filing.
5. The County shall have forty-five (45) days, or other time period provided by law, from the date of official filing with the State to conduct its optional hearing under

Section 190.005(1)(c), F.S., and Rule 42-1., F.A.C.

6. The County Administrator and representative of Petitioner shall confer no later than the date of official submission to the County on the contents of a stipulation, including procedural and substantive matters for the processing of the Petition and for the determination of the circumstances under which the County may or may not elect to notice and conduct the optional hearing.
7. The County Administrator shall prepare and file with the Board of County Commissioners a staff report which shall include but not be limited to conclusions and recommendations. The report shall be so filed within time sufficient to allow for its consideration at the public hearing within forty-five (45) days after the official filing of the Petition with the State.

~~D.~~ D. Community Development Districts For Land Areas Less Than ~~One Thousand (1,000)~~ Two Thousand Five Hundred (2,500) Acres In Size

~~1.~~ 1. The information in the Petition shall be as set forth in Section 190.005(2)(a), F.S., and Rule 42-1, F.A.C.

~~2.~~ 2. The Petition to establish Community Development Districts of less than ~~one thousand (1,000)~~ two thousand five hundred (2,500) acres in size shall be submitted to St. Johns County. The original of the Petition shall be filed with the County Clerk, a copy with the County Administrator, and a copy with the Office of the County Attorney. A copy shall also be submitted on the same day as submitted to the County to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the District.

~~3.~~ 3. When the Petition is filed with the County, the Petitioner shall pay a filing fee of fifteen thousand dollars (\$15,000) to the County. However, based on written documentation of the County having incurred expenses in excess of fifteen thousand dollars (\$15,000) for review and processing of a particular proposed Community Development District of less than ~~one thousand (1,000)~~ two thousand five hundred (2,500) acres in size, the County Administrator may assess the cost of said expense exceeding fifteen thousand dollars (\$15,000) for payment by the Petitioner. Such assessment shall be paid prior to final County action on the Community Development District. The County may amend the initial filing fee by resolution.

~~4.~~ 4. Prior to filing, Petitioner shall coordinate with the County Administrator on time frames, procedures and substantive matters relative to the Petition, and the County and Petitioner may enter into a Stipulation governing these matters. Said Stipulation must be approved by the County Administrator and the Office of the County Attorney.

~~5.~~ 5. The St. Johns County Board of County Commissioners may elect to hold a noticed workshop in regards to the Petition.

~~6.~~ 6. Notice and conduct of the public hearing on whether to grant or deny the

Petition to adopt the Ordinance to establish the District shall be by the Board of County Commissioners in accordance with the requirements and proceedings of Section 190.005(2)(b), F.S.

- ~~7.~~ 7. The Petition shall be deemed completed if it contains responses to the matters required to be contained in the Petition by Section 190.005(1)(a), F.S. The County Administrator shall determine completeness of the Petition and notify the Petitioner of his determination no later than fifteen (15) working days after the date of filing by certified letter, return receipt requested. If the County Administrator determines the Petition to be incomplete, Petitioner shall have fifteen (15) working days from official notification thereto, to refile the petition. These procedures may be varied, and any alternative procedures may be put into effect, between the County Administrator and representatives of the Petitioner by Stipulation referenced above.
8. The Petition and its attachments shall be determined sufficient to commence the process of County consideration by the County Administrator within fifteen (15) working days from determination of completeness. Sufficiency shall mean that the responses to the contents of the Petition shall have enough information with which the County may begin the process of consideration. These matters dealing with sufficiency of the Petition and its attachments may be modified by mutual agreement between the County Administrator and representatives of the Petitioner in the Stipulation referenced above.
9. Notwithstanding any other provision in this Part, the St. Johns County Board of County Commissioners may, within ninety (90) days after a Petition has been filed, transfer the Petition to the Florida Land and Water Adjudicatory Commission for processing and approval or denial, and the County shall thereafter have no right or power to grant or deny the said Petition that has been transferred to the Florida Land and Water Adjudicatory Commission.
10. The County Administrator shall have thirty (30) working days from the date of determination of sufficiency of the Petition and its attachments to prepare and file with the Board of County Commissioners, and Office of the County Attorney, a report which shall include conclusions and recommendations for consideration by the Board of County Commissioners by non-emergency Ordinance procedures of the relationship of its Petition and its attachments to the factors listed in Section 190.005(1)(e), F.S. If the Petitioner wishes to submit supplementary information with regard to the factors to be considered by the Board of County Commissioners, in order to assist the County Administrator its report, Petitioner shall submit such supplemental information no later than five (5) days after the date of official determination of sufficiency of the Petition and its attachments. Said report shall contain a conclusion with regard to each of the statutory factors in Section 190.005(1)(e), F.S. The time frames and procedures involved in consideration of the said factors, the Petition and its attachments and any supplementary information filed, may be modified by the County Administrator and Petitioner by mutual agreement in the above referenced Stipulation.
11. In any event, unless modified by the Stipulation between the County and Petitioner,



the Board of County Commissioners of St. Johns County shall conduct a noticed and non-emergency hearing on whether to adopt the Ordinance to establish the District no later than four (4) weeks from the date of receipt of the report and conclusions from the County Administrator.

12. At the hearing, the Board of County Commissioners of St. Johns County shall consider the information of record, including the Petition and its attachments, any supplementary information and the report and conclusions of the County Administrator, in the light of the six (6) statutory factors in making its determination to grant or deny a Petition to establish a Community Development District by Ordinance to serve lands less than ~~one thousand two~~ -thousand five hundred (4,0002,500) acres in size. The process establishing a District by County Ordinance shall be based on the statutory factors and any other relevant or material information allowed by law.
13. The Ordinance creating a Community Development District is not a Development Order within the meaning of Chapter 380, F.S. or Chapter 163, F.S. Such District as established by Ordinance shall not have the power of local government to adopt a Comprehensive Plan, Building Code or Land Development Code and the District shall take no action which is inconsistent with applicable St. Johns County Comprehensive Plans, Ordinances or Regulations governing the use of the land in the planning, permitting and approval of the Development to be serviced by the Development District. All developmental planning, environmental and land Development laws, regulations and rules shall apply to all Development of the land to be serviced by the District. The Ordinance establishing the District shall include:
  - a. The description of the external boundaries of the District and of any real property within the external boundaries of the District which is to be excluded.
  - b. The names of five (5) persons designated in the Petition to be the initial members of the Board of Supervisors.
  - c. The name of the District and for other matters required or allowed by law or this Code.

~~E.~~ E. County As Petitioner Or Co-Petitioner

~~1.~~ 1. The Board of County Commissioners may petition the Florida Land and Water Adjudicatory Commission to establish a Community Development District to provide systems, facilities and services for lands the size of ~~one thousand two~~ -thousand five hundred (4,0002,500) acres or more and shall follow the procedures in Section 190.005(1), F.S.

