

9/22/92 (Capital
Facilities/Warehouse)

ORDINANCE NO. 92-41

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT MAKES FINDINGS AND PROVIDES THAT FROM THE EFFECTIVE DATE OF THIS ORDINANCE THROUGH AND INCLUDING JULY 31, 1995 THE PUBLIC CAPITAL FACILITIES IMPACT FEE ATTRIBUTABLE TO INDUSTRIAL AND/OR WAREHOUSE IMPROVEMENTS SHALL NOT BE CHARGED TO THE FEEPAYER 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. 87-59, as previously amended, (the Public Capital Facilities 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 Public Capital Facilities Impact Fee Ordinance, pay Public Capital Facilities 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 Public Capital Facilities Impact Fee For Industrial And/Or Warehouse Improvements.

From the effective date of this ordinance through and including July 31, 1995 the Public Capital Facilities Impact Fee imposed by St. Johns County ordinance 87-59, 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 Public Capital Facilities 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: J. D. Bishop
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl Bud Markel
Its Clerk

EFFECRIVE 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 No. 87-59 _____
_____ 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

Sworn to and subscribed before me Zoe Ann Johns
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
87-59 AS PREVIOUSLY
AMENDED. (THE ST. JOHNS
COUNTY PUBLIC CAPITAL
FACILITIES IMPACT FEE
ORDINANCE). THIS
AMENDMENT MAKES FINDINGS
AND PROVIDES THAT FROM
THE EFFECTIVE DATE OF
THIS ORDINANCE THROUGH
AND INCLUDING JULY 31,
1995 THE PUBLIC CAPITAL
FACILITIES IMPACT FEE
ATTRIBUTABLE TO INDUSTRIAL
AND/OR WAREHOUSE IMPROVEMENTS
SHALL NOT BE CHARGED TO
THE PAYER BUT SHALL BE PAID
BY ST. JOHNS COUNTY FROM
AVAILABLE NON AD VALOREM
FUNDS WITHIN THE COUNTY'S
GENERAL FUND, 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 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
L158 Oct. 15, 1992