

ORDINANCE NUMBER: 82 - 11

INTRODUCED BY: COMMISSIONER BENET

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE #78-38, WHICH IS THE ORDINANCE KNOWN AS THE "RESIDENTIAL SUBDIVISION REGULATIONS OF ST. JOHNS COUNTY, FLORIDA." THIS AMENDMENT CLARIFIES THE INTENT OF THE ORDINANCE TO REGULATE THE DIVISION OF REAL PROPERTY CONTAINED IN EXISTING PLATTED LOTS; IT PROVIDES LIMITED EXEMPTIONS FOR REAL PROPERTY LOCATED WITHIN LOTS THAT ARE PART OF SUBDIVISION PLATS THAT WERE RECORDED PRIOR TO March 1, 1982; AND IT PROVIDES AN EFFECTIVE DATE.

WHEREAS, many developers, lending institutions, realtors and county employees believed that St. Johns County Ordinance #78-38 did not regulate or prohibit the division of land located within an existing recorded platted lot so long as no more than four new lots were created; and,

WHEREAS, these persons and entities acted in good faith upon such belief;

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

Section 1. In order to clarify the existing intent of St. Johns County Ordinance No. 78-38, which is the ordinance known as the Residential Subdivision Regulations of St. Johns County, Florida, said Ordinance is hereby amended as follows:

- A. The definition of the word "Subdivision" in Article V of the Ordinance is deleted and the following is added and substituted in its stead:

Subdivision - The division of real property in the unincorporated areas of St. Johns County, Florida, into five (5) or more contiguous lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land, designated by reference to the number or symbol of the lot, parcel or such units contained in the plat or drawing of such subdivision for the purpose whether immediate or future, of transfer of ownership, or if the establishment of a new street is involved, any division of such parcel. The work includes establishment of new right-of-ways and alleys and additions when they result in the division of real property. When appropriate to the context, the word also includes resubdivision and relates to the process of subdividing or to lands or area subdivided. This shall not apply to gifts or devise within a family unit nor to any approved PUD subdivision as defined in St. Johns County Zoning Ordinances. The following subparagraphs (i), (ii) and (iii) shall be exempt and not subject to the regulations prescribed by this Ordinance:

- i.) The combination or recombination of portions of previously platted lots where the total number of lots in the previously recorded plat is not increased and the resultant lots comply with the standards of this Ordinance and the Zoning Code.

ii.) The division of land into parcels where each and every parcel therein is more than five (5) acres and where such division does not involve the creation, addition, or deletion of, or change in, public or private street lines or public or private easements for ingress and egress, of whatsoever kind.

iii.) The public acquisition by purchase, acceptance of deed of dedication, or exercise of the right of eminent domain of strips of land for the widening or opening of streets.

The word subdivision shall and does include the division of real property contained in existing platted lots, regardless of whether or not such division creates less than 5 additional lots, when the effect of such division is to increase the total number of lots or parcels in the previously recorded plat, or, when the effect is to add, delete, establish, create, change or alter street lines or public or private easements of whatsoever kind within the boundaries of the previously recorded plat. The word subdivision shall not include the vacation of roads pursuant to Florida Statutes 336.10.

There is hereby created and established the following limited exemption for lots that are part of subdivision plats that were recorded prior to March 1, 1982:

The word subdivision shall not apply to the division of real property contained in an existing platted lot that is part of a subdivision that was recorded prior to March 1, 1982, provided that:

- i). No parcel, lot or portion will be created whose lot area is less than one acre; and
- ii). The lots as divided meet the standards set by the St. Johns County Zoning Ordinance; and
- iii). No previously existing lot line is moved, altered or changed; and
- iv). No street lines or public or private easements are created, added changed or deleted. This shall not apply to the addition of a private driveway.

This limited exemption shall not effect or alter the zoning ordinances that pertain to the subject property.

Section 2. This Ordinance shall take effect immediately upon receipt of official acknowledgement 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 23rd day of March, 1982.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Francis N Brubaker
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Marie Hudson
Deputy Clerk

Adopted regular meeting 3/23/82
Effective 3-29-82

81-11

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. James _____ who on oath says that he is
Advertising 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 _____
Notice of Board of County Commissioners Meeting _____
_____ in the matter of _____
Ordinance Amending Ordinance #78-38 _____
_____ in the _____ Court,
was published in said newspaper in the issues of _____
March 2, 1982.

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 3rd day of March _____ *Robert E. James*

A.D. 19 82
Keith M. Walker

(SEAL) Notary Public

Notary Public, State of Florida
My Commission Expires May 13, 1985
Bonded Thru Troy Fain - Insurance, Inc.

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON MARCH 23, 1982, AT 10:05 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 No. 78-38, WHICH IS THE ORDINANCE KNOWN AS THE "RESIDENTIAL SUBDIVISION REGULATIONS OF ST. JOHNS COUNTY, FLORIDA." THIS AMENDMENT CLARIFIES THE INTENT OF THE ORDINANCE TO REGULATE THE DIVISION OF REAL PROPERTY CONTAINED IN EXISTING PLATTED LOTS; IT PROVIDES LIMITED EXEMPTIONS FOR REAL PROPERTY LOCATED WITHIN LOTS THAT ARE PART OF SUBDIVISION PLATS THAT WERE RECORDED PRIOR TO MARCH 1, 1982; AND IT PROVIDES 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.
If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
Carl "Bud" Merkel, Its Clerk
By: Marie Hudson
Deputy Clerk
1308 March 2, 1982 SAR



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

March 25, 1982

Honorable Carl "Bud" Markel, Clerk
Board of County Commissioners
Post Office Drawer 300
St. Augustine, Florida 32084

Attention: Marie Hudson, Deputy Clerk

Dear Mr. Markel:

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

- ✓ 1. Receipt of your letter/s of March 24
and certified copy/ies of St. Johns
County Ordinance/s No./s 82-11 through 82-14
2. Receipt of _____ County Ordinance/s
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
- ✓ 3. We have filed this/these Ordinance/s in this office
on March 25, _____ 1982.
4. The original/duplicate copy/ies showing the filing
date is/are being returned for your records.

Cordially,

Nancy Kavanaugh

(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

FILED

'82 MAR 29 AM 11 46

NK/

Carl "Bud" Markel
CLERK OF CIRCUIT COURT

FLORIDA-State of the Arts