

ORDINANCE NO. 96- 63

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING THE CONCURRENCY EXEMPTION ORDINANCE 91-6 AS AMENDED; REPEALING SECTION 9.4 DURATION, AND SUBSECTIONS 9.4.1 CATEGORICAL EXEMPTIONS AND SUBSECTION 9.4.2 CONCURRENCY EXEMPTION DETERMINATIONS AND REPLACING SECTION 9.4 AND SUBSECTIONS 9.4.1 AND 9.4.2 REQUIRING ANNUAL MONITORING REPORTS FOR CERTAIN DEVELOPMENTS AND EVIDENCE OF COMMENCEMENT OF CONSTRUCTION AND CONTINUING IN GOOD FAITH FOR THE EXEMPTIONS TO CONTINUE AFTER DESIGNATED DATES; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. St. Johns County Ordinance 91-6 Concurrency Exemption Ordinance is hereby amended by deleting Section 9.4, and Subsections 9.4.1 and 9.4.2 thereof and by adding and substituting Section 9.4 and Subsections 9.4.1 and 9.4.2 as follows:

9.4 Duration.

9.4.1 Categorical Exemptions.

A. Subdivisions that were recorded prior to June 19, 1978 shall not be subject to the Concurrency Management Ordinance.

B. Subdivisions that have received final plat approval by the Board of County Commissioners prior to March 4, 1991, the effective date of the Concurrency Exemption Ordinance and the Concurrency Management Ordinance shall not be subject to the Concurrency Management Ordinance.

C. The categorical exemptions for Planned Special Developments and portions of Planned Unit Developments that have received Final Development Plan Approval by the Board of County Commissioners prior to March 4, 1991 shall be extended for one additional year through October 30, 1997. A construction status report shall be submitted by May 1, 1997 and annually thereafter through build out. The report shall be examined to determine whether that development has commenced and is continuing in good faith and is consistent with its phasing schedule. Those developments or portions of developments which have not commenced, or continued physical construction in the reporting year, or have failed to receive a Final Development Plan, plat, or building

permit, or are not developing in good faith and according to the phasing schedule shall be subject to the Concurrency Management Ordinance.

D. Projects with final Local Development Orders issued prior to March 4, 1991 shall not be subject to the Concurrency Management Ordinance unless physical construction has not commenced. If physical construction has not commenced, the project shall be subject to the Concurrency Management Ordinance. (Final Local Development Order is defined as a currently valid building permit issued by the Building Department, Subsection 5.15).

E. Projects or part of Projects within and consistent with current valid development orders for Developments of Regional Impact issued prior to September 14, 1990 shall not be subject to the Concurrency Management Ordinance except as otherwise allowed by Florida law and County Ordinance. Substantial Deviations as defined by 380.06 (19) Florida Statutes shall be subject to the Concurrency Management Ordinance to the extent allowed by Florida law and County Ordinance.

F. Appeal. A determination by the Director of Planning of a development's failure to otherwise obtain vesting in order to continue development without meeting the requirements of concurrency may be appealed to the County Administrator. The County Administrator may grant such vesting upon a determination that the Project qualifies for an exemption under this Ordinance or the Project qualified for common law vesting. The Director of Planning may grant an extension of time to file the required annual report upon a showing by the applicant, or successor, that strict enforcement would cause undue hardship because of circumstances beyond the applicant's or successor's control. Requests for extension shall be submitted to the Director thirty days prior to the due date for the annual report.

9.4.2 Concurrency Exemption Determinations.

A. The exemptions for Projects which have received Concurrency Exemption Determinations through December 31, 1995, and which have not built out, and which have been extended by the Board of County Commissioners through October 30, 1996 shall be extended through October 30, 1997. A construction status report shall be submitted by May 1, 1997 and annually thereafter through build out. The report shall be examined to determine whether development has commenced and is continuing in good faith and is consistent with its phasing schedule. Subject to this paragraph, after October 30, 1997 those projects or portions of

projects which have not commenced physical construction or have failed to receive a Final Development Plan, plat, or building permit, or are not developing in good faith and according to their phasing schedules, shall be subject to the Concurrency Management Ordinance.

B. For Projects which received Concurrency Exemption Determinations in 1996, a construction status report shall be submitted by May 1, 1998 and annually thereafter until build out. The report shall be examined to determine whether development has commenced and is continuing in good faith, and is consistent with its phasing schedule. Subject to this paragraph, after May 1, 1998, those projects or portions of the projects which have not commenced physical construction or have failed to receive a Final Development Plan, plat, or building permit, or are not developing in good faith and according to their phasing schedules, shall be subject to the Concurrency Management Ordinance.

