

RESOLUTION NO. 99-151

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CLARIFYING A ZONING CODE PROVISION PERTAINING TO COMMUNICATION TOWERS.

WHEREAS, the Board of County Commissioners (“Board”) passed and adopted Ordinance 98-2 on January 6, 1998; and

WHEREAS, said ordinance was passed and adopted to amend, clarify, and restate portions of the then existing Comprehensive Zoning Code (Ordinance 97-15); and

WHEREAS, Ordinance 98-2 contained the provision “all communication towers existing on February 5, 1997 shall be allowed to continue to be used as they presently exist...,” and

WHEREAS, said Ordinance also contained language describing legislative findings, intent, and purpose; and

WHEREAS, said legislative findings, intent, and purpose included provisions to: promote the health, safety and general welfare of the citizens by regulating the siting of communication towers; protect residential areas and land uses from potential adverse impacts of communication towers; minimize adverse visual and aesthetic impacts of communication towers; and avoid or minimize potential damage to adjacent properties; and

WHEREAS, the expressed legislative findings, intent, and purpose, together with normal legislative allowances for non-conforming structures indicate an interpretation of *existing towers* to mean *lawfully existing towers*.

Now therefore BE IT RESOLVED by the Board of County Commissioners of St. Johns County that:

1. The above “WHEREAS” provisions are hereby adopted as findings of fact and incorporated herein.
2. The provision “all communication towers existing on February 5, 1997 shall be allowed to continue to be used as they presently exist...” as contained in Ordinance 98-2 or any other County regulation is hereby clarified and

interpreted to apply only to those communication towers which were lawfully existing (having proper zoning and not otherwise in violation of County, state, or federal regulations) or had valid, unexpired zoning or building permit approval, on February 5, 1997; and any such communication tower made non-conforming shall be allowed to continue in accordance with the appropriate provisions for non-conformance.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns

County, State of Florida, this 19th day of October, 1999.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone
Marc A. Jacalone, Chairman

ATTEST: Cheryl Strickland, CLERK

By: Patricia D. Strickland
Deputy Clerk

