

ORDINANCE NO. 97- 33

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY AUTHORIZING WAIVER OF THE FILING FEES FOR ZONING EXCEPTIONS, VARIANCES, AND APPEALS FOR EXCEPTIONS AND VARIANCES, IN CASES INVOLVING EXCEPTIONAL AND DEMONSTRABLE FINANCIAL HARDSHIP OF THE PROPERTY OWNER, OR IN CERTAIN CASES PRECIPITATED BY A NATURAL DISASTER, FIRE, FLOOD, VANDALISM, OR OTHER SUDDEN PHYSICAL CAUSE.

WHEREAS, from time to time individual citizens in St. Johns County have a bonafide need for a zoning exception, variance, or appeal, and can not practically afford the filing fee amount, or suffer an unexpected property loss due to a natural disaster, fire, flood, vandalism, or other sudden physical cause; and

WHEREAS, St. Johns County Resolution 96-167 establishes a schedule of fees for certain County Departments and said Resolution includes zoning filing fees; and

WHEREAS, there exists stated filing fees for zoning exceptions, variances, and appeals to the Board of County Commissioners for exceptions and variances; and

WHEREAS, St. Johns County Resolution 96-167, Section 3 provides that if the Board of County Commissioners finds that it is in the best interest of the County and will serve a public purpose, the Board of County Commissioners may waive any fee set by St. Johns County Resolution 96-167.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County that:

1. All of the above Whereas clauses are duly made findings of this Ordinance.
2. In a case of exceptional and demonstrable financial hardship, or in the case of an individual property loss due to a natural disaster, fire, flood, vandalism, or other sudden physical cause, it is deemed to be in the best interest of the County and serve a public purpose to waive the zoning exception, variance, or appeal filing fees on a case by case basis, in that the citizen involved in such extremis circumstances would likely otherwise burden or more greatly burden other County services but for the waiver.
3. The waiver of an exception, variance, or appeal filing fee for the purposes of mitigating exceptional and demonstrable financial hardship, or unexpected property loss due to a natural disaster, fire, flood, vandalism, or other sudden physical cause, shall be deemed a Humanitarian Waiver.

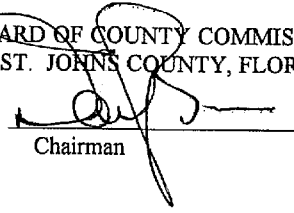
4. The County Administrator, or his designee, shall investigate the facts of any application for a Humanitarian Waiver, and is hereby given the authority to grant such waivers in a case by case basis under the provisions of this Ordinance. Upon receipt of any such application, the County Administrator shall immediately notify and forward a copy of the application to the District Commissioner of the District the application pertains to.
5. In the event that the County Administrator, or his designee finds that the Humanitarian Waiver requirements are not met in a particular case, the applicant in that particular case shall have the right of expeditious appeal to the Board of County Commissioners.
6. The following criteria shall be used in evaluating an application for a Humanitarian Waiver:
 - a. The exception, variance, or appeal shall apply only to a habitation structure (building, trailer, etc.), which would constitute the sole habitation structure owned by the applicant property owner; and,
 - b. the property owner can demonstrate that payment of the applicable filing fee constitutes a practical impossibility, and the property owner is in either the "low-income," or "very low-income" bracket, as defined:
 - i) low-income: the property owner, and his household, has a total annual adjusted gross household income that does not exceed 80% of the median annual gross income for households within the state, or 80% of the median annual adjusted gross income for households within the metropolitan statistical area, within the County, whichever amount is greater;
 - ii) very low-income: the property owner, and his household, has a total annual adjusted gross household income that does not exceed 50% of the median annual gross income for households within the state, or 50% of the median annual adjusted gross income for households within the metropolitan statistical area, within the County, whichever amount is greater; or,
 - c. The property loss is due to an unexpected natural disaster, fire, flood, vandalism, or other sudden physical cause. In such case, the zoning exception or variance shall only enable the property owner to return

to the same type, quality, and approximate value of housing that was present on the property prior to the unexpected loss.

7. The waiver opportunity shall not apply to a property owner who has within 3 years of the waiver application previously applied for a zoning exception or variance, and has been denied, unless the applicant can demonstrate a significant change in circumstances pertinent to the application.
8. The waiver opportunity shall apply only to property owners that are natural persons. It shall not apply to property owners that are corporations, businesses, non-profit organizations, associations, clubs, or any other legal entity not a natural person.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 24 day of June, 1997.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Clerk

Effective date: July 1, 1997

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 _____
Sandra D. Oliver

_____ 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 Hearing

in the matter of _____ June 24, 1997 1:30pm

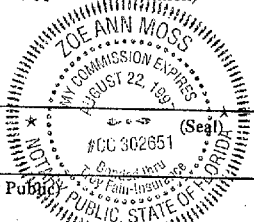
in the _____ Court, was published in said newspaper in the
issues of _____ June 13, 1997

