



## St. Johns County Board of County Commissioners

Neighborhood Bill of Rights Program

### **NEIGHBORHOOD BILL OF RIGHTS NOTIFICATION**

**February 3, 2016** – You have received this NOTICE because you are the designated representative for a registered Association under the Neighborhood Bill of Rights Ordinance (No. 2007-01). Please be advised, umbrella associations are provided notice as a courtesy and do not share the same rights afforded to Neighborhood Associations as defined by the Neighborhood Bill of Rights Ordinance.

#### **PROPOSED LAND DEVELOPMENT CODE AMENDMENTS- DOMESTIC HENS AND FERAL CAT COLONIES**

St. Johns County will be holding public hearings regarding a series of amendments to Article II and Article IX of the Land Development Code before the Planning and Zoning Agency on **February 18, 2016 at 1:30 p.m.** and before the Board of County Commissioners on **March 15, 2016 at 9:00 a.m.** The proposed amendments are outlined below:

- **Domestic Hens** - This proposed amendment would create a Special Use permit for the keeping of domestic hens on residentially zoned properties for a trial period not to exceed one year. This amendment would allow up to five (5) female chickens to be kept on-site with a Special Use permit and would also include supplemental provisions for the distance and height of coops, pens and/or coop trailers.
- **Feral Cat Colonies** – This proposed amendment would implement policies adopted within the Animal Control ordinance regulating feral cat colonies and would create a Special Use permit for the management of feral cat colonies for a trial period not to exceed one year. This amendment would require a management plan to be submitted to the Animal Control Division, and that all feral cats be sterilized, vaccinated and tagged for identification.
- **Public Noticing Procedure** – This proposed amendment would revise public hearing noticing requirements to eliminate the need to provide published notice in a newspaper of general circulation as part of the noticing requirements for Special Use permits for low impact uses.

If you have additional questions, please contact Joe Cearley at [JCearley@sjcfl.us](mailto:JCearley@sjcfl.us) or call (904) 209-0590.

**NOTICE OF PUBLIC HEARING PROCEDURES:** During the public hearing, all public comment is welcome, but please be aware that zoning decisions may not be merely based upon citizen “wishes” that are unsubstantiated by any competent facts, i.e. – the “clamor of the crowd” is not a sufficient reason upon which to base a decision, Board of County Commissioners of Brevard County v. Snyder, 627 So.2d 469 (Fla. 1993). However, the Florida courts have clearly held that “fact-based” lay testimony is admissible and may be relied upon as follows: “citizen testimony in a zoning matter is perfectly permissible and constitutes substantial competent evidence, so long as it is fact-based. Mere generalized statements of opposition are to be disregarded, but fact-based testimony is not.” Metropolitan Dade County v. Blumenthal, 675 So.2d 598 (Fla. 3d DCA 1995).

Maps, diagrams, reports, and other official records are competent substantial evidence in themselves sufficient to form a basis for zoning action. In a zoning matter, it is appropriate to consider whether the proposed zoning is consistent with the properties adjacent to [the to-be-rezoned] property and is consistent with the actual development of the area. Some examples of competent substantial evidence:

- Character of the neighborhood (quiet or noisy, residential or commercial, etc.)
- Lot sizes, width, typical for area (large lots, small lots, etc.)
- Density of development (low density - spacious or high density - crowded, etc.)
- Building heights existing in area (maximum, average)