C. Appeal. A determination by the Director of Planning of a development's failure to otherwise obtain vesting in order to continue development without meeting the requirements of concurrency may be appealed to the County Administrator. The County Administrator may grant such vesting upon a determination that the Project qualifies for an exemption under this Ordinance or the Project qualified for common law vesting. In addition, the Director of Planning may grant an extension of time to file the required annual report upon a showing by the applicant, or successor, that strict enforcement would cause undue hardship because of circumstances beyond the applicant's or successor's control. Requests for extensions shall be submitted to the Director thirty days prior to the due date for the annual report..

Section 2. Effective Date. This Ordinance shall take effect upon receipt by the Secretary of State.

ENACTED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 5th DAY OF NOVEMBER, 1996.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

By: Donald Jordan
Its Chairman, Don Jordan

ATTEST: Carl "Bud" Markel, Clerk

BY: Carl "Bud" Markel EFFECTIVE DATE: November 14, 1996
Clerk

CEO AMENDMENT OCTOBER 28, 1996. BCC HEARING Nov. 5, 1996 PAGE 3

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

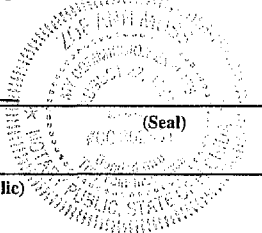
in the matter of Notice of Public Hearings on Public Facilities Report
& Establishing a Temporary Moratorium

in the _____ Court, was published in said newspaper in the
issues of Oct. 15, 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 22nd day of Oct., 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) (Seal)
Zoe Ann Moss
(Print, Type or Stamp Commissioned Name of Notary Public)



Ordinance Book 18 Page 499

Beth Israel Deaconess Medical approval until next year or later

NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS BOARD OF COUNTY COMMISSIONERS ON PUBLIC FACILITIES REPORT AND AMENDMENTS TO THE CONCURRENCY EXEMPTION ORDINANCE 91-6 AND ESTABLISHING A TEMPORARY MORATORIUM ON THE CONSTRUCTION OF COMMUNICATION PURPOSE TOWERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County Florida proposes to adopt or change by Ordinance regulations affecting the use of land for the unincorporated areas of St. Johns County Florida being the areas of land shown on the map in this advertisement. The title of these ordinances are:

Ordinance 95
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING THE CONCURRENCY EXEMPTION ORDINANCE 91-6 AS AMENDED, REPEALING SECTION 9-4 DURATION AND SUBSECTIONS 9-4-1 CATEGORICAL EXEMPTIONS AND SUBSECTION 9-4-2 CONCURRENCY EXEMPTION DETERMINATIONS AND REPLACING SECTION 9-4 AND SUBSECTIONS 9-4-1 AND 9-4-2 WHICH REQUIRE ANNUAL MONITORING REPORTS FOR CERTAIN DEVELOPMENTS AND EVIDENCE OF COMMENCEMENT OF CONSTRUCTION AND CONTINUING IN GOOD FATHER FOR THE EXEMPTIONS TO CONTINUE AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 96
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA MAKING FINDINGS, FINDING AN EMERGENCY NEED FOR A MORATORIUM, ESTABLISHING A TEMPORARY MORATORIUM ON ISSUANCE OF ALL DEVELOPMENT ORDERS, DEVELOPMENT PERMITS, BUILDING PERMITS, REZONING, VARIANCES, EXCEPTIONS AND MODIFICATIONS TO PLANNED UNIT DEVELOPMENTS AND PLANNED SPECIAL DEVELOPMENTS WHICH PERMIT OR ALLOW CONSTRUCTION OR OTHER DEVELOPMENTS WHICH PERMIT OR ALLOW CONSTRUCTION OR OTHER DEVELOPMENT OF A COMMUNICATION PURPOSE TOWER PROVIDING FOR WAIVERS EXCLUDING INCORPORATED AREAS AND CERTAIN FEDERAL AND STATE OWNED LANDS, PROVIDING A SAVINGS CLAUSE AND PROVIDING EFFECTIVE AND EXPIRATION DATES.