~~2.~~ 2. The Board of County Commissioners may also co-Petition with any other Petitioner for the establishment of a District to provide systems, facilities and services to lands of ~~one thousand two~~ -thousand five hundred (4,0002,500) acres or more in size.

~~3.~~ 3. The Board of County Commissioners of St. Johns County may also decide by duly noticed non-emergency Ordinance to establish a Community Development District to service

land areas less than ~~one thousand two thousand five hundred~~ (1,0002,500) acres in size in accordance with the provisions of Section 190.005(2), F.S.

~~F.~~ F. Additional Requirements For All Petitions

~~4.~~ 1. In addition to the information required in the Petition and its attachments by law, the County may require the Petitioner to submit documentation providing relevant material and pertinent information necessary for the consideration of the factors referenced in Section 190.005(1)(e) or 190.005(2)(c), F.S. The purpose of such information shall be:

- a. Establish that appropriate planning, engineering, economic, management and other expertise, as may be appropriate, has been provided and applied to the information in the particular Petition and to the statutory factors to be considered.
- b. Establish that in the process of applying said expertise to said factors, if any unusual matter or problem has arisen, then the information from those experts has been applied to identify the problem and discuss and propose how it can be resolved.

## **ARTICLE VI**

### **DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS**

#### **PART 6.00.00 GENERALLY**

This Article contains the minimum design standards and Improvement requirements that apply to all Development in St. Johns County. The standards or requirements in this Article may be supplemented or superseded by more stringent standards or requirements associated with specific Development criteria addressed in other Articles of this Code.

##### **Sec. 6.06.04 Buffering and Screening Requirements**

###### **A. Buffers Between Incompatible Land Uses**

The minimum required buffer distance between proposed land Uses and the zoning Lot line is set forth in the tables below. If the land next to the proposed Development is vacant, the buffer required shall be determined by the existing zoning on the adjacent vacant Parcel. If the adjacent Parcel is vacant but is zoned for a more intensive zoning district, no buffer area shall be required of the less intensive Use. For any Special Use listed on Table 2.03.01, the buffer required shall be determined by the Use Category the Special Use is permitted in.

The nature of surrounding Land Uses shall be considered in order to mitigate incompatibilities. Buffer widths and screening standards represent minimum required details which may be expanded, averaged, modified and/or increased to minimize external impacts. The relative degree of intensity shall be determined as follows:

TABLE 6.19

Table of Intensity for Buffers and Screening	
Group	Land Use Classification
1	Residential - Single-Family
2	Residential - Multi-Family less than <del>or equal to</del> six (6) units/acre (u/a)
3	Residential - Multi-Family <u>equal to or</u> greater than <del>or equal to</del> six (6) u/a Cultural/Institutional Office and Professional Services
4	Neighborhood Business and Commercial General Business and Commercial Rural Commercial Town Center Mixed Use
5	High Intensity Commercial Highway Commercial Public Service/Emergency Service
6	Light Industrial Heavy Industrial Mining and Extractive Regional Business and Commercial Regional Cultural and Entertainment Solid Waste & Correctional Facilities Correctional Institutions
7	Outdoor/Passive Agricultural (Except Bona Fide Agricultural and Silvicultural Uses)

## PART 6.08.00 SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES

### Sec. 6.08.01 Generally

The following Uses have been determined to require additional design standards to ensure compatibility with adjacent Uses and the surrounding neighborhood. The standards described for each Use below shall supplement and be in addition to the standards and criteria otherwise required within this Code. Compliance with these supplemental standards shall be determined during Development review and shall not require any additional procedural steps or review processes. Unless stated differently below the following Uses shall be allowed only in the appropriate zoning district as provided in Article II of this Code.

### Sec. 6.08.45 Electric Substation

A. In accordance with 163.3208, Florida Statutes, Electric Substations are a permitted use in all future land use categories except Conservation.

B. Any overlay district regulations not in conflict with F.S. 163.3208 shall apply.

C. Electric Substations shall provide for year-round visual screening and buffering which will minimize adverse impacts on neighboring properties.

1. Setbacks shall be 100 feet.

2. The Electric Substation equipment/structure area shall be protected by a security fence consisting of an eight-foot finished masonry wall or decay-resistant fence with not less than seventy-five (75%) opacity. The security fence will be buffered by, at a minimum, native landscaping and a continuous hedge.

3. Existing vegetation shall be preserved to the maximum extent practicable and may be credited as appropriate toward landscaping requirements.

4. Buffers will consist of native landscaping, including trees and shrub material, according to the following:

a. A row of shade Trees a minimum of ten (10) feet tall and a maximum of ten (10) feet apart shall be planted around the perimeter of the security fence;

b. A continuous hedge at least thirty-six (36) inches high at the time of planting, capable of growing to at least forty-eight (48) inches in height within eighteen (18) months, shall be planted in front of the Tree line referenced above;

c. All required landscaping shall be of the evergreen variety;

d. All required landscaping shall be native drought tolerant species and/or irrigated and properly maintained to ensure good health and vitality.

e. Vegetated buffers or screening beneath aerial access points to the substation equipment shall not be required to have a mature height in excess of fourteen (14) feet.

5. Ground and building lighting, if any, shall be limited to the permanent equipment/structure area, and shall be shielded to cast light down on the substation property and not onto adjacent properties. The maximum height of a light pole shall be 20 feet. If a federal, state or local agency requires lighting, the most unobtrusive method of lighting available shall be requested from the regulating agency.

D. When siting a new Electric Substation adjacent to a similar or more intensive land Use, buffering and setback relief may be requested. The consideration of such application for a Variance will be administered and considered in accordance with Part 9.03.00 of this Code.

#### **Sec. 6.08.46 RV Campgrounds**

A. Location and Access

A recreational vehicle park or campground shall be so located that no entrance nor exit from a park shall discharge traffic onto any residential district. A recreational vehicle park or campground fronting on a public street shall have a minimum of one hundred fifty (150) feet of frontage.

**B. Uses Permitted and Length of Stay**

Spaces in the recreational vehicle park and campgrounds are intended for portable housing units, including park models as defined by Florida Statutes, and those units defined as Recreational Vehicles. Placement of a unit without permanently attached Structure Additions, so that the unit may be removed within four (4) hours in reasonable judgment of the Building Official or designee, shall be considered a Portable Housing Unit.

**C.** Portable Housing Unit shall not have Additions that are permanently attached to the unit. For this purpose, Additions that are easily removable so the unit may travel within four (4) hours time or Additions that are not permanently attached to the unit are allowed. Park trailers as defined by the Florida Administrative Code which remain in the same location over forty five (45) days shall be permitted and inspected by the Building Department for compliance with tie down and installation as required for park trailers by Florida Statutes 320.8325(6), as may be amended from time to time.

**D.** Any unit not in compliance with paragraphs (B) and (C) above in existence on or before January 26, 1999 shall be considered "legally non conforming" and shall be subject to the provisions of Article X of this Code.

