

ORDINANCE NO. 95 - 5

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE CONCURRENCY EXEMPTION ORDINANCE 91-6 BY EXTENDING THE TIME FOR COMPLETION OF THE PUBLIC FACILITIES REPORT REQUIRED BY SECTION 9.3 AND EXTENDING THE DURATION OF ALL CONCURRENCY EXEMPTIONS GRANTED PURSUANT TO ORDINANCE 91-6 AND ORDINANCE 94-08; REPEALING ORDINANCE NO. 94-08; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance 91-6 (hereinafter the "Concurrency Exemption Ordinance") provides in Section 9.4 that the duration of all concurrency exemptions granted pursuant thereto shall be three years from March 4, 1991, the effective date thereof (the "Effective Date"), at which time they shall expire unless extended because the public facilities report described in and required by Section 9.3 of the Concurrency Exemption Ordinance (the "Public Facilities Report"), indicates that such exemptions should be extended because adequate public facilities and services are available to support existing development, projected development, and projects with approved exemptions at the adopted levels of service standards; and

WHEREAS, Ordinance No. 94-08 amended Section 9.3 of the Concurrency Exemption Ordinance to provide that the Public Facilities Report shall be prepared within four years from the Effective Date thereof.

WHEREAS, additional time is needed to prepare the Public Facilities Report and analyze methodologies to effectively address the findings of such Report; and

WHEREAS, all concurrency exemptions granted pursuant to the Concurrency Exemption Ordinance should remain in effect until the Public Facilities Report has been prepared and considered by the Board of County Commissioners;

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

Section 1. Section 9.3 of the Concurrency Exemption Exemption Ordinance 91-6 is deleted and the following Section 9.3 is substituted in its place.

"Section 9.3 Public Facilities Report. Within five (5) years of the Effective Date of this Ordinance, the Department shall determine whether adequate public facilities and services are available to support existing development, projected development, Categorically Exempt Projects and Projects with approved Concurrency Exemption Determinations at the Adopted Level of Service standards, and shall prepare a Public Facilities Report for public inspection.

9.3.1 Extension of Concurrency Exemption Determinations or Categorical Exemptions. If the Public Facilities Report indicates that adequate public facilities and services are available to support existing development, projected development, Categorically Exempt Projects and Projects with approved Concurrency Exemption Determinations at the Adopted Level of Service standards, the Board may determine that some or all Projects with Concurrency Exemption Determinations and all Categorically Exempt Projects shall be deemed exempt from the standards and requirements of the Concurrency Management Ordinance for an additional period of time.

9.3.2 Termination of Concurrency Exemption Determinations or Categorical Exemptions. If the Public Facilities Report indicates that adequate public facilities and services are not available to support existing development, projected development, Categorically Exempt Projects and Projects with approved Concurrency Determinations at the Adopted Levels of Service standards, Projects with Concurrency Exemption Determinations or Categorically Exempt Projects that have not commenced construction shall thereafter become subject to the standards and requirements of the Concurrency Management Ordinance.

9.3.3 Notice and Hearing Required. Projects with Concurrency Exemption Determinations or Categorically Exempt Projects shall not become subject to the Concurrency Management Ordinance unless the Board

specifies the additional period of time for which such Projects shall be exempt from the Concurrency Management Ordinance, or determines that such Projects are no longer exempt from the Concurrency Management Ordinance, pursuant to an Ordinance or Resolution adopted in accordance with Florida Statutes Section 125.66(6), Laws 1990, c.90-152, or any successor statutes or amendments thereto."

Section 2. Section 9.4 of the Concurrency Exemption Ordinance 91-6 is hereby deleted and the following Section 9.4 is substituted in its place.

"9.4 Duration

9.4.1 Categorical Exemptions. Categorically Exempt Projects shall not be subject to the Concurrency Management Ordinance for a period of five (5) years from the original effective date of this Ordinance, unless such period shall be extended by action of the Board as set forth in Section 9.3

9.4.2 Concurrency Exemption Determinations. Projects which have received Concurrency Exemption Determinations shall remain exempt from the provisions of the Concurrency Management Ordinance for a period of not longer than five (5) years from the effective date of this Ordinance, unless such period is extended by action of the Board as set forth in Section 9.3. The duration of a Concurrency Exemption Determination shall be expressly included in the written decision of the Committee and, if applicable, the Final Decision of the Board and shall be shown on the Concurrency Exemption Determination Form; provided however, that if the Committee or the Board fail to include the duration of a Concurrency Exemption Determination in the Concurrency Exemption Determination Form, the duration shall be presumed to be five (5) years from the effective date of this Ordinance."

