

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING, ADDING AND REPEALING SECTIONS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLE IV NATURAL RESOURCES SPECIFICALLY REVISING SUBSECTION 4.01.02.E PERTAINING TO LOTS OF RECORD, PROVIDING FOR AVERAGING THE UPLAND BUFFER, PROVIDING FOR UPLAND BUFFER CONDITION, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by revising Subsection 4.01.02.E. thereof:

- E. The terms of Section 4.01.06 pertaining to Upland Buffers and setbacks shall not apply to platted or legal and documented Lots of Record existing prior to the initial effective date of this Code to be developed as one (1) Single Family or Two Family Dwelling, except that a minimum twenty-five (25) foot Upland Buffer shall be required unless:
1. a vesting determination is obtained.
 2. a Variance is approved pursuant to Article X of this Code.
 3. averaging of the Upland Buffer width, because of an unavoidable reduction, achieves a greater overall Upland Buffer width. When averaging is allowed the Upland Buffer shall in no case be less than ten (10) feet, except for those areas adjacent to unavoidable Wetland impacts such as road crossings.

The Upland Buffer shall be depicted on all Site Plans, Development plans, and other documents submitted to authorize the review for Development. Upland Buffers shall be maintained in their natural vegetated condition. Native vegetation removed or destroyed within the Upland Buffer in violation of this Code shall be restored. These areas shall be replanted with comparable native vegetative species as were removed or destroyed.

Furthermore, any residence and Accessory Uses regardless of the size of the footprint constructed or properly and effectively permitted on such a Lot on the initial effective date of this Code shall for that particular Structure be a deemed vested Use of the Lot in relation to the Upland Buffers and setbacks required by this Section, and such residence and Accessory Use shall not be a Non-Conforming Use under this Code to the extent it shall be replaceable within its existing footprint.

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect upon being filed with the Department of State of Florida.

PASSED AND ENACTED, by the Board of County Commissioners of St. Johns County, Florida, this 6th day of August, 2002.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chairman

RENDITION DATE 08/07/02

ATTEST: Cheryl Strickland, Clerk of Court

By: Yvonne King
Deputy Clerk

Effective Date: August 8, 2002

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

PUBLIC NOTICE (DISPLAY ADVERTISEMENT)

In the matter of **ORDINANCE/REGULATIONS**

AFFECTING LAND USE

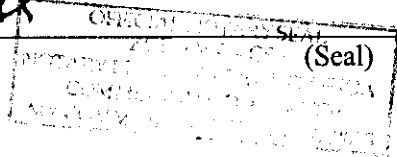
in the Court, was published in said newspaper in the issues of

JULY 16, 2002

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 16TH day of **JULY** 2002
by Linda Y Murray who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

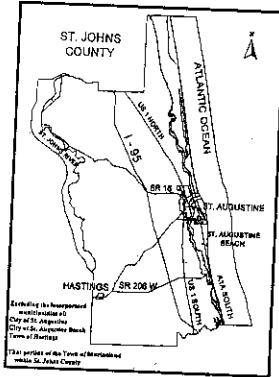
Zoe Ann Moss
(Signature of Notary Public)



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 regular meetings on Tuesday, July 23, 2002 at 5:30 p.m. and Tuesday, August 6, 2002 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 public hearings to consider adoption of the following proposed ordinance:



AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING, ADDING AND REPEALING SECTIONS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLE IV NATURAL RESOURCES SPECIFICALLY REVISING SUBSECTION 4.01.02.E PERTAINING TO LOTS OF RECORD, PROVIDING FOR AVERAGING THE UPLAND

BUFFER, PROVIDING FOR UPLAND BUFFER CONDITION, PROVIDING FOR SEVERABILITY AND PROVIDING FOR 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 (CR 16-A and U.S. #1), St. Augustine, Florida and may be examined by parties interest prior to the said public hearings. Please take note that the proposed ordinance is subject to revision prior to the hearing 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) 823-2505 at the County Administrative 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 5 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

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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:

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In the matter of **ORDINANCE# 99-51**

ORDINANCE/REGULATIONS AFFECTING LAND USE

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

JULY 25, 2002

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.

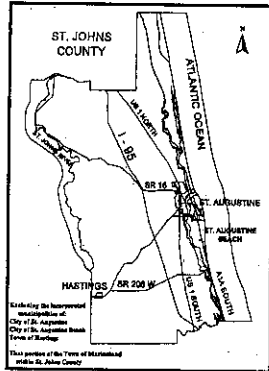
Sworn to and subscribed before me this 25TH day of **JULY** 2002
by [Signature] who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

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

Zoe Ann Moss

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

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services



FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State
DIVISION OF ELECTIONS

MEMBER OF THE FLORIDA CABINET
State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

August 9, 2002

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 August 7, 2002 and certified copy of Ordinance No. 2002-42, which was filed in this office on August 8, 2002.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

FILED
02 AUG 12 AM 10:17
CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

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