

ORDINANCE NO. 94- 41

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT PROCESSING GROUP, ESTABLISHING PROCESSES AND FEES FOR CONSIDERATION OF PETITIONS FOR CREATION OF COMMUNITY DEVELOPMENT DISTRICTS OF LESS THAN AND GREATER THAN 1000 ACRES OF LAND WITHIN ST. JOHNS COUNTY, PROVIDING FOR ST. JOHNS COUNTY AS THE PETITIONER OR CO-PETITIONER FOR A COMMUNITY DEVELOPMENT DISTRICT, PROVIDING FOR SUBMISSION OF SUPPLEMENTAL INFORMATION, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS: General processes and fees should be established for the consideration of Petitions for establishment of Community Development Districts within St. Johns County, Florida.

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

Section 1. Short Title. Community Development District Processing Ordinance.

Section 2 Purpose. The purpose of this ordinance is to set forth procedures for use by St. Johns County Board of County Commissioners in processing Petitions submitted and filed for land within St. Johns County for the establishment of Community Development Districts.

Section 3. St. Johns County Community Development District Processing Group.

1. A St. Johns County Community Development District Processing Group is authorized for establishment by the County Administrator.

2. This Group shall be appointed by the County Administrator and may include, but need not be limited to, the following individuals or their designees:

- (a) Assistant County Administrator
- (b) Director of Planning and Zoning
- (c) Director of Public Works
- (d) Growth Management Coordinator
- (e) Assistant County Attorney

3. The purpose of this group is to review Petitions for establishment of Community Development Districts and make reports thereon to the County Administrator and the Board of County Commissioners.

Section 4. Community Development Districts for Land Areas 1,000 Acres or more in Size.

1. Any person may petition to establish a District, including public entities.

2. The information in the Petition shall be as set forth in Section 190.005(1)(a), Florida Statutes, and Rule 42-1, Florida Administrative Code.

3. The Petition shall be submitted, along with a non-refundable processing fee of \$15,000 to St. Johns County at least 10 days prior to it being filed with the Florida Land and Water Adjudicatory Commission. A copy of said Petition shall be filed with the County Clerk, a copy with the County Administrator, a copy with the office of the County Attorney and a copy with each of the members of the St. Johns County District Processing Group established by the County Administrator. A copy of said Petition shall also be submitted, on the same day as submitted to the County, to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the District. The Board of County Commissioners may amend the applicable processing fees by resolution, as may be allowed by Florida law.

4. Petitioner may confer informally with members of the District Processing Group prior to official submission of the Petition. Petitioner may informally make non-final drafts of a Petition with attachments available to the County District Processing Group prior to its formal submission and filing.

5. The County shall have forty-five (45) days, or other time period provided by law, from the date of official filing with the State to conduct its optional hearing under Section 190.005(1)(c), Florida Statutes, and Rule 42-1., Florida Administrative Code.

6. The Director of Planning and Zoning and representative of Petitioner shall confer no later than the date of official submission to the County on the contents of a stipulation, including procedural and substantive matters for the processing of the Petition and for the determination of the circumstances under which the County may or may not elect to notice and conduct the optional hearing.

7. The County District Processing Group shall prepare and file with the County Administrator and the Board of County Commissioners a staff report which shall include but not limited to conclusions and recommendations. The report shall be so filed within time sufficient to allow for its consideration at the public hearing within forty-five (45) days after the official filing of the Petition with the State.

Section 4. Community Development Districts for Land Areas Less Than 1,000 Acres in Size.

1. The information in the Petition shall be as set forth in Section 190.005(2)(a), Florida Statutes, and Rule 42-1., Florida Administrative Code.

2. The Petitions to establish Community Development Districts of less than 1000 acres in size shall be submitted to St. Johns County. The original of the Petition shall be filed with the County Clerk, a copy with the County Administrator, a copy with the office of the County Attorney and a copy with the members of the St. Johns County District Processing Group established by the County Administrator. A copy shall also be submitted on the same day as submitted to the County to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the District.

3. When the Petition is filed with the County, the Petitioner shall pay a filing fee of \$15,000 to the County. However, based on written documentation of the County having incurred expenses in excess of \$15,000 for review and processing of a particular proposed Community Development District of less than 1,000 acres in size, the County Administrator may assess the cost of said expenses exceeding \$15,000 for payment by the Petitioner. Such assessment shall be paid prior to final County action on the Community Development District. The County may amend the initial filing fee by resolution.