Section 3. The above described concurrency exemptions shall expire on March 4, 1996 unless further extended by the Board of County Commissioners pursuant to the provisions of Section 9.3 of the Concurrency Exemption Ordinance, as amended by the provisions of this Ordinance.

Section 4. All other provisions of the Concurrency Exemption Ordinance not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 5. Ordinance 94-08 is hereby repealed.

Section 6. This Ordinance shall take effect immediately upon receipt of official acknowledgment of 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 the Department of State.

ENACTED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 28th DAY OF MARCH, 1995.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

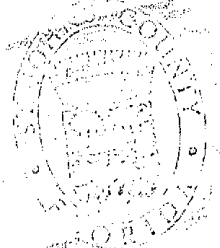
BY: *Barbara Ward*
ITS CHAIRMAN

ATTEST: *Bob Marshall*
CLERK OF THE CIRCUIT COURT AND EX-OFFICIAL CLERK
OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS
COUNTY, FLORIDA

BY: *Jeanne Carter*
DEPUTY CLERK

c:ceoxten

EFFECTIVE DATE: April 10, 1995



COPY OF ADVERTISEMENT

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

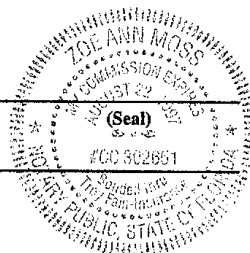
Before the undersigned authority personally appeared _____
Barbara Dresslar _____ who on oath says that she is
Accounting Clerk _____ of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a _____
Display Ad _____

in the matter of _____
Amend Concurrency Exemption Ordinance 91-6 _____
in the _____ Court, was published in said newspaper in the
issues of Mar. 7, 1995 _____

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 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 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 this 21st day of Mar., 1995,
by Barbara Dresslar who is personally
known to me or who has produced personally known as
(Type of Identification)
identification.

Zoe Ann Moss
(Signature of Notary Public)
Zoe Ann Moss
(Print, Type or Stamp Commissioned Name of Notary Public)



**NOTICE OF PUBLIC HEARINGS OF THE
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS
TO AMEND THE CONCURRENCY EXEMPTION ORDINANCE 91-6**

The Board of County Commissioners of St. Johns County proposes to amend the Concurrency Exemption Ordinance 91-6. The public hearings on the Draft Revised Concurrency Exemption Ordinance will be held at regular meetings at 5:30 p.m. Tuesday, March 14, 1995 and Tuesday, March 28, 1995 in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida. At such hearings, the Board of County Commissioners will hear comments from the public and at the March 28, 1995 meeting will consider and take action on the following Ordinance:

ORDINANCE 95-

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA AMENDING THE CONCURRENCY EXEMPTION ORDINANCE 91-6 BY EXTENDING THE TIME FOR COMPLETION OF THE PUBLIC FACILITIES REPORT REQUIRED BY SECTION 9.3 AND EXTENDING THE DURATION OF ALL CONCURRENCY EXEMPTIONS GRANTED PURSUANT TO ORDINANCE 91-6 AND ORDINANCE 94-08; REPEALING ORDINANCE NO. 94-08; AND PROVIDING AN EFFECTIVE DATE.

The Amendment consists of revisions to Ordinance Section 9.3 which provides an additional year for the County to prepare the Public Facilities Report and to Section 9.4 which extends by one year the duration of the concurrency exemptions granted pursuant to the Ordinance.