**E.** Management headquarters, recreational facilities, toilets, showers, coin operated laundry facilities, and other Uses and Structures customarily incidental to the operation of a recreational vehicle campground are permitted as Accessory Uses.

**F.** Front, side and rear setbacks for all Structures along the perimeter of the recreational vehicle campground Parcel shall be a minimum of twenty five (25) feet.

**G.** In campgrounds, for purposes of calculating density, every ten (10) campsites shall constitute one (1) Dwelling Unit, based on maximum camp capacity. Therefore, the facility shall be located on a Lot large enough to meet the density requirements of the Future Land Use Map of the Comprehensive Plan for the number of Dwelling Units or the minimum requirements of the zoning district in which it is located, whichever is the most restrictive.

**Sec. 6.08.47 Brewpub**

A Brewpub features limited on-site manufacturing of malted beverages with no distribution component where the primary activity is the onsite sales and consumption of alcohol. This Use must be associated with a tasting room, service area, restaurant, bar, saloon, tavern, and/or retail component for patrons' onsite. A Brewpub shall be subject to the criteria for alcoholic beverages in Section 2.03.02 of this code and the following conditions, limitations, and requirements to ensure compatibility with adjacent Uses and the surrounding neighborhood:

**A.** This use shall be permitted only in conjunction with a restaurant, bar, tavern, saloon, tasting room or retail service that is allowed in the zoning district. No more than fifty percent (50%) of the total gross floor area of the establishment shall be used for the brewery or manufacturing function including, but not limited to, the brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.

**B.** Brewpubs shall manufacture in quantities less than 5,000 kegs of beer per year.

- C. Where permitted by local ordinance, state and federal law, retail carryout sale of beer produced on the premises shall be allowed in specialty containers holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces). These containers are commonly referred to as growlers.
- D. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.
- E. No outdoor storage shall be allowed in conjunction with this use. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.
- F. All mechanical equipment visible from the street, an adjacent residential use, or residential zoning district shall be screened using architectural features consistent with the principal structure.
- G. Outdoor seating areas or areas of patron congregation shall be prohibited when the property directly abuts a residential zoning district.

#### **Sec. 6.08.48 Microbrewery**

The primary activity of a Microbrewery is the manufacturing of malted beverages with a distribution component together with a limited retail component for sales for on-premise or off-premise consumption. This Use must include a retail space and Tasting Room for patrons on-site. Microbreweries may sell to wholesalers or act as wholesalers and sell directly to the consumer on-premise through carry outs (growlers), on-site Tasting Room or restaurant sales. A Microbrewery shall be subject to the criteria for alcoholic beverages in Section 2.03.02 of this code and the following conditions, limitations, and requirements to ensure compatibility with adjacent Uses and the surrounding neighborhood:

- A. The use must be engaged in the manufacturing and brewing of malt beverages. This use may be permitted with a restaurant, bar, tasting room or retail service as an on-site component of the brewery, subject to allowances in the zoning district. No less than seventy-five percent (75%) of the total gross floor area of the establishment may be used for the brewery function including, but not limited to, the brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
- B. When located within Commercial zoning designations (CG, TCMU, CHT, CI, and CHI) Microbreweries shall be no larger than 10,000 square feet and shall manufacture in quantities no more than 30,000 kegs. There is no limitation for brewing or manufacturing when located in property zoned to allow light or heavy industrial uses.
- C. No outdoor storage shall be allowed in Commercial zoning designations (CG, TCMU, CHT, CI, and CHI). This prohibition includes the use of portable storage units, cargo containers and tractor trailers.
- D. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.
- E. All mechanical equipment visible from the street, an adjacent residential use, or residential zoning district shall be screened using architectural features consistent with the principal

structure.

F. Outdoor seating areas or areas of patron congregation shall be prohibited when the property directly abuts a residential zoning district.



## ARTICLE IX ADMINISTRATION

### PART 9.04.00 REZONING OF LAND AND COMPREHENSIVE PLAN AMENDMENTS

#### Sec. 9.04.01 Generally

##### A. Amendments Authorized

The Zoning Atlas and Future Land Use Map of the St. Johns County Comprehensive Plan may from time to time be amended pursuant to the procedures set forth below.

##### B. Small-Scale Land Use Map Amendment Defined

A small-scale land Use map amendment is an amendment to the Future Land Use Map portion of the St. Johns County Comprehensive Plan involving ~~ten (10)~~fifty (50) acres or less of land, as provided for in Section 163.3187(1)(~~ea~~), F.S.

#### Sec. 9.04.02 Initiation Of Proposals

An Ordinance for the rezoning of land or for a land Use map amendment to the Future Land Use Map may be proposed only by the owner(s) of the subject property or duly authorized agent, the St. Johns County Board of County Commissioners, the Planning and Zoning Agency, or the County Planning Department. All such proposals shall be submitted in writing accompanied by all pertinent information which may be required by the County Administrator for proper consideration of the matter which shall include certificate of title by a title or abstract company or attorney, licensed in the State of Florida, or current copy of recorded deed.

#### Sec. 9.04.03 Review By Planning and Zoning Agency

##### A. Public Hearing

A public hearing shall be held by the Planning and Zoning Agency to consider a proposal for a rezoning. The hearing for a site-specific rezoning shall be a quasi-judicial type hearing in accordance with the procedures at Part 9.06.00 below. The hearing for a land Use map amendment shall be legislative in nature.

##### B. Planning and Zoning Agency Report

1. The Planning and Zoning Agency shall prepare a report and recommendations to the Board of County Commissioners which shall address:
  - a. The need and justification for the change; and
  - b. The relationship of the proposed amendment or rezoning to the County Comprehensive Plan and this Land Development Code.

2. Unless a longer time is mutually agreed upon by the Board of County Commissioners and the Planning and Zoning Agency, in the particular case, the Planning and Zoning Agency shall submit its report and recommendations to the Board of County Commissioners no later than sixty (60) days from the date a complete application was filed with the County Administrator.
3. The report and recommendation of the Planning and Zoning Agency shall be advisory only and shall not be construed to be binding upon the Board of County Commissioners.

#### **Sec. 9.04.04 Action By Board Of County Commissioners**

A public hearing shall be held by the Board of County Commissioners to consider a proposal for a site-specific rezoning. The hearing shall be a quasi-judicial hearing pursuant to the procedures at Part 9.06.00 below.

#### **Sec. 9.04.05 Limitations On Rezoning Land**

##### **A. Re-Application After Approval of Rezoning**

Whenever the Board of County Commissioners has, by amendment to this Code, changed the zoning classification of land, the Planning and Zoning Agency shall not then consider any application for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such amendment to this Code.

##### **B. Re-Application After Denial of Rezoning**

Whenever the Board of County Commissioners has denied an application for the rezoning of land, no further application shall be filed for the same rezoning category of any part, or all of the same land for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same rezoning for any part or all of the same land has been denied, no further application shall be filed for the same rezoning category of any part or all of the same land for a period of two (2) years from the date of such action denying the last application filed.