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 13 day of June, 1997,
by Sandra D. Oliver who is personally
known to me or who has produced _____ as
identification. (Type of Identification)

Zoe Ann Moss
(Signature of Notary Public)
Zoe Ann Moss

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



NOTICE OF PUBLIC HEARING OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at their regular meeting on Tuesday, June 24, 1997 at 1:30 p.m. in the County Auditorium of the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North), St. Augustine, Florida, will hold a public hearing to consider passage of the following ordinance:
ORDINANCE NO. 97 -
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY AUTHORIZING WAIVER OF THE FILING FEES FOR ZONING EXCEPTIONS, VARIANCES, AND APPEALS FOR EXCEPTIONS AND VARIANCES, IN CASES INVOLVING EXCEPTIONAL AND DEMONSTRABLE FINANCIAL HARDSHIP OF THE PROPERTY OWNER, OR IN CERTAIN CASES PRECIPITATED BY A NATURAL DISASTER, FIRE, FLOOD, VANDALISM, OR OTHER SUDDEN PHYSICAL CAUSE.
The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration complex, 4020 Lewis Speedway (CR 16A) and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the said public hearing. Interested parties may appear at the hearing and be heard with respect to the proposed ordinance.
If a person desires to appeal any decision made with respect to any matter considered at the hearing, such person will need a copy 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 an 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, FL 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-555-3770, no later than 5 days prior to the date of this hearing.
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND,
ITS CLERK
By Irma Pacatli,
Deputy Clerk
L794 June 13, 1997

BEACH CODE

DRAFT # 10a
Revised
June 24, 1997

SECTION 1 GENERAL

- Section 1.01 Definitions
- Section 1.02 Authority Purpose and Intent
- Section 1.03 Title
- Section 1.04 Policy
- Section 1.05 Findings of Public Necessity
- Section 1.06 Preemption of Ordinances
- Section 1.07 General Rules of Interpretation

SECTION 2 PUBLIC RIGHTS OF ACCESS

- Section 2.01 Public Policy
- Section 2.02 Preservation of Access Through Existing Approaches
- Section 2.03 Prohibition of Obstructions: Personal Access
- Section 2.04 Prohibition of Obstruction: Vehicular Access
- Section 2.05 Construction of an Erosion Control Structure
- Section 2.06 Prohibition of Posting
- Section 2.07 Violations

SECTION 3 CONDUCT

- Section 3.01 Possession of Alcoholic Beverages Prohibited
- Section 3.02 Restrictions on Animals on Beach
- Section 3.03 Open Fires Prohibited; Heated Objects to be Disposed of Properly
- Section 3.04 Over-night Camping Prohibited
- Section 3.05 Fishing
- Section 3.06 Throwing of Balls, Frisbees, or Other Objects
- Section 3.07 Possession of Glass Containers Prohibited
- Section 3.08 Soliciting, Canvassing and Commercial Activity Prohibited
- Section 3.09 Litter
- Section 3.10 Surfing, Boating and Swimming
- Section 3.11 Sound Amplification
- Section 3.12 Removal of Beach Sand
- Section 3.13 Violations

SECTION 4 SPECIAL EVENTS

- Section 4.01 Special Events Policy; Objective
- Section 4.02 Permit Required
- Section 4.03 Permits for Small Events
- Section 4.04 Permits for Large Events
- Section 4.05 Effect of Permit; Violation of Permit Conditions
- Section 4.06 Commercial Events

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SECTION 5 TRAFFIC & PARKING REGULATIONS

- Section 5.01 Objectives and Policies; Delegation of Authority
- Section 5.02 Vehicles Authorized on the Beach
- Section 5.03 Prohibited Acts
- Section 5.04 Unauthorized Vehicles
- Section 5.05 Nighttime Driving/Parking
- Section 5.06 Authority to Regulate Driving Area and Vehicular Approaches
- Section 5.07 Violations

SECTION 6 VEHICULAR ACCESS FEES

- Section 6.01 Findings
- Section 6.02 Imposition of Fee
- Section 6.03 Annual Pass
- Section 6.04 Use of Fees

SECTION 7 HABITAT CONSERVATION

- Section 7.01 Conservation Zone
- Section 7.02 Beach Lighting
- Section 7.03 Turtle Alert Status

SECTION 8 BEACH SERVICES

- Section 8.01 Implementation
- Section 8.02 Preparation of Budget
- Section 8.03 Provision of Services

SECTION 9 COUNTY DIVISION OF BEACH MANAGEMENT

- Section 9.01 County Division of Beach Management
- Section 9.02 Delegation of Code Enforcement Authority

SECTION 10 PENALTIES

- Section 10.01 Violations to Provisions of the Beach Code
- Section 10.02 Compliance with Citation
- Section 10.03 Penalties
- Section 10.04 Conflicts
- Section 10.05 Severability
- Section 10.06 Repealer
- Section 10.07 Effective Date