

ORDINANCE 92-16

AN ORDINANCE ESTABLISHING GENERAL REQUIREMENTS AND PROCEDURES FOR AMENDING THE ST. JOHNS COUNTY COMPREHENSIVE PLAN; PROVIDING ELIGIBILITY AND APPLICABILITY REQUIREMENTS; PROVIDING REVIEW CYCLES; PROVIDING APPLICATION PROCEDURES; PROVIDING HEARINGS BY THE PLANNING AND ZONING AGENCY AND THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR REVIEW TIMES FOR STATE AGENCIES; PROVIDING FOR AMENDMENTS RESULTING FROM EVALUATION REPORTS AND CAPITAL IMPROVEMENTS ELEMENT REVISIONS; PROVIDING FOR THE ESTABLISHMENT OF A FEE SCHEDULE; PROVIDING FOR WITHDRAWAL OF COMPREHENSIVE PLAN AMENDMENTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted the St. Johns County Comprehensive Plan on September 14, 1990; and

WHEREAS, Sections 163.3184 and 163.3187, Florida Statutes, of the Local Government Comprehensive Planning and Land Development Regulation Act, and Rule 9J-11, Florida Administrative Code, set forth procedures to amend adopted Comprehensive Plans; and

WHEREAS, Chapter 163, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, provides for public participation in the comprehensive planning process; and

WHEREAS, St. Johns County wishes to clarify the procedures of Chapter 163, Florida Statutes by setting forth general requirements and procedures to be followed by petitioners, the general public, and St. Johns County in processing amendments to the St. Johns County Comprehensive Plan consistent with the requirements of the Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, that the following requirements and procedures shall be followed for the preparation, amendment, and maintenance of the St. Johns County Comprehensive Plan pursuant to Chapter 163, Florida Statutes.

Section 1. Eligibility - An amendment may be proposed by the Board of County Commissioners (BCC); the St. Johns County Planning and Zoning Agency (PZA), designated as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes; any department or agency of the County; or any affected person provided, however, that no such affected person shall propose an amendment for a land use designation change for property which he or she does not own (except as an authorized agent or attorney for

the owner; any leasee with the consent of the owner; any purchaser of the property with the signed contract for purchase with the consent of the owner).

Section 2. Applicability - The procedures provided herein shall apply to all amendments to the Comprehensive Plan, support Elements, and Future Land Use Map changes. Amendments proposed in conjunction with a Florida Quality Development (FQD); changes to a Development of Regional Impact (DRI) including changes to a DRI which have been determined to be substantial deviations; and small scale amendments as set forth in Section 163.3187(1)(c), Florida Statutes, or in cases of emergency, as set forth in Section 163.3187(1)(a), Florida Statutes, shall follow these procedures except for the filing dates, review cycle limitations, and public hearing dates for final adoption, which are unrestricted.

Section 3. Review Cycle(s) - All Comprehensive Plan amendments, Future Land Use Map amendments, and amendments to the support Elements, except for amendments for DRIs, FQDs, small scale development activities, and emergencies, will be reviewed in two cycles starting on January 1 and July 1. The 1992 application cycle shall begin in May, 1992. Proposed amendments submitted after the close of any application cycle will not be considered until the following review cycle except for the following:

A. Emergencies - in the case of an emergency, Comprehensive Plan Amendments may be made more often than twice during the calendar year if the additional plan amendment receives the approval of all of the members of the BCC. Pursuant to Section 163.3187(1)(a), Florida Statutes, "Emergency" means any occurrence or threat thereof whether accidental or natural, caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds.

B. Development of Regional Impact (DRI) - Proposed DRIs, and changes to DRIs, including those which have been determined to be substantial deviations, Florida Quality Developments (FQD), and changes to FQDs, pursuant to Section 380.061 may submit applications for amendment without regard to the filing dates or review cycles established in this Ordinance for other amendments and such applications may be processed and considered at the time as the application for development approval.

C. Small scale development activities - Pursuant to Section 163.3187(1)(c), Florida Statutes, amendments related to proposed small scale development activities may be approved without regard to filing cycle(s), provided all the conditions set forth in Section 163.3187(1)(c) are met and the St. Johns County Comprehensive Plan Amendment Procedures are followed.