##### **C. Waiver of Time Limits**

The time limits in Sections 9.04.05.A. and 9.04.05.B. above may be waived by the affirmative vote of a majority of the Board of County Commissioners when such action is deemed necessary to prevent injustice or to facilitate proper development of the County.

## PART 9.05.00 LAND USE POLICY DECISIONS

### Sec. 9.05.01 Generally

#### A. Land Use Policy Decisions Defined

Land Use policy decisions are those that have been declared by the courts of Florida to be “legislative” in nature, rather than “quasi-judicial”. These include the following:

1. Amendments to the text of the Comprehensive Plan.
2. Amendments to the Future Land Use Map of the Comprehensive Plan.
3. Large-scale administrative rezonings initiated by the County involving multiple parcels of property.

#### B. Applicability

The procedures in this Part shall be followed for the making of all land Use policy decisions as defined above.

#### C. State Law Controlling

This Part supplements the mandatory requirements of state law, which must be adhered to in all respects.

### Sec. 9.05.02 Procedures

#### A. Application

1. A property owner, or duly authorized agent, of land seeking a land Use amendment, the Board of County Commissioners, the Planning and Zoning Agency, or the County Planning Department may initiate a proposal for a Comprehensive Plan text or Future Land Use Map change.
2. Applications for amendments to the Comprehensive Plan, other than small-scale ~~land Use map~~development amendments, or applications otherwise exempt by ~~Chapter F.S. 163.3184(2)(c), F.S., from the twice per year adoption cycle,~~ shall only be accepted during the months of June and December of each calendar year follow the state coordinated review process pursuant to F.S. 163.3184(4).

#### B. Referral to Planning and Zoning Agency

The County Administrator shall refer all land Use policy matters to the Planning and Zoning Agency for review. The County Administrator shall set the application for hearing before the Planning and Zoning Agency not more than one hundred twenty (120) days from the date the application was received, unless specific time periods are otherwise established per Florida Statutes.

C. Recommendation of Planning and Zoning Agency

The Planning and Zoning Agency shall hold a legislative hearing on each land Use policy matter pursuant to the procedures at Part 9.06.00 below. The Planning and Zoning Agency shall thereafter submit to the Board of County Commissioners a written recommendation which:

1. Identifies any provisions of this Code, the Comprehensive Plan, or other law relating to the proposed change and describes how the proposal relates to them.
2. States factual and policy considerations pertaining to the recommendation.
3. In the case of proposed amendments to this Code, includes the written comments, if any, received from the Planning and Zoning Agency.

D. Decision By Board of County Commissioners

The Board of County Commissioners shall hold a legislative hearing on Comprehensive Plan Amendments, not including small-scale amendments, pursuant to the procedures of Part 9.06.00 below. At the conclusion of the hearing(s) the Board of County Commissioners shall vote to transmit or not transmit the proposed amendments to the Florida Department of Community Affairs. Within one hundred twenty (120) days of receiving the Objections, Recommendations and Comments (ORC) report from the Department of Community Affairs, the Board of County Commissioners shall hold a legislative hearing on the proposed amendments pursuant to the procedures in Part 9.06.00 below to decide to adopt, adopt with changes, or not adopt the proposed amendment(s).

History: Ord. 2000-58; Ord. 2003-73; Ord. 2004-22; Ord. 2009-48; Ord. 2010-23; Ord. 2013-26; Ord. 2015-14; Ord. 2018-41; Ord. 2019-84

## 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

**Electric Substation:** An electric substation, including accessory administration or maintenance buildings and related accessory uses and structures, which takes electricity from the transmission grid and converts it to another voltage or lower voltage so it can be distributed to customers through one or more lines.

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**Attachment 3**  
**Supporting Documentation**

**163.3184 Process for adoption of comprehensive plan or plan amendment.—**

(1) DEFINITIONS.—As used in this section, the term:

(a) “Affected person” includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) “In compliance” means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245, and 163.3248, with the appropriate strategic regional policy plan, and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(c) “Reviewing agencies” means:

1. The state land planning agency;
2. The appropriate regional planning council;
3. The appropriate water management district;
4. The Department of Environmental Protection;
5. The Department of State;
6. The Department of Transportation;
7. In the case of plan amendments relating to public schools, the Department of Education;
8. In the case of plans or plan amendments that affect a military installation listed in s. 163.3175, the commanding officer of the affected military installation;
9. In the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and
10. In the case of municipal plans and plan amendments, the county in which the municipality is located.

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

(a) Plan amendments adopted by local governments shall follow the expedited state review process in subsection (3), except as set forth in paragraphs (b) and (c).

(b) Plan amendments that qualify as small-scale development amendments may follow the small-scale review process in s. 163.3187.

(c) Plan amendments that are in an area of critical state concern designated pursuant to s. 380.05; propose a rural land stewardship area pursuant to s. 163.3248; propose a sector plan pursuant to s. 163.3245 or an amendment to an adopted sector plan; update a comprehensive plan based on an evaluation and appraisal pursuant to s. 163.3191; propose a development that is subject to the state coordinated review process pursuant to s. 380.06; or are new plans for newly incorporated municipalities adopted pursuant to s. 163.3167, must follow the state coordinated review process in subsection (4).

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(a) The process for amending a comprehensive plan described in this subsection shall apply to all amendments except as provided in paragraphs (2)(b) and (c) and shall be applicable statewide.

(b)1. The local government, after the initial public hearing held pursuant to subsection (11), shall transmit within 10 working days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility

and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days after the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:

a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

d. Military installation comments shall be provided in accordance with s. 163.3175.

4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archaeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.

(c)1. The local government shall hold a second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, and to adopt the comprehensive plan amendments, the amendments are deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 working days after the final adoption hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2. If the local government fails to transmit the comprehensive plan amendments within 10 working days after the final adoption hearing, the amendments are deemed withdrawn.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of:

- a. The adoption ordinance or ordinances;
- b. In the case of a text amendment, the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens;
- c. In the case of a future land use map amendment, the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and
- d. Any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(4) STATE COORDINATED REVIEW PROCESS.—

(a) *Coordination.*—The state land planning agency shall only use the state coordinated review process described in this subsection for review of comprehensive plans and plan amendments described in paragraph (2)(c). Each comprehensive plan or plan amendment proposed to be adopted pursuant to this subsection shall be transmitted, adopted, and reviewed in the manner prescribed in this subsection. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this subsection, to the local governing body responsible for the comprehensive plan or plan amendment.

(b) *Local government transmittal of proposed plan or amendment.*—Each local governing body proposing a plan or plan amendment specified in paragraph (2)(c) shall transmit the complete proposed comprehensive plan or plan amendment to the reviewing agencies within 10 working days after the first public hearing pursuant to subsection (11). The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process of this subsection. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment.

