

ORDINANCE NUMBER: 78-58

INTRODUCED BY: COMMISSIONER CURTAN

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE #78-1 ENTITLED ST. JOHNS COUNTY/ST. AUGUSTINE AIRPORT ZONING ORDINANCE BY ADDING TO SUCH ORDINANCE A NEW PARAGRAPH #5 IN SECTION IV; SAID NEW PARAGRAPH REQUIRING A PERMIT BEFORE ANY NEW STRUCTURE, USE OR TREE MAY BE CONSTRUCTED, ESTABLISHED OR PLANTED AND BEFORE ANY EXISTING USE, STRUCTURE OR NON-CONFORMING TREE IS SUBSTANTIALLY CHANGED, ALTERED, REPAIRED OR ALLOWED TO GROW HIGHER; PROVIDING PROCEDURES FOR ENFORCEMENT; PROVIDING FOR ESTABLISHMENT OF LIENS UPON THE LANDS OF OWNERS WHO DO NOT COMPLY; PROVIDING FOR REMOVAL OF NONCONFORMING USES, STRUCTURES AND TREES BY THE OWNER OR BY THE COUNTY AT THE OWNERS EXPENSE; PROVIDING AN EFFECTIVE DATE.

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

Section 1. St. Johns County Ordinance #78-1 known as the St. Johns County/St. Augustine Airport Zoning Ordinance is hereby amended by adding to Section IV of said ordinance the following paragraph.

5(a.) PERMITS: Every person or owner of real estate within the airport zones established herein must obtain an authorization permit from the zoning board of St. Johns County, Florida before any new structure or use may be constructed or established within such airport zone; before any existing use or structure within such airport zone is substantially changed or substantially altered or repaired; and before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when this ordinance was adopted or than it is when the application for a permit is made.

5(b.) Whenever the zoning board determines that a nonconforming use or nonconforming structure or tree has been abandoned or is more than 80 percent torn down, destroyed, deteriorated, or decayed, no permit shall be granted that would allow said structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and whether application is made for a permit under this section or not, the said zoning board may by appropriate action, compel the

owner of the nonconforming structure or tree, at his own expense, to lower, remove, reconstruct, or equip such object as may be necessary to conform to the regulations. If the owner of the nonconforming structure or tree shall neglect or refuse to comply with such order for 10 days after notice thereof, the said zoning board may report the violation to the board of county commissioners who may proceed to have the object so lowered, removed, reconstructed, or equipped, and assess the cost and expense thereof upon the object or the land whereon it is or was located, and unless such an assessment is paid within 90 days from the service of notice thereof on the owner or his agent, of such object or land, the sum shall be a lien on said land, and shall bear interest thereafter at the rate of 6 percent per annum until paid, and shall be collected in the same manner as taxes on real property are collected by the county, or at the option of the Board of County Commissioners of St. Johns County, Florida, the lien may be enforced in the manner provided for enforcement of liens by chapter 85 of the Florida Statutes.

5(c.) Except as provided herein, applications for permits shall be granted, provided the matter applied for meets the provisions of this ordinance.

5(d.) In granting any permit under this section, the zoning board may, if it deems such action advisable, to effectuate the purposes of this ordinance and reasonable in the circumstances, so condition such permit as to require the owner of the structure or tree in question to permit St. Johns County, at its own expense, to install, operate and maintain thereon, such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Section 2. This ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Secretary of State to the Clerk of the Board of County Commissioners of St. Johns County, Florida, that same has been filed.

PASSED by the Board of County Commissioners of St. Johns County, Florida, this 26th day of September, 1978.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA:

BY: _____

A. J. Lile
Its Chairman

ATTEST: _____

Maree Spaulding
Its Clerk/Deputy Clerk

COPY OF ADVERTISEMENT

The St. Augustine Record
PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }
COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
Robert E. Martin who on oath says that he is
General Manager of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida;
that the attached copy of advertisement, being a Legal Notice
Board of County Commissioners Meeting
_____ in the matter of _____
Ordinance No. 78-1
_____ in the _____ Court,
was published in said newspaper in the issues of _____
August 11, 1978

Affiant further says that the St. Augustine Record is a newspaper
published at St. Augustine, in said St. Johns County, Florida, and that the
said newspaper has heretofore been continuously published in said St.
Johns County, Florida, each day, except Sundays, and has been entered
as second class mail matter at the post office in the City of St. Augustine,
in said St. Johns County, Florida, for a period of one year next preceding
the first publication of the attached copy of advertisement; and affiant
further says that he has neither paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for the purpose
of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me
this 14th day of August 1978 Robert E. Martin
A.D. 19 78
Ernest M. Floyd
Notary Public

Notary Public, State of Florida at Large
My Commission Expires Oct. 2, 1980
Notary Public, State of Florida at Large

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON SEPTEMBER 28, 1978, AT 11:00 O'CLOCK A.M. IN THE COUNTY COMMISSIONERS ROOM, ST. JOHNS COUNTY COURTHOUSE, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE: AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE #78-1 ENTITLED ST. JOHNS COUNTY ZONING ORDINANCE BY ADDING TO SUCH ORDINANCE A NEW PARAGRAPH #5 IN SECTION IV: SAID NEW PARAGRAPH REQUIRING A PERMIT BEFORE ANY NEW STRUCTURE, TREE MAY BE CONSTRUCTED, ESTABLISHED OR PLANTED AND BEFORE ANY EXISTING USE, STRUCTURE OR NON-CONFORMING TREE IS SUBSTANTIALLY CHANGE, ALTERED, REPAIRED, OR ALLOWED TO GROW HIGHER; PROVIDING PROCEDURES FOR ENFORCEMENT; PROVIDING FOR ESTABLISHMENT OF LIENS UPON THE LANDS OF OWNERS WHO DO NOT COMPLY; PROVIDING FOR REMOVAL OF NON-CONFORMING USES, STRUCTURES, AND TREES BY THE OWNER OR BY THE COUNTY AT THE OWNERS EXPENSE; PROVIDING AN EFFECTIVE DATE. The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida; St. Johns County Courthouse, and may be examined by parties interested prior to said public hearing. All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing. Dated this 8th day of August, 1978. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA BY: OLIVER LAWTON Its Clerk. Ad11-LB48Adv



Secretary of State

STATE OF FLORIDA
THE CAPITOL
TALLAHASSEE 32304

Jesse J. McCrary, Jr.
SECRETARY OF STATE

David Cardwell
Director, Division of Elections
904/488-7690

October 4, 1978

Honorable Oliver Lawton
Clerk of Circuit Court
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32084

Attention: Marie Hudson, Deputy Clerk

Dear Mr. Lawton:

FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.
1978 OCT -5 AM 10:00

Pursuant to the provisions of Section 125.66, Florida Statutes; this will acknowledge:

1. Receipt of your letter/s of October 2, 1978 and certified copy/ies of St. Johns County Ordinance/s No./s 78-58, 78-60, 78-61, 78-62, 78-63, and 78-64
2. Receipt of _____ County Ordinance/s relative to _____
3. Receipt of an original/l's and certified copy/ies of _____ County Ordinance/s No./s _____
4. We have filed this/these Ordinance/s in this office October 4 1978.
5. We have numbered this/these Ordinance/s _____ and was/were filed in this office _____ 1978.
6. The original/duplicate copy/ies showing filing date is/are being returned for your records.

Cordially,

Nancy Kavanaugh
(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NK/mb