4. Prior to filing, Petitioner shall coordinate with the Director of Planning and Zoning on time frames, procedures and substantive matters relative to the Petition, and the County and Petitioner may enter into a Stipulation governing these matters. Said Stipulation must be approved by the County Administrator and the office of the County Attorney.

5. Petitioner may meet individually or collectively with the St. Johns County District Processing Group. The St. Johns County Board of County Commissioners may elect to hold a noticed workshop in regards to the Petition.

6. Notice and conduct of the public hearing on whether to grant or deny the Petition to adopt the Ordinance to establish the District shall be by the Board of County Commissioners in accordance with the requirements and proceedings of Section 190.005(2)(b), Florida Statutes.

7. The Petition shall be deemed completed if it contains responses to the matters required to be contained in the Petition by Section 190.005(1)(a), Florida Statutes. The Director of Planning and Zoning shall determine completeness of the Petition and notify the Petitioner of his determination no later than fifteen (15) working days from the date of filing by certified letter, return receipt requested. If the Director of Planning and Zoning determines the Petition to be incomplete, Petitioner shall have fifteen (15) working days from official notification thereto, to refile the petition. These procedures may be varied, and any alternative procedures may be put into effect, between the County Administrator and representatives of the Petitioner by Stipulation referenced above.

8. The Petition and its attachments shall be determined sufficient to commence the process of County consideration by the Director of Planning and Zoning within fifteen (15) working days from determination of completeness. Sufficiency shall mean that the responses to the contents of the Petition shall have enough information with which the County may begin the process of consideration. These matters dealing with sufficiency of the petition and its attachments may be modified by mutual agreement between the County Administrator and representatives of the Petitioner in the Stipulation referenced above.

9. Notwithstanding any other provision in this ordinance, the St. Johns County Board of County Commissioners may, within ninety (90) days after a Petition has been filed, transfer the Petition to the Florida Land and Water Adjudicatory Commission for processing and approval or denial, and the County shall thereafter have no right or power to grant or deny the said Petition that has been transferred to the Florida Land and Water Adjudicatory Commission.

10. The St. Johns County District Processing Group shall have thirty (30) working days from the date of determination of sufficiency of the Petition and its attachments to prepare and file with the Board of County Commissioners, the County Administrator and office of the County Attorney, a report which shall include conclusions and recommendations for consideration by the Board of County Commissioners by non-emergency ordinance procedures of the relationship of its petition and its attachments to the factors listed in Section 190.005(1)(e), Florida Statutes. If the Petitioner wishes to

submit supplementary information with regard to the factors to be considered by the Board of County Commissioners, in order to assist the St. Johns County District Processing Group in making its report, Petitioner shall submit such supplemental information no later than five (5) days after the date of official determination of sufficiency of the Petition and its attachments. Said report shall contain a conclusion with regard to each of the statutory factors in Section 190.005(1)(e), Florida Statutes. The time frames and procedures involved in consideration of the said factors, the Petition and its attachments and any supplementary information filed, may be modified by the County Administrator and Petitioner by mutual agreement in the above-referenced Stipulation.

11. In any event, unless modified by the Stipulation between the County and Petitioner, the Board of County Commissioners of St. Johns County shall conduct a noticed and non-emergency hearing on whether to adopt the Ordinance to establish the District no later than four weeks from the date of receipt of the report and conclusions from the St. Johns County District Processing Group.

12. At the hearing, the Board of County Commissioners of St. Johns County shall consider the information of record, including the Petition and its attachments, any supplementary information and the report and conclusions of the St. Johns County District Processing Group, in the light of the six statutory factors in making its determination to grant or deny a Petition to establish a Community Development District by Ordinance to serve lands less than 1,000 acres in size. The process establishing a District by County Ordinance shall be based on the statutory factors and any other relevant or material information allowed by law.

