

ORDINANCE NO. 2001- 59

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT, POLICY A.1.3.12 AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, Chapters 125 and 163, Florida Statutes provide for the Board of County Commissioners to prepare, implement, and enforce Comprehensive Plans and Land Development Regulations for the control of development within the County; and,

**WHEREAS**, Section 163.3184, Florida Statutes provides the process for the adoption of a Comprehensive Plan amendment; and,

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

**SECTION 1.** The St. Johns County Comprehensive Plan is amended:

To change Policy A.1.3.12 of the Comprehensive Plan, Future Land Use Element, to clarify Compatibility Index criteria and add new procedural requirements for proposed uses and/or districts which are considered incompatible, as specified in the attached Exhibit "A."

Based on the following findings of fact:

- a. The amendment request has been fully considered after public hearing pursuant to legal notice duly published as required by law; and
- b. The amendment is consistent with the St. Johns County Comprehensive Plan, Ordinance No. 2000-34, as amended, the Northeast Florida Strategic Regional Policy Plan, and Rule 9J-5 of the Florida Administrative Code; and
- c. The amendment is consistent with applicable land development regulations.

**SECTION 2.** The remaining portions of the St. Johns County Comprehensive Plan, 2000-34, as amended, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 3.** Should any section, subsection, sentence, clause, phrase, or portion of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions.

**SECTION 4.** The effective date of this Ordinance shall be the date the final order is issued by the Department of Community Affairs or Administrative Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes.

**SECTION 5.** This Ordinance shall be filed in a book of land use regulation ordinances kept and maintained by the Clerk of the Court, in accordance with Section 125.68, Florida Statutes.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 6<sup>th</sup> DAY OF November 2001.**

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

BY: Marc A. Jacalone  
Marc A. Jacalone, Chair

Rendition date: 11-09-01

**ATTEST: Cheryl Strickland, Clerk**

BY: Patricia McGrade  
Deputy Clerk

**EFFECTIVE DATE: January 21, 2002**

A.1.3.12 The County shall utilize the following Compatibility Index in the evaluation and approval of rezoning applications.

**Compatibility Index**

Level	Land Use
1	Single-Family Residential
2	Multi-Family Residential
3	Neighborhood Business and Commercial & Schools
4	Office and Professional
5	General Business and Commercial
6	High-Intensity Commercial & Highway Commercial
7	Industrial

- (a) Land uses separated by three or more levels shall be deemed to be incompatible unless such incompatibility is resolved by sufficient mitigation. If an applicant proposes to mitigate for incompatibility, the burden of proof shall be upon the applicant to demonstrate to the Board of County Commissioners that the proposed mitigation meets the intent of this Policy.
- (b) A rezoning request may be approved only upon determination that the application and evidence presented establish that all the proposed permitted uses are compatible with conforming land uses located on adjacent properties.
- (c) When an applicant proposes mitigation to offset unreasonable negative impacts of an incompatible use as provided in the Compatibility Index, a Planned Development shall be required. Proposed mitigation to off-set unreasonable negative impacts of incompatible uses, shall be provided by the applicant and shall exceed the minimum buffering and screening requirements provided in the County's Land Development Code.
- (d) The Board of County Commissioners shall utilize the following criteria as applicable in the consideration of all rezoning requests.
  - 1. A rezoning request shall not be approved if the proposed permitted uses are determined to have an unreasonable incompatible impact on the contiguous and surrounding area in respect to sensory characteristics such as odor, noise, vibration, and lighting, as well as non-sensory characteristics such as pollution and traffic flow.

2. A rezoning request shall not be approved if the proposed traffic flow of the proposed permitted uses have an unreasonable impact on the contiguous and surrounding area, or if the proposed traffic has an unreasonable impact upon the projected wear and tear of any public roadway designed to carry lighter traffic than proposed with the rezoning, or if the proposed traffic results in an unreasonable danger to the safety of other traffic, pedestrians, and bicyclists.
3. A rezoning request shall not be approved if any of the proposed permitted uses or proposed activities results in a public nuisance.
4. With respect of the foregoing, the following factors may be considered in determining compatibility for all proposed rezoning requests:
  - a. permitted uses, structures and activities allowed within the Future Land Use designation;
  - b. building location, dimension, height and floor area ratio;
  - c. location and extent of parking, access drives, loading areas, and service areas;
  - d. hours of operation, noise levels, and lighting;
  - e. setbacks and buffers, fences and walls, landscaping, treatment of parks and open spaces, treatment of drainage ponds, lakes, and other water features, and other buffers designed to harmonize and make the proposed permitted uses compatible with conforming uses located in the contiguous and surrounding area.

COPY OF ADVERTISEMENT

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING 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 **Patricia Bergquist**  
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 Advertisement

in the matter of Notice of Public Hearing

in the Court was published in said newspaper in the issues of

August 31, 2001

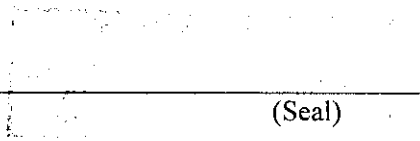
Affiant further says that the St. Augustine Record is a newspaper published  
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper  
heretofore been continuously published in said St. Johns County, Florida, each  
day and has been entered as second class mail matter at the post office in the  
City of St. Augustine, in said St. Johns County, for a period of one year 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 31rst day of August, 2001

by Patricia Bergquist who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

RECEIVED  
SEP 04 2001  
ST. JOHNS COUNTY  
PLANNING DEPARTMENT

Zoe Ann Moss  
(Signature of Notary Public)



(Seal)

Zoe Ann Moss

**PUBLIC  
CONSIDER  
PROPOSED  
AMENDMENT TO THE  
COUNTY 2015  
COMPREHENSIVE PLAN.  
NOTICE OF  
THE FUTURE  
LAND USE ELEMENT.**

that the St. Johns County Board of County Commissioners (BCC), at its regular meeting on Tuesday, September 18, 2001 at 1:30 p.m., will hold a public hearing to consider a proposed Text Amendment to the

County Auditorium, County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US 1 North, St. Augustine, Florida. All interested parties may appear at the public hearing to be heard regarding the proposed amendment.

to increase the minimum lot size for mixed use (40) acres, as required by the Future Land Use Element.

known as File Number CPA-01-005 (Compatibility Policies), and is available for review at the St. Johns County Planning Office and local County Libraries and may be examined by interested parties prior to said public hearing.

any decision made with respect to any matter considered at the meeting or hearing, the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which 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 accommodations to participate in this proceeding should contact ADA Coordinator at (904) 823-2501 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32095. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

**RESIDENTS, PROPERTY OWNERS AND OTHER INTERESTED INDIVIDUALS ARE ENCOURAGED TO PARTICIPATE IN THESE PROCEEDINGS AND ALL OTHER COMPREHENSIVE PLANNING PROCESSES TO THE FULLEST EXTENT POSSIBLE.**

COMMISSIONERS  
CLERK

**NOTICE OF PUBLIC  
HEARING TO CONSIDER  
ADOPTION OF PROPOSED  
TEXT AMENDMENT TO THE  
ST. JOHNS COUNTY 2015  
COMPREHENSIVE PLAN.  
THIS IS A NOTICE OF  
CHANGE TO THE FUTURE  
LAND USE ELEMENT.**

NOTICE IS HEREBY GIVEN that the St. Johns County Board of County Commissioners (BCC), at its regular meeting on Tuesday, September 18, 2001 at 1:30 p.m., will hold a public hearing to consider a proposed Text Amendment to the Future Land Use Element.

Said hearing will be held in the County Auditorium, County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US 1 North, St. Augustine, Florida. All interested parties may appear at the public hearing to be heard regarding the proposed amendment.

The text amendment proposes clarifications to Policy A.1.3.12 regarding compatibility between adjacent land uses and a required PUD Plan for any mitigation proposed as a basis to vary from the existing Compatibility Index.

The proposed amendment is known as File Number CPA-01-005 (Compatibility Policies), and is available for review at the St. Johns County Planning Office and local County Libraries and may be examined by interested parties prior to said public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which 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 accommodations to participate in this proceeding should contact ADA Coordinator at (904) 823-2501 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32095. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

**RESIDENTS, PROPERTY OWNERS AND OTHER INTERESTED INDIVIDUALS ARE ENCOURAGED TO PARTICIPATE IN THESE PROCEEDINGS AND ALL OTHER COMPREHENSIVE PLANNING PROCESSES TO THE FULLEST EXTENT POSSIBLE.**

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
BY: CHERYL STRICKLAND, CLERK

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10-16

COPY OF ADVERTISEMENT

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

RECEIVED  
OCT 8 2001  
ST. JOHNS COUNTY  
PLANNING DEPARTMENT

Before the undersigned authority personally appeared **LINDA Y MURRAY**  
who on oath says that she is an 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

**PUBLIC NOTICE (DISPLAY ADVERTISING)**

In the matter of **PROPOSED TEXT AMENDMENT**

**ST JOHNS COUNTY 2015 COMPREHENSIVE PLAN**

in the Court, was published in said newspaper in the issues of

**OCTOBER 1, 2001**

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, for a period of one year 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 **5<sup>TH</sup>** day of **OCTOBER** 2001  
by *Linda Y Murray* who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

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

Zoe Ann Moss

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2001-2002

**ES**  
**Line**

Silk Floral  
Home Decor  
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**PUBLIC POLICY**



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-6249

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> AT THE REEF - FINE DINING EVERY DAY OF THE WEEK <

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NOT VALID WITH ANY OTHER COUPONS

# NOTICE TO CONTINUE PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED TEXT AMENDMENT TO THE ST. JOHNS COUNTY 2015 COMPREHENSIVE PLAN. THIS IS A NOTICE OF CHANGE TO THE FUTURE LAND USE ELEMENT.

