

ORDINANCE NO. 99-17

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, READOPTING AND RATIFYING ST. JOHNS COUNTY ORDINANCE 99-11 WHICH IS AN ORDINANCE AMENDING ST. JOHNS COUNTY ORDINANCE 95-15, AS AMENDED BY ORDINANCE 98-3, TO REQUIRE A FINAL CERTIFICATE OF CONCURRENCY FOR THE MAXIMUM OR MOST INTENSE DEVELOPMENT THAT WOULD BE ALLOWED ON ANY LAND PRIOR TO ANY REZONING, FINAL DEVELOPMENT PERMIT, OR FINAL DEVELOPMENT PLAN BEING APPROVED OR ISSUED FOR SUCH LAND; PROVIDED THAT, A FINAL CERTIFICATE OF CONCURRENCY SHALL BE REQUIRED FOR NO MORE THAN ONE THIRD OF ANY LAND SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS FOR REZONING TO PLANNED UNIT DEVELOPMENT PRIOR TO SUCH REZONING BEING APPROVED BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FINDINGS OF FACT; PROVIDING DIRECTION AS TO APPLICATION OF THIS ORDINANCE AMENDMENT; AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS

WHEREAS, uncertainty has arisen concerning the previous adoption procedure for Ordinance 99-11, therefore that Ordinance is hereby readopted and ratified.

WHEREAS, it is found that it is contrary to the public interest to have land in St. Johns County rezoned or permitted for a use for which there is not presently concurrency for the maximum or most intense development that would be allowed on such land by said rezoning; except that, to allow for orderly planning and development only one third of development approved by a Planned Unit Development (PUD) need have a Final Certificate of Concurrency.

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

1. The above stated recitals are incorporated herein as Findings of Fact.
2. Section 3 of St. Johns County Ordinance 95-15 is hereby amended by its deletion and replacement with the following Section 3.

Section 3. Applicability/Application Period. This Ordinance shall apply to any Development Order authorizing the development of land within the unincorporated area of St. Johns County, Florida, and as

otherwise provided by law. An applicant may apply for a concurrency review at anytime during the development review process, but a Final Certificate of Concurrency finding that adequate public facilities are or will be available at adopted levels of service concurrent with the impact of the project for the maximum or most intense development allowed, shall be obtained prior to any County rezoning or issuance of a Final Development Permit or Final Development Plan; provided that, a Planned Unit Development rezoning must be preceded by a Final Certificate of Concurrency finding that adequate public facilities are or will be available at an adopted level of service for at least one third of the maximum development allowed by such rezoning concurrent with the impact of the project. Said one third of the maximum development allowed shall be measured as that development which is projected to generate one third of the maximum number of new external peak hour vehicle trips generated by the total development proposed for rezoning. The Concurrency Review requirements of this Ordinance (Section 8) shall not apply to the following which are presumed to have no impact or de minimis impact on public facilities and services or which have acquired statutory or common law vested rights:

(No change to following subsections 3.1, 3.2 and 3.3)

3. Section 8.4.3 of St. Johns County Ordinance 95-15 is hereby amended by its deletion and replacement with the following Section 8.4.3:

8.4.3 Rezoning Procedures: A Final Certificate of Concurrency must be obtained prior to approval of any rezonings, Final Development Permits, and Final Development Plans in accordance with Section 3 of this Ordinance. Rezoning petitions which could result in a range of potential impacts shall be reviewed as if the greatest impact would result. Nothing herein shall authorize a rezoning or the issuance of a zoning permit that would otherwise be inconsistent with the Future Land Use Element of the Comprehensive Plan.

4. (a) Section 1 of this Ordinance shall be applied to all rezonings, Final Development Permits, and Final Development Plans formally and properly applied for with the County after the end of business on January 5, 1999.

(b) All rezonings, Final Development Permits, and Final Development Plans to which Section 1 of this ordinance is not applied by Section 4(a) of this ordinance shall be subject to St. Johns County Ordinance 95-15, as amended, without application of this amendment.

5. This Ordinance shall take effect upon its being filed with the Secretary of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 9th day of March, 1999.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Clerk

Effective date: March 16, 1999

CONC309.WPD

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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 _____

LINDA Y MURRAY 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 PUBLIC HEARING

in the matter of _____

ORDINANCE # 99-11

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

issues of FEBRUARY 27, 1999

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 1st day of FEBRUARY, 1999,

by Linda Y Murray who is personally

known to me or who has produced _____ as

PERSONALLY KNOWN
(Type of Identification)

identification.

Zoe Ann Moss
(Signature of Notary Public)



Zoe Ann Moss
MY COMMISSION # CG641814 EXPIRES
August 22, 2001
BONDED THRU TROY FAIN INSURANCE, INC.

(Seal)

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

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BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, CLERK
By: Patricia DeGrande, Deputy Clerk
Feb. 27, 1999

COPY OF A

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, March 9, 1999 at 1:30 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, will hold a public hearing to consider passage of the following ordinance: AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, READOPTING AND RATIFYING ST. JOHNS COUNTY ORDINANCE 99-11 WHICH IS AN ORDINANCE AMENDING ST. JOHNS COUNTY ORDINANCE 95-15 AS AMENDED BY ORDINANCE 98-3 TO REQUIRE A FINAL CERTIFICATE OF CONCURRENCY FOR THE MAXIMUM OR MOST INTENSE DEVELOPMENT THAT WOULD BE ALLOWED ON ANY LAND PRIOR TO ANY REZONING, FINAL DEVELOPMENT PERMIT, OR FINAL DEVELOPMENT PLAN BEING APPROVED OR ISSUED FOR SUCH LAND, PROVIDED THAT A FINAL CERTIFICATE OF CONCURRENCY SHALL BE REQUIRED FOR NO MORE THAN ONE THIRD OF ANY LAND SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS FOR REZONING TO PLANNED UNIT DEVELOPMENT PRIOR TO SUCH REZONING BEING APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, PROVIDING FINDINGS OF FACT PROVIDING DIRECTION AS TO APPLICATION OF THIS ORDINANCE AMENDMENT AND ESTABLISHING AN EFFECTIVE DATE. The proposed ordinance is on file in the Office of the Clerk of the Board of County Commissioners 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 hearing. Interested parties may appear at the meeting and will be afforded an opportunity to be heard with respect to the proposed ordinance. If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person will need a record of the proceedings, and for such purposes such person 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 American with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this meeting should contact the ADA Coordinator at (904) 823-2501 or at the County Administration Office, St. Augustine, FL 32085. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): 823-2501 or the Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of this meeting.