

9/22/92 (Road/Warehouse)

ORDINANCE NO. 92-40

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT MAKES FINDINGS AND PROVIDES THAT FROM THE EFFECTIVE DATE OF THIS ORDINANCE THROUGH AND INCLUDING JULY 31, 1995 THE ROAD IMPACT FEE ATTRIBUTABLE TO INDUSTRIAL AND/OR WAREHOUSE IMPROVEMENTS SHALL NOT BE CHARGED TO THE FEEPAAYER BUT SHALL BE PAID BY ST. JOHNS COUNTY FROM AVAILABLE NON AD VALOREM FUNDS WITHIN THE COUNTY'S GENERAL FUND, AND IT PROVIDES AND EFFECTIVE DATE.

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

Section 1. St. Johns County, Florida Ordinance No. 87-57, as previously amended, (the Road Impact Fee Ordinance) is hereby amended by adding the following ARTICLE II thereto:

ARTICLE II

Section A. Findings. The Board of County Commissioners of St. Johns County, Florida finds, determines and declares as follows:

(1) There is an unacceptably high rate of unemployment in St. Johns County, Florida.

(2) There is a critical shortage of jobs available to the unemployed residents of St. Johns County who are capable of working and who need and seek jobs.

(3) By enactment of Chapter 290 Florida Statutes (Urban Redevelopment) the State of Florida has determined that a public purpose may be served by providing property and other tax relief in enterprise zones established within the State.

(4) Impact fees are regulatory fees collected to assist in funding the expansion of governmental facilities necessitated by the demands placed upon such systems by new construction and development (Florida Attorney General Opinion 90-16) and the expenditure of such funds to expand such facilities constitutes a public and not a private purpose.

(5) A 3 year moratorium on the requirement that Feepayers, as defined in the Road Impact Fee Ordinance, pay Road Impact Fees for Industrial and/or Warehouse development will encourage industrial and warehouse development that will create needed jobs for unemployed residents of St. Johns County.

(6) The creation of industrial and warehouse jobs within St. Johns County constitutes a valid public purpose.

(7) Florida Statute 125.01 (the Florida Home Rule Act) authorizes the County to perform all acts not inconsistent with law that are in the common interest of the people of the county and to exercise all powers and privileges not specifically prohibited by law.

(8) Special programs are needed to stimulate private enterprise to build and rehabilitate industrial and warehouse facilities in order to provide jobs for the unemployed residents of St. Johns County.

(9) The implementation of the provisions of this Article II constitutes a public purpose and is authorized by law.

Section B. Moratorium On Requirement That Feepayers Pay
A Road Impact Fee For Industrial And/Or Warehouse Improvements.

From the effective date of this ordinance through and including July 31, 1995 the Road Impact Fee imposed by St. Johns County ordinance 87-57, as amended, that is attributable to Industrial And Warehouse Improvements (including storage buildings) shall not be charged to the Feepayer as defined in said ordinance but shall instead be paid by St. Johns County from available non ad valorem funds within the County's general fund. Notwithstanding the previous sentence, if and when the effect of this provision reaches \$100,000 in Road Impact Fees, this provision will automatically terminate.

Section C. Non Applicability To Impact Fees Paid Prior To
The Effective Date Of This Ordinance.

No provision of this Article II shall apply to impact fees paid prior to the effective date of this ordinance.

Section 2. Effective Date: This ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

PASSED AND ENACTED by the Board of County Commissioners of
St. Johns County, State of Florida this 10th day of November,
1992.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Frederick B. Bell
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl Bud Markel
Its Clerk

EFFECTIVE DATE NOVEMBER 23, 1992

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 _____

Dawn L. Brown who on oath says that she is
Credit 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 Intent

_____ in the matter of Amending Ordinance 87-57

_____ in the _____ Court,

was published in said newspaper in the issues of _____
October 15, 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.

Dawn L. Brown
Zoe Ann Johns

Sworn to and subscribed before me _____

this 15th day of October

A.D. 19 92

Zoe Ann Johns
Notary Public
8/22/93

COPY OF ADVERTISEMENT

NOTICE OF INTENT TO CONSIDER ENACTMENT OF ORDINANCE
NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON TUESDAY, NOVEMBER 10, 1992 AT 9:00 A.M. IN THE COUNTY AUDITORIUM AT THE COUNTY ADMINISTRATION BUILDING, 4020 LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

ORDINANCE NO. 92- AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT MAKES FINDINGS AND PROVIDES THAT FROM THE EFFECTIVE DATE OF THIS ORDINANCE THROUGH AND INCLUDING JULY 31, 1995 THE ROAD IMPACT FEE ATTRIBUTABLE TO INDUSTRIAL AND/OR WAREHOUSE IMPROVEMENTS SHALL NOT BE CHARGED TO THE FEEPAAYER BUT SHALL BE PAID BY ST. JOHNS COUNTY FROM AVAILABLE NON AD VALOREM FUNDS WITHIN THE COUNTY'S GENERAL FUND, AND IT PROVIDES AND 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 Administration Building, Lewis Speedway, 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 with respect to any matter considered at the meeting or hearing, he/she will need a record of the proceedings, and for such purposes he/she 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.

Notice to all hearing impaired persons: Anyone planning to attend this meeting and needs the services of an interpreter, please contact David Halstead, ADA Coordinator, at (904) 823-2509 at least 5 days prior to the date of this hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CARL 'BUD' MARKEL, ITS CLERK
By Patricia DeGrande, Deputy Clerk
L157 Oct. 15, 1992



FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State
DIVISION OF ELECTIONS
Room 2002, The Capitol, Tallahassee, Florida 32399-0250
(904) 488-8427

November 19, 1992

Honorable Carl "Bud" Markel
Clerk of the Circuit Court
St. Johns County Courthouse
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Irma Pasetti, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of November 17, 1992 and certified copies of St. Johns County Ordinance Numbers 92-40, 92-41 and 92-42, which were received and filed in this office on November 19, 1992.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

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