Section 4. Application Procedures - The procedures to amend the St. Johns County Comprehensive Plan, or a Support Element, or

the Future Land Use Map shall include the following procedures which are detailed in the St. Johns County Comprehensive Plan Amendment Procedures Manual:

A. Pre-application meeting between applicants and the Planning and Zoning staff prior to filing amendments to review procedures and applicant informational requirements which include: reasons/justification for the proposed Amendment; impacts on and the availability of sanitary sewer, potable water, drainage, solid waste, traffic circulation, recreation/open space, and mass transit, as applicable; information regarding the compatibility of the proposed land use amendments with the Future Land Use Element objectives and policies; and the identification of any other amendments to other sections of the Comprehensive Plan, and support Elements in order to preserve the internal consistency of the Plan and Elements.

B. Staff Review/Recommendations - The application shall be reviewed for completeness; sufficiency; address impacts to Levels of Service of the public facilities; and provide information regarding the preservation of the internal consistency of the Comprehensive Plan and the Support Elements, and other applicable requirements. Recommendations to the PZA shall be prepared by Planning and Zoning staff and shall include recommendations by applicable County departments.

C. Public Notices - Legal advertisements shall be published pursuant to Sections 163.3184, and 163.3187, Florida Statutes, as may be amended, and applicable County requirements. Copies of the proposed Amendments shall be available for public review at the St. Johns County public libraries and the Planning and Zoning Department.

Section 5. PZA Hearing - Prior to the BCC's transmittal hearing, the PZA shall hold a public hearing to review and consider the Amendments, Planning and Zoning staff recommendations, other staff recommendations, if any, and written and oral public comments. The PZA shall determine whether the applications preserve the internal consistency of the Comprehensive Plan and support Elements pursuant to Section 163.3174, Florida Statutes. The PZA shall forward its findings and recommendations to the BCC.

Section 6. BCC Hearings - The BCC shall hold public hearings, pursuant to Sections 163.3184 and 163.3187, Florida Statutes, as amended and updated, to review and consider the PZA recommendations and all written and oral public comments prior to transmitting the proposed Amendments to the appropriate agency(s) for review. The BCC shall consider the Plan amendments at the Transmittal Hearing and at the Adoption Hearing. Following the Transmittal Hearing, the proposed Amendments are forwarded to the appropriate agency(s) for review pursuant to Section 163.3184 Florida Statutes. Pursuant to Section 163.3184 (15) Florida

Statutes, the procedure for transmittal of a complete proposed Comprehensive Plan or Plan Amendment pursuant to Subsection 163.3184 (3), Florida Statutes, and for adoption of a Comprehensive Plan or Plan Amendment pursuant to Subsection 163.3184 (7), Florida Statutes, shall be by affirmative vote of not less than a majority of the total membership of the BCC. The adoption of a Comprehensive Plan and Plan Amendment shall be by ordinance.

Section 7. Agency Review - Pursuant to Section 163.3184 Florida Statutes as amended and updated, the appropriate state/regional agencies review the Amendments from the Transmittal Hearing. At the end of the review period, (90 days pursuant to Section 163.3184 (4) Florida Statutes, or as may be amended) the appropriate agency(s) transmit Objections, Recommendations, and Comments (ORCs) for consideration by the BCC at the Adoption Hearing. After the Adoption Hearing, the adopted Amendments are again forwarded to the appropriate agency(s), which review the Amendments for compliance with the State Comprehensive Plan and issues a Notice of Intent to find the Amendments in Compliance or Not in Compliance with the State Comprehensive Plan.

Section 8. Applicant's Responses - Applicants whose Amendments receive an Objection or are found not in compliance by the appropriate agency shall be provided notice of such objections or findings and shall be provided an opportunity to assist the County in the response. If the applicant fails to assist the County in the response, the BCC after public hearing, may terminate the amendment process for that applicant.

Section 9. Evaluation Report Amendments - Annually, the County Planning and Zoning staff shall coordinate with other applicable County Departments and Administration in the preparation of the Comprehensive Plan's annual monitoring and evaluation report which will assess the Comprehensive Plan's effectiveness and the progress of the implementation schedule of projects and programs adopted as a part of the Comprehensive Plan. Amendments to the Comprehensive Plan and revisions to the Capital Improvements Element and the Five Year Capital Improvement Schedule shall be recommended as necessary.