(c) *Reviewing agency comments.*—The agencies specified in paragraph (b) may provide comments regarding the plan or plan amendments in accordance with subparagraphs (3)(b)2.-4. However, comments on plans or plan amendments required to be reviewed under the state coordinated review process shall be sent to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment from the local government. If the state land planning agency comments on a plan or plan amendment adopted under the state coordinated review process, it shall provide comments according to paragraph (d). Any other unit of local government or government agency specified in paragraph (b) may provide comments to the state land planning agency in accordance with subparagraphs (3)(b)2.-4. within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment. Written comments submitted by the public shall be sent directly to the local government.

(d) *State land planning agency review.*—

1. If the state land planning agency elects to review a plan or plan amendment specified in paragraph (2)(c), the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed plan or plan amendment within 60 days after receipt of the proposed plan or plan amendment. Notwithstanding the limitation on comments in sub-subparagraph (3)(b)4.g., the state land planning agency may make objections, recommendations, and comments in its report regarding whether the plan or plan amendment is in compliance and whether the plan or plan amendment will adversely impact important state resources and facilities. Any objection regarding an important state resource or facility that will be adversely impacted by the adopted plan or plan amendment shall also state with specificity how the plan or plan amendment will adversely impact the important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. When a federal, state, or regional agency has implemented a permitting program, a local government is not required to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land

development regulations. This subparagraph does not prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments regarding densities and intensities consistent with this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments.

2. The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document.

(e) *Local government review of comments; adoption of plan or amendments and transmittal.*—

1. The local government shall review the report submitted to it by the state land planning agency, if any, and written comments submitted to it by any other person, agency, or government. The local government shall, upon receipt of the report from the state land planning agency, hold its second public hearing to determine whether to adopt the comprehensive plan or one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails to hold the second hearing and adopt the amendments within 180 days after receipt of the state land planning agency's report, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 working days after the final adoption hearing to the state land planning agency and any other agency or local government that provided timely comments under paragraph (c). If the local government fails to transmit the comprehensive plan amendments within 10 working days after the final adoption hearing, the amendments are deemed withdrawn.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of a plan or plan amendment package. For purposes of completeness, a plan or plan amendment shall be deemed complete if it contains a full, executed copy of each of the following:

- a. The adoption ordinance or ordinances;
- b. In the case of a text amendment, the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens;
- c. In the case of a future land use map amendment, the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and
- d. Any data and analyses the local government deems appropriate.

4. After the state land planning agency makes a determination of completeness regarding the adopted plan or plan amendment, the state land planning agency shall have 45 days to determine whether the plan or plan amendment is in compliance with this act. Unless the plan or plan amendment is substantially changed from the one commented on, the state land planning agency's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report. During the period provided for in this subparagraph, the state land planning agency shall issue, through a senior administrator or the secretary, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. The state land planning agency shall post a copy of the notice of intent on the agency's Internet website. Publication by the state land planning agency of the notice of intent on the state land planning agency's Internet site is prima facie evidence of compliance with the publication requirements of this subparagraph.

5. A plan or plan amendment adopted under the state coordinated review process shall go into effect pursuant to the state land planning agency's notice of intent. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(5) *ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS.*—

(a) Any affected person as defined in paragraph (1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendments are in compliance as defined in paragraph (1)(b). This petition must be filed with the division within 30 days

after the local government adopts the amendment. The state land planning agency may not intervene in a proceeding initiated by an affected person.

(b) The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendment is in compliance as defined in paragraph (1)(b). The state land planning agency's petition must clearly state the reasons for the challenge. Under the expedited state review process, this petition must be filed with the division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (3)(c)3. Under the state coordinated review process, this petition must be filed with the division within 45 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (4)(e)3.

1. The state land planning agency's challenge to plan amendments adopted under the expedited state review process shall be limited to the comments provided by the reviewing agencies pursuant to subparagraphs (3)(b)2.-4., upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted by the adopted plan amendment. The state land planning agency's petition shall state with specificity how the plan amendment will adversely impact the important state resource or facility. The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments but only upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted.

2. If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause does not include excusable neglect.

(c) An administrative law judge shall hold a hearing in the affected local jurisdiction on whether the plan or plan amendment is in compliance.

1. In challenges filed by an affected person, the comprehensive plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.

2.a. In challenges filed by the state land planning agency, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.

b. In challenges filed by the state land planning agency, the local government's determination that elements of its plan are related to and consistent with each other shall be sustained if the determination is fairly debatable.

3. In challenges filed by the state land planning agency that require a determination by the agency that an important state resource or facility will be adversely impacted by the adopted plan or plan amendment, the local government may contest the agency's determination of an important state resource or facility. The state land planning agency shall prove its determination by clear and convincing evidence.

(d) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall make every effort to enter a final order expeditiously, but at a minimum within the time period provided by s. 120.569.

(e) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall make every effort to refer the recommended order and its determination



expeditiously to the Administration Commission for final agency action, but at a minimum within the time period provided by s. 120.569.

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall make every effort to enter its final order expeditiously, but at a minimum within the time period provided by s. 120.569.

3. The recommended order submitted under this paragraph becomes a final order 90 days after issuance unless the state land planning agency acts as provided in subparagraph 1. or subparagraph 2. or all parties consent in writing to an extension of the 90-day period.

(f) Parties to a proceeding under this subsection may enter into compliance agreements using the process in subsection (6).

(g) The prevailing party in a challenge filed under this subsection is entitled to recover attorney fees and costs in challenging or defending a plan or plan amendment, including reasonable appellate attorney fees and costs.

(6) COMPLIANCE AGREEMENT.—

(a) At any time after the filing of a challenge, the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into a compliance agreement with the local government. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment that has been challenged, and shall specify remedial actions that the local government has agreed to complete within a specified time in order to resolve the challenge, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and incentives to ensure that the conditions of the compliance agreement are met.

(b) Upon the filing of a compliance agreement executed by the parties to a challenge and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.

(c) Before its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of chapter 125 or chapter 166, as applicable.

(d) The local government shall hold a single public hearing for adopting remedial amendments.

(e) For challenges to amendments adopted under the expedited review process, if the local government adopts a comprehensive plan amendment pursuant to a compliance agreement, an affected person or the state land planning agency may file a revised challenge with the Division of Administrative Hearings within 15 days after the adoption of the remedial amendment.

(f) For challenges to amendments adopted under the state coordinated process, the state land planning agency shall issue a cumulative notice of intent addressing both the remedial amendment and the plan or plan amendment that was the subject of the agreement within 20 days after receiving a complete plan or plan amendment adopted pursuant to a compliance agreement.

1. If the local government adopts a comprehensive plan or plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraph (5)(a) and subparagraph (5)(c)1., including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment that is the subject of the cumulative notice of intent, and must otherwise conform to the

rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment that is the subject of the cumulative notice of intent by filing a petition with the agency as provided in subsection (5). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding. If the cumulative notice of intent is not challenged, the state land planning agency shall request that the Division of Administrative Hearings relinquish jurisdiction to the state land planning agency for issuance of a final order.

2. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent is issued that finds the plan amendment not in compliance, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for a hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to paragraph (5)(a).