NOTICE IS HEREBY GIVEN that the St. Johns County Board of County Commissioners (BCC), at its regular meeting on Tuesday, October 16, 2001 at 1:30 p.m., will continue the public hearing to consider a proposed Text Amendment to the Future Land Use Element.

Said hearing will be held in the County Auditorium, County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US 1 North, St. Augustine, Florida. All interested parties may appear at the public hearing to be heard regarding the proposed amendment.

The text amendment proposes clarifications to Policy A.1.3.12 regarding compatibility between adjacent land uses and a required PUD Plan for any mitigation proposed as a basis to vary from the existing Compatibility Index.

The proposed amendment is known as File Number CPA-01-005 (Compatibility Policies), and is available for review at the St. Johns County Planning Office and local County Libraries and may be examined by interested parties prior to said public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which 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 accommodations to participate in this proceeding should contact ADA Coordinator at (904) 823-2501 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32095. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

RESIDENTS, PROPERTY OWNERS AND OTHER INTERESTED INDIVIDUALS ARE ENCOURAGED TO PARTICIPATE IN THESE PROCEEDINGS AND ALL OTHER COMPREHENSIVE PLANNING PROCESSES TO THE FULLEST EXTENT POSSIBLE.

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
BY: CHERYL STRICKLAND, CLERK

ORDINANCE BOOK 27 PAGE 425



THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING 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 an 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 CONTINUED PUBLIC HEARING**

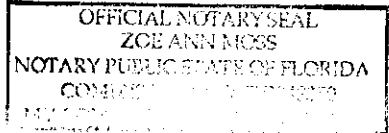
In the matter of **ADOPTION OF PROPOSED TEXT**  
**ST JOHNS COUNTY 2015 COMPREHENSIVE PLACE**

in the Court, was published in said newspaper in the issues of  
**OCTOBER 22, 2001**

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, for a period of one year 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 **25<sup>TH</sup>** day of **OCTOBER** 2001  
by *Linda Murray* who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

*Zoe Ann Moss*  
(Signature of Notary Public)



(Seal)

Zoe Ann Moss

ties in the United States, so it is not difficult to know the outline of the work being done and where it is taking place.

Initial screening of the anthrax spores is the work of state public health experts in areas where the outbreaks were detected. They subject the bacteria to a variety of conventional antibody tests that can determine whether anthrax is involved in an attack.

"This laboratory has been completely commandeered by anthrax in the past two weeks," said Florida state public health biologist Paul Fiorella. "We put our emphasis on detection and identification of anthrax, but not on identifying

Theresa Koehler, associate profes- idly.

# NOTICE TO CONTINUE PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED TEXT AMENDMENT TO THE ST. JOHNS COUNTY 2015 COMPREHENSIVE PLAN. THIS IS A NOTICE OF CHANGE TO THE FUTURE LAND USE ELEMENT.

NOTICE IS HEREBY GIVEN that the St. Johns County Board of County Commissioners (BCC), at its regular meeting on Tuesday, November 6, 2001 at 9:00 a.m., will continue the public hearing to consider a proposed Text Amendment to the Future Land Use Element.

Said hearing will be held in the County Auditorium, County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US 1 North, St. Augustine, Florida. All interested parties may appear at the public hearing to be heard regarding the proposed amendment.

The text amendment proposes clarifications to Policy A.1.3.12 regarding compatibility between adjacent land uses and a required PUD Plan for any mitigation proposed as a basis to vary from the existing Compatibility Index.

The proposed amendment is known as File Number CPA-01-005 (Compatibility Policies), and is available for review at the St. Johns County Planning Office and local County Libraries and may be examined by interested parties prior to said public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.

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RESIDENTS, PROPERTY OWNERS AND OTHER INTERESTED INDIVIDUALS ARE ENCOURAGED TO PARTICIPATE IN THESE PROCEEDINGS AND ALL OTHER COMPREHENSIVE PLANNING PROCESSES TO THE FULLEST EXTENT POSSIBLE.

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
BY: CHERYL STRICKLAND, CLERK

**Eye?**  
**Red Eye?**  
**Pink Eye?**  
**Evil Eye?**  
See... **Dr. Kane!**  
Certified Optometrist  
De Leon Blvd. **824-5543**

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Early withdrawal. Rate subject to availability. The FDIC interest at same rate for one year subject to FDIC bank will be offered with the above yield. FDIC rates offered through Metropolitan Investment Services, Inc. (904) 835-2210



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Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing

MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE

**Katherine Harris**  
Secretary of State

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Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
RINGLING MUSEUM OF ART

November 14, 2001

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

Attention: Patricia DeGrande  
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 13, 2001 and certified copies of Ordinance Nos. 2001-59 through 2001-62, which were filed in this office on November 14, 2001.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

01 NOV 16 PM 2:38  
FILED

ORDINANCE BOOK 27 PAGE 458

BUREAU OF ADMINISTRATIVE CODE

The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270  
FAX: (850) 245-6282 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: [election@mail.dos.state.fl.us](mailto:election@mail.dos.state.fl.us)