As required by Section 163.3191, Florida Statutes, Evaluation and Appraisal Reports shall be prepared by the County Planning and Zoning staff and the Comprehensive Plan shall be updated and amended as necessary.

Section 10. Capital Improvement Element Amendment - The Capital Improvements Element shall be reviewed on an annual basis and modified as necessary in accordance with Section 163.3187, Florida Statutes, except that corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the Comprehensive Plan; or the date of construction of any facility

enumerated in the Capital Improvements Element may be accomplished by ordinance and shall not be deemed to be amendments to the Comprehensive Plan.

Section 11. Schedule of Fees - The BCC shall establish fees for Amendments to the Comprehensive Plan. All fees charged for filing, processing, evaluating, and advertising applications requesting amendments to the Comprehensive Plan, support Elements, and Future Land Use Map shall be established by resolution of the BCC and may be amended from time to time by resolution.

Section 12. Withdrawal - An applicant may withdraw the application by notifying the Planning and Zoning Department in writing.

Section 13. Ordinance Amendments - To the extent permitted by law, any portion of this Ordinance may be amended by resolution of the BCC.

Section 14. Severability - It is declared to be the intent of the BCC that if any paragraph, provision, or section of this Ordinance is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such paragraph, provision, or section shall be deemed separate, distinct, and independent and such holding shall not affect the validity of the remaining provisions.

Section 15. Effective Date - This Ordinance shall take effect immediately upon receipt of official acknowledgment by the office of the Department of State of the State of Florida to the Clerk of the Board of County Commissioners that this Ordinance has been filed with that office.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 12 day of MAY, 1992.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY

BY: Fred Brinkhoff  
Fred Brinkhoff, Chairman

ATTEST: Carl "Bud" Markel  
Carl "Bud" Markel, Clerk

Effective MAY 29, 1992

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# The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared \_\_\_\_\_

SHERRY L. RAUCH who on oath says that she is

ACCOUNTING CLERK 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 PUBLIC HEARING

\_\_\_\_\_ in the matter of \_\_\_\_\_  
HEARING ON APRIL 28, 1992

\_\_\_\_\_ in the \_\_\_\_\_ Court,

was published in said newspaper in the issues of \_\_\_\_\_  
April 11, 1992

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 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 she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

*Sherry L. Rauch*  
Zoe Ann Johns

Sworn to and subscribed before me \_\_\_\_\_

this 14th day of April

A.D. 19 92

*Zoe Ann Johns*  
(SEAL) 8125793 Notary Public

### NOTICE OF PUBLIC HEARING ESTABLISHING GENERAL REQUIREMENTS AND PROCEDURES FOR AMENDING THE COMPREHENSIVE PLAN ST. JOHNS COUNTY.

The Board of County Commissioners of St. Johns County will hold a public hearing on the following proposed Ordinance: Establishing General Requirements and Procedures For Amending the St. Johns County Comprehensive Plan.

The hearing will be held Tuesday, April 28, 1992 at 9 a.m. at the Board of County Commissioners' regularly scheduled meeting at the County Auditorium, 4020 Lewis Speedway, St. Johns County Administration Complex, near St. Augustine, Florida.

The purpose of the ordinance is to set forth the general requirements and procedures to be followed by petitioners in processing amendments to the St. Johns County Comprehensive Plan consistent with the requirements of the Florida Statutes.

Copies of the proposed ordinance are available for review and purchase at the County Clerk's Office, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida.

Interested parties may appear at the hearing and be heard regarding the proposed Ordinance. Persons wishing to speak will be required to fill out and turn in a card at the hearing and will be called on in the order of receipt. Written comments may be delivered ahead of time to the Planning and Zoning Department at the County Administration Building or delivered at the hearing.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the hearing, such person will need a record of the proceedings and for such purposes 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" Markel, Clerk  
By Patricia DeGrande, Deputy Clerk  
1992 April 11, 1992

Continued to 05/12/92  
@ 1:30 pm