(g) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those that are the subject of a challenge. However, such amendments to the plan may not be inconsistent with the compliance agreement.

(h) This subsection does not require settlement by any party against its will or preclude the use of other informal dispute resolution methods in the course of or in addition to the method described in this subsection.

(7) MEDIATION AND EXPEDITIOUS RESOLUTION.—

(a) At any time after the matter has been forwarded to the Division of Administrative Hearings, the local government proposing the amendment may demand formal mediation or the local government proposing the amendment or an affected person who is a party to the proceeding may demand informal mediation or expeditious resolution of the amendment proceedings by serving written notice on the state land planning agency if a party to the proceeding, all other parties to the proceeding, and the administrative law judge.

(b) Upon receipt of a notice pursuant to paragraph (a), the administrative law judge shall set the matter for final hearing no more than 30 days after receipt of the notice. Once a final hearing has been set, no continuance in the hearing, and no additional time for post-hearing submittals, may be granted without the written agreement of the parties absent a finding by the administrative law judge of extraordinary circumstances. Extraordinary circumstances do not include matters relating to workload or need for additional time for preparation, negotiation, or mediation.

(c) Absent a showing of extraordinary circumstances, the administrative law judge shall issue a recommended order, in a case proceeding under subsection (5), within 30 days after filing of the transcript, unless the parties agree in writing to a longer time.

(d) For a case following the procedures under this subsection, absent written consent of the parties or a showing of extraordinary circumstances, if the administrative law judge recommends that the amendment be found not in compliance, the Administration Commission shall issue a final order within 45 days after issuance of the recommended order. If the administrative law judge recommends that the amendment be found in compliance, the state land planning agency shall issue a final order within 45 days after issuance of the recommended order. If the state land planning agency fails to timely issue a final order, the recommended order finding the amendment to be in compliance immediately becomes the final order.

(8) ADMINISTRATION COMMISSION.—

(a) If the Administration Commission, upon a hearing pursuant to subsection (5), finds that the comprehensive plan or plan amendment is not in compliance with this act, the commission shall specify remedial actions that would bring the comprehensive plan or plan amendment into compliance.

(b) The commission may specify the sanctions provided in subparagraphs 1. and 2. to which the local government will be subject if it elects to make the amendment effective notwithstanding the determination of noncompliance.

1. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The



commission order may also specify that the local government is not eligible for grants administered under the following programs:

- a. The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.048.
- b. The Florida Recreation Development Assistance Program, as authorized by chapter 375.
- c. Revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and chapter 212, to the extent not pledged to pay back bonds.

2. If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the department considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

3. The sanctions provided by subparagraphs 1. and 2. do not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been finally determined to be in compliance with this part, and except as provided in this paragraph.

(9) GOOD FAITH FILING.—The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the administrative law judge, upon motion or his or her own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(10) EXCLUSIVE PROCEEDINGS.—The proceedings under this section shall be the sole proceeding or action for a determination of whether a local government's plan, element, or amendment is in compliance with this act.

(11) PUBLIC HEARINGS.—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subparagraph (3)(b)1. and paragraph (4)(b) and for adoption of a comprehensive plan or plan amendment pursuant to subparagraphs (3)(c)1. and (4)(e)1. shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166.

2. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least 5 days after the day that the second advertisement is published pursuant to the requirements of chapter 125 or chapter 166.

(c) Nothing in this part is intended to prohibit or limit the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.

(12) CONCURRENT ZONING.—At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this section. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.

(13) AREAS OF CRITICAL STATE CONCERN.—No proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until

a final order is issued finding the plan or amendment to be in compliance as defined in paragraph (1)(b).

**History.**—s. 9, ch. 75-257; s. 1, ch. 77-174; s. 4, ch. 77-331; s. 7, ch. 83-308; s. 8, ch. 84-254; s. 8, ch. 85-55; s. 9, ch. 86-191; s. 7, ch. 92-129; s. 77, ch. 92-279; s. 55, ch. 92-326; s. 10, ch. 93-206; s. 34, ch. 94-356; s. 1445, ch. 95-147; s. 5, ch. 95-181; s. 11, ch. 95-310; s. 2, ch. 95-322; s. 26, ch. 96-410; s. 16, ch. 97-99; s. 2, ch. 97-253; s. 3, ch. 98-146; s. 12, ch. 98-176; s. 15, ch. 2000-158; s. 34, ch. 2001-254; s. 7, ch. 2002-296; s. 2, ch. 2004-384; s. 6, ch. 2005-290; s. 19, ch. 2006-1; s. 3, ch. 2007-198; s. 7, ch. 2009-96; s. 6, ch. 2011-14; s. 17, ch. 2011-139; s. 15, ch. 2012-5; s. 1, ch. 2012-75; s. 8, ch. 2012-99; s. 3, ch. 2015-30; s. 3, ch. 2016-148; s. 1, ch. 2023-115; s. 3, ch. 2024-234.

**163.3187 Process for adoption of small scale comprehensive plan amendment.—**

(1) A small scale development amendment may be adopted under the following conditions:

(a) The proposed amendment involves a use of 50 acres or fewer and:

(b) The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.

(c) The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1).

(2) Small scale development amendments adopted pursuant to this section require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(11).

(3) If the small scale development amendment involves a site within a rural area of opportunity as defined under s. 288.0656(2)(d) for the duration of such designation, the acreage limit listed in subsection (1) shall be increased by 100 percent. The local government approving the small scale plan amendment shall certify to the state land planning agency that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.

(4) Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177. Corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan shall not, for the purposes of this act, be deemed to be amendments.

(5)(a) Any affected person may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57 to request a hearing to challenge the compliance of a small scale development amendment with this act within 30 days following the local government's adoption of the amendment and shall serve a copy of the petition on the local government. An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervenor. In the proceeding, the plan amendment shall be determined to be in compliance if the local government's determination that the small scale development amendment is in compliance is fairly debatable. The state land planning agency may not intervene in any proceeding initiated pursuant to this section. The prevailing party in a challenge filed under this paragraph is entitled to recover attorney fees and costs in challenging or defending the order, including reasonable appellate attorney fees and costs.

(b)1. If the administrative law judge recommends that the small scale development amendment be found not in compliance, the administrative law judge shall submit the recommended order to the Administration Commission for final agency action. If the administrative law judge recommends that the small scale development amendment be found in compliance, the administrative law judge shall submit the recommended order to the state land planning agency.

2. If the state land planning agency determines that the plan amendment is not in compliance, the agency shall submit, within 30 days following its receipt, the recommended order to the Administration Commission for final agency action. If the state land planning agency determines that the plan

amendment is in compliance, the agency shall enter a final order within 30 days following its receipt of the recommended order.

(c) Small scale development amendments may not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments may not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance.

(d) In all challenges under this subsection, when a determination of compliance as defined in s. 163.3184(1)(b) is made, consideration shall be given to the plan amendment as a whole and whether the plan amendment furthers the intent of this part.