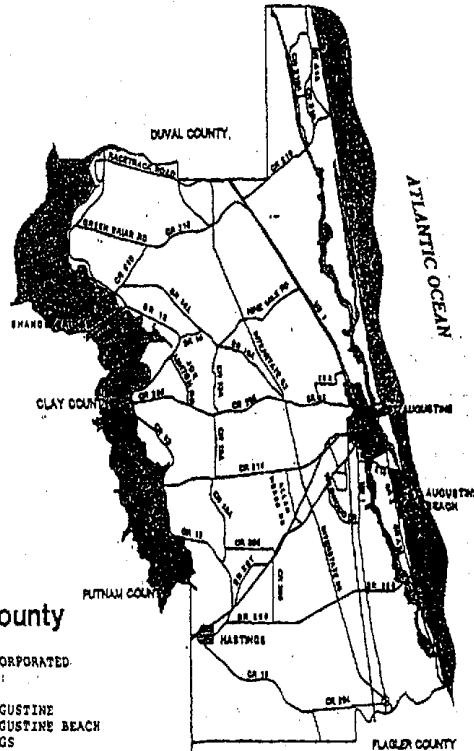
The Draft Amendment is available for review in the office of the Clerk of the Board of County Commissioners and the Planning and Zoning Office at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida and the County libraries and may be examined prior to public hearing. All interested parties shall be granted an opportunity to be heard at said public hearings.

NOTICE TO 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 the proceeding should contact, ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32095. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD); (904) 823-2501 or Florida Relay Service: 1-800-955-9770, no later than 5 days prior to the date of this meeting.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, such person 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.

St. Johns County Board of County Commissioners
Carl "Bud" Markel, Clerk of Court
By Irma Pacetti, Clerk



St. Johns County

EXCLUDING THE INCORPORATED MUNICIPALITIES OF:

- CITY OF ST. AUGUSTINE
- CITY OF ST. AUGUSTINE BEACH
- TOWN OF HASTINGS

COPY OF ADVERTISEMENT

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 Display Ad

in the matter of Concurrency Exemption Ordinance

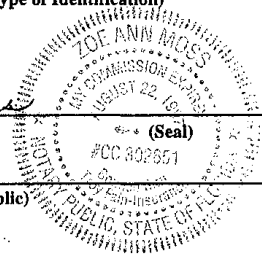
in the _____ Court, was published in said newspaper in the
issues of Mar. 23, 1995

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 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 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 this 27th day of Mar., 19 95,
by Barbara Dresslar who is personally
known to me or who has produced personally known as
(Type of Identification)
identification.

Zoe Ann Moss
(Signature of Notary Public)

Zoe Ann Moss
(Print, Type or Stamp Commissioned Name of Notary Public)



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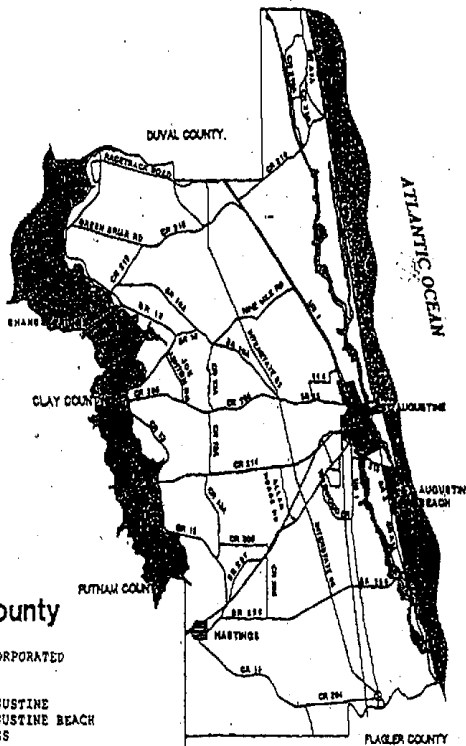
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St. Johns County Board of County Commissioners
Carl "Bud" Markel, Clerk of Court
By Irma Pacetti, Clerk



St. Johns County

EXCLUDING THE INCORPORATED MUNICIPALITIES OF:

- CITY OF ST. AUGUSTINE
- CITY OF ST. AUGUSTINE BEACH
- TOWN OF HASTINGS



FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
401 South Monroe Street
Tallahassee, Florida 32399-0250
(904) 488-8427

RECEIVED
ST. JOHNS COUNTY CLERK

'95 APR 10 P1:45

Carl Paul Markel
CLERK, COUNTY COMMISSIONER

April 6, 1995

Honorable Carl Markel
Clerk to Board of County Commissioners
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Yvonne Carter, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated April 4, 1995 and certified copy each of St. Johns County Ordinance Nos. 95-5 and 95-6, which were filed in this office on April 6, 1995.

We notice that you did not include the Data Retrieval System Coding Form for the above ordinances and for Numbers 95-01 through 95-04. This information is needed to keep our index system updated. Attached are forms and information to help you provide us with this information and for future use.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

Attachments: Coding forms
Keyfield descriptor chart