13. The Ordinance creating a Community Development District is not a Development Order within the meaning of Chapter 380 or Chapter 163, Florida Statutes. Such District as established by Ordinance shall not have the power of a local government to adopt a Comprehensive Plan, Building Code or Land Development Code and the District shall take no action which is inconsistent with applicable St. Johns County Comprehensive plans, Ordinance or Regulations governing the use of the land in the planning, permitting and approval of the development to be serviced by the Development District. All developmental planning, environmental and land development laws, regulations and ordinance shall apply to all development of the land to be serviced by the District. The Ordinance establishing the District shall include: (1) the description of the external boundaries of the District and of any real property within the external boundaries of the District which is to be excluded; (2)

the names of the five persons designated in the petition to be the initial members of the Board of Supervisors; (3) the name of the District and for other matters required or allowed by law or ordinance.

Section 5. County as Petitioner or Co-Petitioner.

1. The Board of County Commissioners may petition the Florida Land and Water Adjudicatory Commission to establish a Community Development District to provide systems, facilities and services for lands the size of 1,000 acres or more and shall follow the procedures in Section 190.005(1), Florida Statutes.

2. The Board of County Commissioners may also co-petition with any other Petitioner for the establishment of a District to provide systems, facilities and services to lands of 1,000 acres or more in size.

3. The Board of County Commissioners of St. Johns County may also decide by duly noticed non-emergency ordinance to establish a Community Development District to service land areas less than 1,000 acres in size in accordance with the provisions of Section 190.005(2).

Section 6. Additional Requirements for All Petitions.

1. In addition to the information required in the Petition and its attachments by law, the County may require the Petitioner to submit documentation providing relevant material and pertinent information necessary for the consideration of the factors referenced in Section 190.005(1)(e) or 190.005(2)(c), Florida Statutes. The purpose of such information shall be:

- a. to establish that appropriate planning, engineering, economic, management and other expertise, as may be appropriate, has been provided and applied to information in the particular Petition and to the statutory factors to be considered; and
- b. to establish that in the process of applying said expertise to said factors, if any unusual matter or problem has arisen, then the information from these experts has been applied to identify that problem and discuss and propose how it can be resolved.

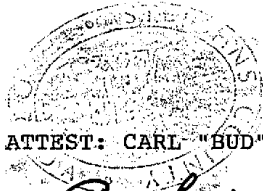
Section 7. Effective Date.

1. This Ordinance shall take effect immediately upon receipt of official acknowledgement from this 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 27 day of  
September, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Alan Roberts  
Its Chair



ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl "Bud" Markel  
Clerk

EFFECTIVE DATE: October 6, 1994

# The St. Augustine Record

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

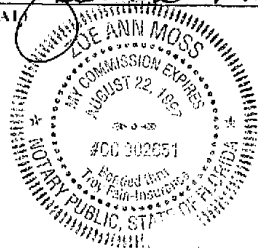
STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared \_\_\_\_\_  
Barbara Dresslar \_\_\_\_\_ 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 Intent \_\_\_\_\_  
\_\_\_\_\_ in the matter of \_\_\_\_\_  
Consider enactment of Community Development Districts \_\_\_\_\_  
\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of \_\_\_\_\_  
Aug. 31, 1994

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.

Sworn to and subscribed before me Barbara Dresslar  
Zoe Ann Moss  
this 31st day of Aug.  
A.D. 19 94

Zoe Ann Moss  
Notary Public



## 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, September 27, 1994, at 1:30 p.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:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT PROCESSING GROUP, ESTABLISHING PROCESSES AND FEES FOR CONSIDERATION OF PETITIONS FOR CREATION OF COMMUNITY DEVELOPMENT DISTRICTS OF LESS THAN AND GREATER THAN 1000 ACRES OF LAND WITHIN ST. JOHNS COUNTY, PROVIDING FOR ST. JOHNS COUNTY AS THE PETITIONER OR CO-PETITIONER FOR A COMMUNITY DEVELOPMENT DISTRICT, PROVIDING FOR SUBMISSION OF SUPPLEMENTAL INFORMATION, AND PROVIDING 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 this public hearing.

If a person decides to appeal any decision made with respect to any matter considered of the hearing, he/she will need a record of the proceedings, and for such purpose 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 OF PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact, ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32093. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770, no later than 7:00 p.m. prior to the date of this hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL, ITS CLERK  
By Yvonne Carter, Deputy Clerk  
1994 Aug. 31, 1994