

ORDINANCE NO. 96 - 35

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE CONCURRENCY EXEMPTION ORDINANCE 91-6 AS AMENDED 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 AS AMENDED AND ORDINANCE 95-5; 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. 95-5 amended Section 9.3 of the Concurrency Exemption Ordinance to provide that the Public Facilities Report shall be prepared within five 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 Ordinance 91-6, as amended, is deleted and the following Section 9.3 is substituted in its place.

"Section 9.3 Public Facilities Report. By October 30, 1996 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, Categorical 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, Categorical 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 Categorical 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, Categorical Exempt Projects and Projects with approved Concurrency Determinations at the Adopted Levels of Service standards, Projects with Concurrency Exemption Determinations or Categorical 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 Categorical 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, as amended, is hereby deleted and the following Section 9.4 is substituted in its place.

"9.4 Duration

9.4.1 Categorical Exemptions. Categorical Exempt Projects shall not be subject to the Concurrency Management Ordinance for a period through

October 30, 1996, 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 through October 30, 1996 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 October 30, 1996.

Section 3. The above described concurrency exemptions shall expire on October 30, 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. This Ordinance shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

ENACTED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 28th DAY OF MAY, 1996.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY *Donald Jordan*
ITS CHAIRMAN-Don Jordan

ATTEST Carl "Bud" Markel, Clerk

BY *Patricia DeMaide*
Deputy Clerk

Effective Date June 5, 1996

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

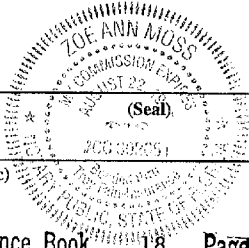
Before the undersigned authority personally appeared _____
Julia Meeks who on oath says that she is
Accounting Clerk of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida;
that the attached copy of advertisement, being a _____
Display Ad
in the matter of Notice of Public Hearing
in the _____ Court, was published in said newspaper in the
issues of May 6, 1996

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 6th day of May, 1996,
by Julia Meeks 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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**NOTICE OF PUBLIC HEARINGS BY THE
ST. JOHNS COUNTY
BOARD OF COUNTY COMMISSIONERS
TO AMEND THE
CONCURRENCY EXEMPTION ORDINANCE 91-6:**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, proposed to amend the Concurrency Exemption Ordinance 91-6. The public hearings on the Draft Revised Concurrency Exemption Ordinance will be held at their regular meeting on Tuesday, May 14, 1996, at 1:30 p.m. and on May 28, 1996, at 5:30 p.m., in the County Auditorium at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. 1 North), St. Augustine, Florida. At such hearings, the Board of County Commissioners will hear comments and interested parties may appear at the meetings and be heard regarding the transmittal or adoption of the amendment to the Concurrency Exemption Ordinance 91-6. At the May 28, 1996, hearing, the Board will consider and take action on the following Ordinance and the map is attached:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE CONCURRENCY EXEMPTION ORDINANCE 91.6 AS AMENDED 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 AS AMENDED AND PROVIDING AN EFFECTIVE DATE.

The Amendment consists of revisions to Ordinance Section 9.3 which extends the time for completion of the Public Facilities Report and to Section 9.4 which extends to October 30, 1996, the duration of the concurrency exemptions granted pursuant to the Ordinance.

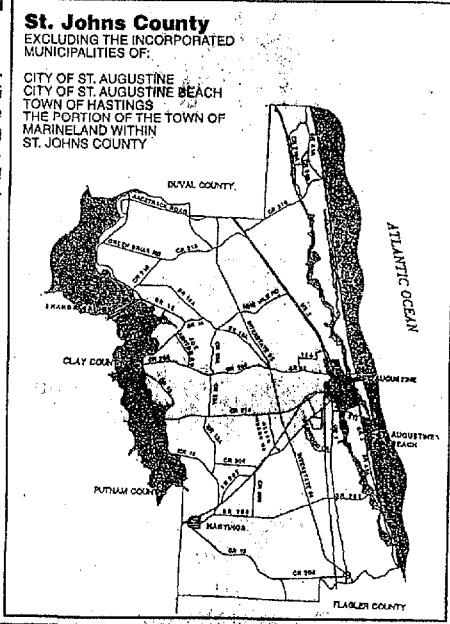
The Draft Amendment is on file in the Office of the Clerk of the Board of County Commissioners and in the Planning and Zoning Office. Both offices are located at the St. Johns County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. 1 North), St. Augustine, Florida, and may be examined by interested parties prior to the public hearings.

If any person decides to appeal any decision made with respect to any matter considered at the meeting 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 PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation or interpreter to participate in this meeting should contact, David Halstead, ADA Coordinator, at (904) 823-2505 or at the County Administrative Complex, 4020 Lewis Speedway, 2nd Floor, St. Augustine, Florida 32095. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): 823-2501 or Florida Relay Service 1-800-955-8770, no later than 5 days prior to the date of this meeting.

Board of County Commissioners
of St. Johns County
Carl "Bud" Markel, Clerk

By: *Rosemary Lewis*
Rosemary Lewis, Deputy Clerk



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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 _____

Julia Meeks who on oath says that she is

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daily newspaper published at St. Augustine in St. Johns County, Florida:

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Display Ad

in the matter of Notice of Public Hearings - Ordinance 91-6

in the _____ Court, was published in said newspaper in the

issues of May 20, 1996

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 23rd day of May, 1996,

by Julia Meeks who is personally

known to me or who has produced personally known as

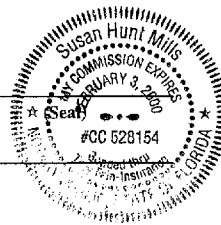
identification. (Type of Identification)

Susan Hunt Mills

(Signature of Notary Public)

Susan Hunt Mills

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



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ST. JOHNS COUNTY
BOARD OF COUNTY COMMISSIONERS
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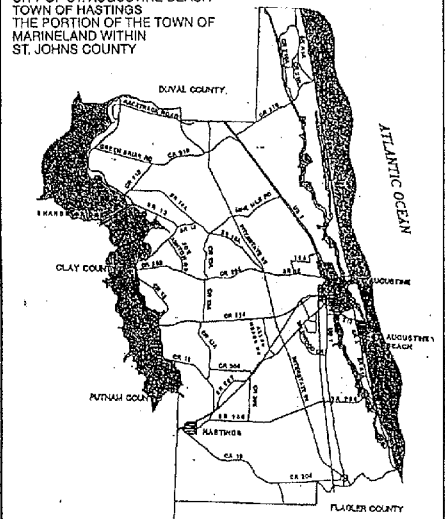
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Board of County Commissioners
of St. Johns County
Carl "Bud" Markel, Clerk

By: *Rosemary Lewis*
Rosemary Lewis, Deputy Clerk

St. Johns County
EXCLUDING THE INCORPORATED
MUNICIPALITIES OF:

CITY OF ST. AUGUSTINE
CITY OF ST. AUGUSTINE BEACH
TOWN OF HASTINGS
THE PORTION OF THE TOWN OF
MARINELAND WITHIN
ST. JOHNS COUNTY



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