

ORDINANCE NO. 2002- 02

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, IMPOSING A MORATORIUM ON COMPREHENSIVE PLAN AND ZONING CHANGES WITHIN THE NORTHWEST SECTOR STUDY AREA (I.E., THAT AREA IN ST. JOHNS COUNTY, FLORIDA, LYING SOUTH OF THE DUVAL COUNTY LINE, WEST OF I-95, EAST OF THE ST. JOHNS RIVER AND NORTH OF S.R. 16/C.R. 208); MAKING FINDINGS OF FACT; PROVIDING FOR EXCLUSIONS TO THE MORATORIUM; PROVIDING FOR VESTING; PROVIDING FOR VARIANCES; AND ESTABLISHING AN EFFECTIVE DATE AND AN EXPIRATION DATE.

BE IT ORDAINED by the Board of County Commissioners of St. Johns County, Florida as follows:

Section 1. Findings and Statement of Intent. The Board of County Commissioners of St. Johns County, Florida (the "Board") hereby finds, determines and declares the following:

- A. St. Johns County has completed a Northwest Sector Study for a portion of St. Johns County. This Study is being used to establish a Northwest Sector Plan for the area of the County lying south of the Duval County line, west of I-95, east of the St. Johns River and north of SR16/CR 208 (the "Northwest Sector Study Area"). The origin of this study was an agreement between the Florida Department of Transportation and St. Johns County for a Variance from Rule 14-94, F.A.C. that allowed a change in the Level of Service standard on Interstate 95. As conditions of the Rule Variance, St. Johns County agreed to perform several tasks and undertake several studies, one of which is the establishment of a Northwest Sector Plan. Further, the Rule Variance requires that the Northwest Sector Plan address future land use, protection of natural resources, public facilities, urban design and other matters necessary to be consistent with the requirements of Chapter 163, Part II, F.S. In addition, the Rule Variance established requirements for other Comprehensive Plan amendments to incorporate in the capital improvements element funding for a future north/south arterial road. The Rule Variance required that by December 31, 2001, St. Johns County must amend its Comprehensive Plan to establish the Northwest Sector Plan.
- B. The Northwest Sector Plan will be used to evaluate future Comprehensive Plan amendments and rezoning requests. The County has also completed with a corridor study that will establish the preferred corridor for the arterial road referenced above. While the Northwest Sector Plan has as its focus future land use that will be incorporated into the Comprehensive

Plan, it will also incorporate urban design principles and road access issues that will also likely be incorporated into the Land Development Code.

- C. The Rule Variance contemplated an interim period between the time the Rule Variance was adopted and the adoption of the Northwest Sector Plan. Paragraph f. of Appendix A Conditions of Variance states that “proposed comprehensive land use amendments that increase the density or intensity of future land use within the area west of Interstate 95 and north of S.R. 16 and C.R. 208 may be approved prior to adoption of the sector plan only if such amendments are not contrary to or further the planning, right-of-way acquisition or construction of the above referenced north/south arterial road, the supporting collector network or the development of the required sector plan.”
- D. The County finds that determining which proposed Comprehensive Plan Amendments or rezonings will be contrary to proposed Northwest Sector Plan is and has not been practically possible prior to completion of the Plan, except to the extent determined in Section 3a and 3c below, or by site specific hearing as provided for in Section 4..
- E. On contract with the County; Miller, Sellen, Conner and Walsh, a private planning firm, has performed the Study and has drafted and is drafting a proposed Northwest Sector Plan and revisions thereto. The Northwest Sector Plan and North/South corridor study was anticipated to be completed by December 2000 with Comprehensive Plan amendments to be adopted by December 2001 as required by the Rule Variance. However, this process has taken longer despite the good faith efforts of all participants. It is now expected that the comprehensive plan amendments necessary to implement the plan will be transmitted to the Florida Department of Community Affairs no later than February 8, 2002 and that the moratorium approved by this Ordinance shall serve the purpose described in Paragraph G below until that date.
- F. The Northwest Sector Plan and North/South corridor study is not expected to affect projects that have already received development approval through rezoning or plat approval prior to the date of this or related moratorium. However, land outside the existing development area boundaries on the Comprehensive Plan and land within the development area boundaries which have not been rezoned to accommodate new development may be affected by the Northwest Sector Plan and corridor study.
- G. In order to comply with the intent of the Rule Variance and in order to prevent the further establishment of vested rights for development and land uses that will be inconsistent with the goals and intent of the Northwest Sector Plan and North/South road corridor study, it is necessary

that the County impose the following described moratorium on land use and zoning changes in the Northwest Sector Study Area.