**History.**—s. 10, ch. 75-257; s. 1, ch. 77-174; s. 5, ch. 77-331; s. 9, ch. 85-55; s. 10, ch. 86-191; s. 8, ch. 92-129; s. 11, ch. 93-206; s. 4, ch. 94-273; s. 1446, ch. 95-147; s. 12, ch. 95-310; s. 3, ch. 95-322; s. 5, ch. 95-396; s. 1, ch. 96-205; s. 27, ch. 96-410; s. 4, ch. 96-416; s. 3, ch. 97-253; s. 14, ch. 98-75; s. 13, ch. 98-176; s. 66, ch. 99-251; s. 5, ch. 99-378; s. 26, ch. 2000-151; s. 16, ch. 2000-158; s. 1, ch. 2000-284; s. 8, ch. 2002-296; s. 3, ch. 2004-230; s. 5, ch. 2004-372; s. 7, ch. 2005-290; s. 20, ch. 2006-1; s. 3, ch. 2006-69; s. 4, ch. 2007-198; s. 8, ch. 2009-96; s. 7, ch. 2011-14; s. 18, ch. 2011-139; s. 25, ch. 2014-17; s. 25, ch. 2014-218; s. 1, ch. 2019-157; s. 3, ch. 2021-206; s. 2, ch. 2023-115.

### **163.3208 Substation approval process.—**

(1) It is the intent of the Legislature to maintain, encourage, and ensure adequate and reliable electric infrastructure in the state. It is essential that electric infrastructure be constructed and maintained in various locations in order to ensure the efficient and reliable delivery of electric service. Electric infrastructure should be constructed, to the maximum extent practicable, to achieve compatibility with adjacent and surrounding land uses, and the criteria included in this section are intended to balance the need for electricity with land use compatibility.

(2) The term “electric substation” means an electric substation, including accessory administration or maintenance buildings and related accessory uses and structures, which takes electricity from the transmission grid and converts it to another voltage or lower voltage so it can be distributed to customers through one or more lines.

(3) Electric substations are a critical component of electric transmission and distribution. Except for substations in s. 163.3205(2)(c), local governments may adopt and enforce reasonable land development regulations for new and existing electric substations, addressing only setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards. Vegetated buffers or screening beneath aerial access points to the substation equipment shall not be required to have a mature height in excess of 14 feet.

(4) New and existing electric substations shall be a permitted use in all land use categories in the applicable local government comprehensive plan and zoning districts within a utility’s service territory except those designated as preservation, conservation, or historic preservation on the future land use map or duly adopted ordinance. If a local government has not adopted reasonable standards for substation siting in accordance with subsection (3), the following standards shall apply to new electric substations:

(a) In nonresidential areas, the substation must comply with the setback and landscaped buffer area criteria applicable to other similar uses in that district, if any.

(b) Unless the local government approves a lesser setback or landscape requirement, in residential areas, a setback of up to 100 feet between the substation property boundary and permanent equipment structures shall be maintained as follows:

1. For setbacks between 100 feet and 50 feet, an open green space shall be formed by installing native landscaping, including trees and shrub material, consistent with the relevant local government’s land development regulations. Substation equipment shall be protected by a security fence consistent with the relevant local government’s land development regulations.

2. For setbacks of less than 50 feet, a buffer wall 8 feet high or a fence 8 feet high with native landscaping consistent with the relevant local government’s regulations shall be installed around the substation.

(5) If the application for a proposed electric substation or for changes to an existing electric substation demonstrates that the substation design is consistent with the local government’s applicable setback, landscaping, buffering, screening, and other aesthetic compatibility-based standards, the application for development approval for or changes to the substation shall be approved.

(6)(a) This paragraph applies to the proposed placement or construction of a new electric substation within a residential area. Before submitting an application for the location of a new electric substation in residential areas, the utility shall consult with the local government regarding the selection of a site. The utility shall provide information regarding the utility's preferred site and as many as three alternative available sites, including sites within nonresidential areas, that are technically and electrically reasonable for the load to be served, if the local government deems that the siting of a new electric substation warrants this additional review and consideration. The final determination on the site application as to the preferred and alternative sites shall be made solely by the local government within 90 days of presentation of all the necessary and required information on the preferred site and on the alternative sites. In the event the utility and the local government are unable to reach agreement on an appropriate location, the substation site selection shall be submitted to mediation conducted pursuant to ss. 44.401-44.406, unless otherwise agreed to in writing by the parties, and the mediation shall be concluded within 30 days unless extended by written agreement of the parties. The 90-day time period for the local government to render a final decision on the site application is tolled from the date a notice of intent to mediate the site selection issue is served on the utility or local government, until the mediation is concluded, terminated, or an impasse is declared. The local government and utility may agree to waive or extend this 90-day time period. Upon rendition of a final decision of the local government, a person may pursue available legal remedies in accordance with law, and the matter shall be considered on an expedited basis.

(b) A local government's land development and construction regulations for new electric substations or for changes to existing electric substations and the local government's review of an application for the placement or construction of a new electric substation or for changes to an existing electric substation shall only address land development, zoning, or aesthetic compatibility-based issues. In such local government regulations or review, a local government may not require information or evaluate a utility's business decisions about its service, customer demand for its service, or quality of its service to or from a particular area or site, unless the utility voluntarily offers this information to the local government.

(7) Substation siting standards adopted after the effective date of this act do not apply to applications for new electric substations or for changes to existing electric substations which were submitted before the notice of the local government's adoption hearing.

(8)(a) If a local government has adopted standards for the siting of new electric substations or for changes to existing electric substations within any of the local government's land use categories or zoning districts, the local government shall grant or deny a properly completed application for a permit to locate a new electric substation or change an existing electric substation within the land use category or zoning district within 90 days after the date the properly completed application is declared complete in accordance with the applicable local government application procedures. If the local government fails to approve or deny a properly completed application for a new electric substation or for changes to an existing electric substation within the timeframes set forth, the application is automatically approved, and the applicant may proceed with construction consistent with its application without interference or penalty. Issuance of such local permit does not relieve the applicant from complying with applicable federal or state laws or regulations and other applicable local land development or building regulations, if any.

(b) The local government shall notify the permit applicant within 30 days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed and has been properly submitted. Further completeness determinations shall be provided within 15 days after the receipt of additional information. However, such determination is not approval of the application.

(c) To be effective, a waiver of the timeframes set forth in this subsection must be voluntarily agreed to by the utility applicant and the local government. A local government may request, but not require, a waiver of the timeframes by the applicant, except that, with respect to a specific application, a one-time waiver may be required in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities of the local government.

(d) The local government may establish reasonable timeframes within which the required information to cure the application deficiency is to be provided, or the application will be considered withdrawn or closed.

**History.**—s. 1, ch. 2006-268; s. 4, ch. 2023-31.

**190.005 Establishment of district.—**

(1) The exclusive and uniform method for the establishment of a community development district with a size of 2,500 acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.

2. The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be included in the district, and when real property to be included in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(14), the written consent by such governmental entity.

3. A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. 190.006.

4. The proposed name of the district.

5. A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.

6. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but are not binding and may be subject to change.

7. A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the Community Planning Act.

8. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.

(b) Prior to filing the petition, the petitioner shall:

1. Pay a filing fee of \$15,000 to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the boundaries of which are contiguous with, or contain all or a portion of the land within, the external boundaries of the district.

2. Submit a copy of the petition to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the district.

3. If land to be included within a district is located partially within the unincorporated area of one or more counties and partially within a municipality or within two or more municipalities, pay a \$15,000 filing fee to each entity. Districts established across county boundaries shall be required to maintain records, hold meetings and hearings, and publish notices only in the county where the majority of the acreage within the district lies.

(c) Such county and each such municipality required by law to receive a petition may conduct a public hearing to consider the relationship of the petition to the factors specified in paragraph (e). The public hearing shall be concluded within 45 days after the date the petition is filed unless an extension of time is requested by the petitioner and granted by the county or municipality. The county or municipality holding such public hearing may by resolution express its support of, or objection to the granting of, the petition by the Florida Land and Water Adjudicatory Commission. A resolution must base any objection to the granting of the petition upon the factors specified in paragraph (e). Such county or municipality may present its resolution of support or objection at the Florida Land and Water



Adjudicatory Commission hearing and shall be afforded an opportunity to present relevant information in support of its resolution.

(d) A local public hearing on the petition shall be conducted by a hearing officer in conformance with the applicable requirements and procedures of the Administrative Procedure Act. The hearing shall include oral and written comments on the petition pertinent to the factors specified in paragraph (e). The hearing shall be held at an accessible location in the county in which the community development district is to be located. The petitioner shall cause a notice of the hearing to be published for 4 successive weeks on a publicly accessible website as provided in s. 50.0311 or, if published in print, in a newspaper at least once a week for the 4 successive weeks immediately prior to the hearing as provided in chapter 50. Such notice shall give the time and place for the hearing, a description of the area to be included in the district, which description shall include a map showing clearly the area to be covered by the district, and any other relevant information which the establishing governing bodies may require. If published in the print edition of a newspaper, the advertisement may not be placed in the portion of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in a newspaper in the county and of general interest and readership in the community pursuant to chapter 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least weekly, unless the only newspaper in the community is published less than weekly. If the notice is published in the print edition of the newspaper, the map must also be included in any online advertisement pursuant to s. 50.0211. All affected units of general-purpose local government and the general public shall be given an opportunity to appear at the hearing and present oral or written comments on the petition.

(e) The Florida Land and Water Adjudicatory Commission shall consider the entire record of the local hearing, the transcript of the hearing, resolutions adopted by local general-purpose governments as provided in paragraph (c), and the following factors and make a determination to grant or deny a petition for the establishment of a community development district:

1. Whether all statements contained within the petition have been found to be true and correct.
2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.
5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. Whether the area that will be served by the district is amenable to separate special-district government.

(f) The Florida Land and Water Adjudicatory Commission shall not adopt any rule which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006-190.041, except as provided in s. 190.012. A rule establishing a community development district shall only contain the following:

1. A metes and bounds description of the external boundaries of the district and any real property within the external boundaries of the district which is to be excluded.
2. The names of five persons designated to be the initial members of the board of supervisors.
3. The name of the district.

(g) The Florida Land and Water Adjudicatory Commission may adopt rules setting forth its procedures for considering petitions to establish, expand, modify, or delete uniform community development districts or portions thereof consistent with the provisions of this section.

(2) The exclusive and uniform method for the establishment of a community development district of less than 2,500 acres in size or a community development district of up to 7,000 acres in size located within a connected-city corridor established pursuant to s. 163.3246(13) shall be pursuant to an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located granting a petition for the establishment of a community development district as follows:

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the county commission. The petition shall contain the same information as required in paragraph (1)(a).

(b) A public hearing on the petition shall be conducted by the county commission in accordance with the requirements and procedures of paragraph (1)(d).

(c) The county commission shall consider the record of the public hearing and the factors set forth in paragraph (1)(e) in making its determination to grant or deny a petition for the establishment of a community development district.

(d) The county commission may not adopt any ordinance which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006-190.041. An ordinance establishing a community development district shall only include the matters provided for in paragraph (1)(f) unless the commission consents to any of the optional powers under s. 190.012(2) at the request of the petitioner.

(e) If all of the land in the area for the proposed district is within the territorial jurisdiction of a municipal corporation, then the petition requesting establishment of a community development district under this act shall be filed by the petitioner with that particular municipal corporation. In such event, the duties of the county, hereinabove described, in action upon the petition shall be the duties of the municipal corporation. If any of the land area of a proposed district is within the land area of a municipality, the county commission may not create the district without municipal approval. If all of the land in the area for the proposed district, even if less than 2,500 acres, is within the territorial jurisdiction of two or more municipalities or two or more counties, except for proposed districts within a connected-city corridor established pursuant to s. 163.3246(13), the petition shall be filed with the Florida Land and Water Adjudicatory Commission and proceed in accordance with subsection (1).

(f) Notwithstanding any other provision of this subsection, within 90 days after a petition for the establishment of a community development district has been filed pursuant to this subsection, the governing body of the county or municipal corporation may transfer the petition to the Florida Land and Water Adjudicatory Commission, which shall make the determination to grant or deny the petition as provided in subsection (1). A county or municipal corporation shall have no right or power to grant or deny a petition that has been transferred to the Florida Land and Water Adjudicatory Commission.

(3) The governing body of any existing special district, created to provide one or more of the public improvements and community facilities authorized by this act, may petition for reestablishment of the existing district as a community development district pursuant to this act. The petition shall contain the information specified in subparagraphs (1)(a)1., 3., 4., 5., 6., and 7. and shall not require payment of a fee pursuant to paragraph (1)(b). In such case, the new district so formed shall assume the existing obligations, indebtedness, and guarantees of indebtedness of the district so subsumed, and the existing district shall be terminated.

**History.**—s. 2, ch. 80-407; ss. 4, 5, ch. 84-360; s. 28, ch. 85-55; s. 35, ch. 87-224; s. 34, ch. 96-410; s. 6, ch. 98-146; s. 35, ch. 99-378; s. 34, ch. 2000-364; s. 2, ch. 2007-160; s. 33, ch. 2008-4; s. 4, ch. 2009-142; s. 40, ch. 2011-139; s. 6, ch. 2012-212; s. 13, ch. 2015-30; s. 1, ch. 2016-94; s. 10, ch. 2018-158; s. 17, ch. 2021-17; s. 16, ch. 2022-103.

# LOCALIQ FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

## **AFFIDAVIT OF PUBLICATION**

Jennifer Gutt  
Cheri Ng  
Sjc Growth Management  
4040 Lewis Speedway, St.

Augustine FL 32804

STATE OF WISCONSIN, COUNTY OF BROWN

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