Public hearings on the proposed Concurrency Exemption Ordinance Amendments and Temporary Moratorium Ordinance on Communication Purpose Towers will be held at regular meetings on Tuesday, October 22, 1996 at 5:30 p.m. and a special meeting on Tuesday, November 5, 1996 at 1:30 p.m. Both hearings will be held in the St. Johns County Auditorium, County Administrative Complex, 4020 Lewis Speedway (CR 16 A and U.S. 1 North) St. Augustine, Florida 32095. At the hearings, the St. Johns County Board of County Commissioners will hear comments from the public and at the November 5, 1996 hearing will consider and may take action on the above described Ordinances.

The proposed Ordinance Amendments, Public Facilities Report and Temporary Moratorium Ordinance on Communication Purpose Towers are on file in the office of the Clerk of the Board of County Commissioners, County Administrative Complex, 4020 Lewis Speedway (CR 16 A and U.S. 1 North) St. Augustine, Florida 32095 and at the County libraries and may be examined by parties interested prior to said public hearings.

All parties having any interest in said Ordinances will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at these hearings, 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.

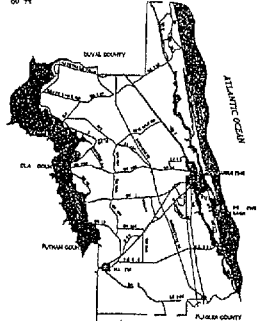
St. Johns County

St. Johns County
1000 N. ...
St. Augustine, FL 32095

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 or interpreter to participate in these proceedings 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), 823-2501 or Florida Relay Service, 1-800-955-8770, no later than 5 days prior to the dates of these hearings.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CARL "BUD" MARKEL, ITS CLERK

By: *Lenora Johnson*
Lenora Johnson, Deputy Clerk



Call Loan

Home improvement loans
an answer in 30 minutes on lo

QUALIFOLLO LENDER ©1996 Barnett Banks, Inc. FDIC

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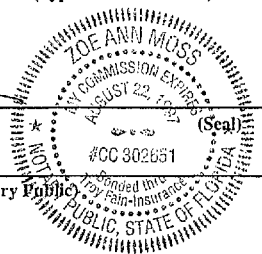
in the matter of Notice of Public Hearing - Ordinance 91-6
& Establishing a Temporary Moratorium

in the _____ Court, was published in said newspaper in the
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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 30th day of Oct., 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)



**OF FLORIDA
F COMMUNITY AFFAIRS
INTENT TO FIND
OF ST. AUGUSTINE
VE PLAN AMENDMENT
OMPLIANCE
16-2B-NOI-5503-(A)-(I)**

notice of its intent to find the comprehensive Plan for the City of St Augustine pursuant to Sections 163 3189, FS

t Augustine Comprehensive Plan department's Recommendations and any) are available for public Friday except for legal holidays hours at the City of St Augustine Building Division, City Hall, 75 King rida 32085

defined in Section 163 3184, FS, for an administrative hearing to d agency determination that the of St Augustine Comprehensive ce as defined in Subsection etition must be filed within twenty- blication of this notice, and must ion and contents described in Rule e petition must be filed with the ent of Community Affairs, 2555 l, Tallahassee, Florida 32399-2100, lvered to the local government. etition shall constitute waiver of any istrative proceeding as a petitioner S. If a petition is filed, the purpose ring will be to present evidence and l a recommended order to the n is filed, this Notice of Intent shall on

r affected persons may petition for the proceeding A petition for d at least five (5) days before the include all of the information and ile 60Q 2 010 F A C A petition for all be filed at the Division of s Department of Management lee Parkway, Tallahassee Florida petition to intervene within the titutes a waiver of any right such a hearing under Section 120 57, FS ministrative hearing

s Charles G Pattison, Director
Department of Community Affairs
Division of Resource Planning
and Management
2555 Shumard Oak Boulevard
Tallahassee Florida 32399-2100

**NOTICE OF PUBLIC HEARINGS OF
THE ST. JOHNS BOARD OF COUNTY
COMMISSIONERS ON PUBLIC
FACILITIES REPORT AND
AMENDMENTS TO THE
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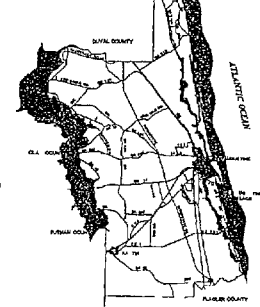
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St Johns County

AS F. HOD. SEAL
CLERK OF THE BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA



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BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CARL BUD MARKEL, ITS CLERK

By Theresa M. Newkome
Theresa M. Newkome, Deputy Clerk