- H. It is the intent of the Board that the moratorium imposed by this Ordinance be an extension of the moratorium established by Ordinance 2000-47 to the extent permitted by law.
- I. It is the intent of the Board that this Ordinance not repeal but run concurrently with Ordinance No. 2001-77 (12/28 ordinance).

Section 2. A moratorium is hereby imposed on quasi-judicial or legislative approval of the following described activities that pertain to land use in the Northwest Sector Study Area.

- A. Comprehensive Plan amendments that result in an increase in the density or intensity of future land use.
- B. Rezoning that allow for an increase in the density or intensity of future land use.

The effect of this moratorium shall be to bar Board of County Commissioners, Planning and Zoning Agency, and Ponte Vedra Zoning and Adjustment Board hearings to approve or disapprove the above listed matters unless such particular matter is properly qualified for an exclusion listed in Section 3 or a variance or vesting pursuant to Section 4.

Section 3. Exclusions. The following described activities are hereby excluded from this moratorium:

- A. Comprehensive Plan amendments, rezonings, Major Modifications to PUD's or PRD's that do not result in an overall increase in the density or intensity of future land use in the affected development.
- B. Furthermore, no Comprehensive Plan amendment or rezoning properly filed with the County for consideration prior to the time that Resolution 2000-95 passed giving notice of the intention to adopt the prior related moratorium established by Ordinance 2000-47 shall be subject to this moratorium. Said "proper filing" shall not include pre-application filings or considerations.
- C. Rezoning which correct an inconsistency between the zoning classification for a specific parcel and the Comprehensive Plan Future Land Use Map (FLUM) designation for that parcel. For purposes of this ordinance only, an "inconsistency" between a particular zoning classification and a particular FLUM land use designation shall be as designated by an "X" on the chart which is attached hereto as Exhibit A and incorporated herein by reference.

Section 4. Variances.

The Board of County Commissioners may grant site specific variances to the effect of this Ordinance (a) to the limited extent necessary to prevent a County taking of private property, or a claim under Section 70.011, Florida Statutes, by action of this moratorium that is compensable to the landowner under the law of the State of Florida and the United States of America; (b) based on a finding of vesting of the project; or (c) based on a finding that a particular comprehensive plan amendment or rezoning will not be contrary to the purposes of the Northwest Sector Study Plan or Corridor Plan. Each variance shall be considered and acted on in a public hearing before the Board of County Commissioners without pre-hearing by the St. Johns County Planning and Zoning Agency. Such hearing shall be noticed in accordance with the St. Johns County Land Development Code but shall otherwise not be considered a zoning or non zoning variance as described in the Land Development Code, nor shall such variance be limited to the requirements found in the definition of Variance in the Land Development Code.

Section 5. Effective Date

- A. This Ordinance shall be effective upon its proper filing with the Department of State of Florida.
- B. The moratorium shall last until the County receives the North West Sector study plan and has transmitted comprehensive plan amendment changes based thereon to the Department of Community Affairs, but no later than midnight on February 8, 2002 with the proviso that the Board, shall by ordinance(s), terminate all or portions of the moratorium at such sooner time(s) as the Board determines that the public need for a moratorium on such portion(s) no longer exists.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 8th day of January, 2002.

BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS
COUNTY, FLORIDA

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

ATTEST: Cheryl Strickland, Clerk

By: Judith M. Hamillon
Deputy Clerk

RENDITION DATE 01/08/02

Effective date 1/10/2002

ORDINANCE BOOK 28 PAGE 9

EXHIBIT A

Table of Zoning Classifications that are incompatible FLUM Designations

Zoning Classification	Comprehensive Plan Designation								
	A-1 & R/S	Residential	Neighbor. Comm.	Community Comm.	Intensive Comm.	Rural Comm.	Industrial	Mixed Use	Airport District
OR			X	X	X	X	X		
RS-E	X		X	X	X	X	X		
RS-1	X		X	X	X	X	X		
RS-2	X		X	X	X	X	X		
RS-3	X		X	X	X	X	X		
RG-1	X		X	X	X	X	X		
RG-1	X		X	X	X	X	X		
RMH	X		X	X	X	X	X		
RMH(S)	X		X	X	X	X	X		
OP	X	X				X	X		
CN	X						X		
CG	X		X			X	X		
CHT	X	X	X			X	X		
CI	X	X	X			X	X		
RC	X	X	X	X	X		X		X
IW	X	X	X	X	X	X			
HI	X	X	X	X	X	X			
PS	X	X	X	X		X			
AD	X	X	X	X	X	X	X	X	

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 PUBLIC HEARINGS (DISPLAY ADVERTISEMENT)

In the matter of **NORTHWEST SECTOR**

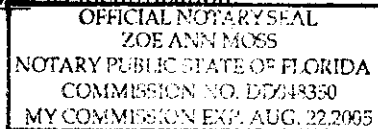
ORDINANCE/REGULATIONS AFFECTING LAND USE

in the Court, was published in said newspaper in the issues of
DECEMBER 14, 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 14TH day of **DECEMBER** 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)



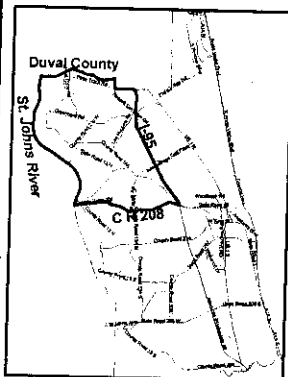
(Seal)

Zoe Ann Moss

NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OF ORDINANCE/REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at a special meeting on Friday, December 21, 2001 at 9:00 a.m. and at a regular meeting on Tuesday, January 8, 2002 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, will hold public hearings to consider adoption of the following proposed ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, IMPOSING A MORATORIUM ON COMPREHENSIVE PLAN AND ZONING CHANGES WITHIN THE NORTHWEST SECTOR STUDY AREA (I.E., THAT AREA IN ST. JOHNS COUNTY, FLORIDA, LYING SOUTH OF THE DUVAL COUNTY LINE, WEST OF I-95, EAST OF THE ST. JOHNS RIVER AND NORTH OF S.R. 16/C.R. 208); MAKING FINDINGS OF FACT; PROVIDING FOR EXCLUSIONS TO THE MORATORIUM; PROVIDING FOR VESTING; PROVIDING FOR VARIANCES; AND ESTABLISHING AN EFFECTIVE DATE AND AN EXPIRATION DATE.



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 hearings. Please take note that the ordinance is subject to revision prior to the hearings or adoption. All parties having any interest in said ordinance 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 the hearings, such person 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 to participate in the proceedings should contact ADA Coordinator, at (904) 823-2501 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 4 days prior to the date of the hearing.

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

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 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

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in the matter of **ORDINANCES/REGULATIONS**

NORTHWEST SECTOR STUDY AREA

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

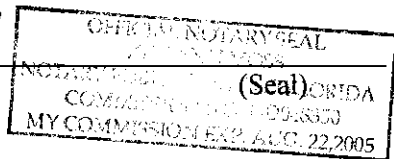
DECEMBER 28, 2001

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 **3RD** day of **JANUARY 2002**

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

Zoe Ann Moss
(Signature of Notary Public)



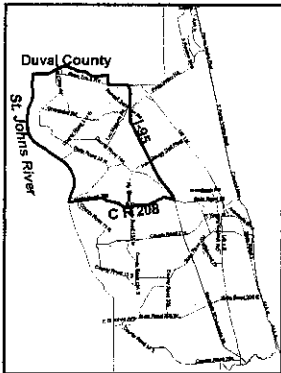
Zoe Ann Moss

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CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk