

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ARTICLE IV 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 4.01.06.C PERTAINING TO CRITERIA THAT SHALL BE APPLIED WHEN REVIEWING THE UPLAND BUFFER, PROVIDING FOR THE BANK OF A STORMWATER SYSTEM TO BE PLACED IN AND BECOME A PART OF THE UPLAND BUFFER, PROVIDING FOR UNAVOIDABLE WETLAND IMPACT TO INCLUDE WETLAND IMPACTS AS PERMITTED BY STATE AND/OR FEDERAL REGULATING AGENCIES, PROVIDING FOR SELF-CREATED HARDSHIPS TO INCLUDE FEATURES IMMEDIATELY ADJACENT TO WETLANDS, 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 4.01.06.C. thereof:

C. The following criteria shall be applied when reviewing the upland buffer:

1. As established in Section 4.01.02.E or Section 4.01.06, the applicable upland buffer shall be required for all contiguous wetlands. In instances where upland buffer averaging is utilized the applicable minimum upland buffer shall be maintained in conjunction with achieving a greater overall upland buffer width.
2. All required valid and unexpired permits from state and federal regulating agencies shall be provided to the County prior to Construction Plan approval.
3. In an area where the upland buffer is or will be comprised of fill material, or the bank of a stormwater system, with permits by state and federal regulating agencies, the area shall be reestablished as a natural upland buffer by the replanting of plants that are natural and native to the original ecological community. Turf grasses and exotic or non-native plants are expressly prohibited. Upland buffer planting plans shall be provided prior to Construction Plan approval.
4. A request for a Variance to Section 4.01.02.E or Section 4.01.06 of the Land Development Code for the purposes of unavoidable wetland impacts may be administratively approved by the County Administrator in conjunction with an application for Development review upon finding that all of the following criteria are met:

- a. All required valid and unexpired permits from state and federal regulating agencies have been issued and are provided with the Development application or will be made a contingency for variance approval.
- b. The Variance request is limited to:
 - (1) A road crossing.
 - (2) Public infrastructure and utility crossings or rights-of-way that are related to transmission or conveyance of a service.
 - (3) A driveway on a Legal Lot of Record to a single-family residence.
 - (4) A wetland impact as permitted by state and/or federal regulating agencies.
 - (5) Necessity similar to circumstances above, where absent a variance, there could be no reasonable use of the property.
- c. A Variance shall not be approved for self-created hardships such as, but not limited to:
 - (1) Placing a road, utilities, rights-of-way, driveways, or other features in or immediately adjacent to wetlands for the purpose of providing additional upland area for Development.

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 17th day of October, 2006.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: Cheryl Strickland, Clerk of Court

By: Louanna King
Deputy Clerk

Effective Date: 10/25/06

RENDITION DATE 10/18/06

The St. Augustine Record

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

COPY OF ADVERTISEMENT

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES BARRETT**
who on oath says that he 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 **DISPLAY ADVERTISEMENT**
in the matter **NOTICE OF PROPOSED ORDINANCE SCJ BCC – LAND USE**
was published in said newspaper in the issues of
SEPTEMBER 20, 2006.

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
he 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 **20TH** day of **SEPTEMBER 2006.**

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

Patricia A. Bergquist
(Signature of Notary Public)



Patricia A. Bergquist
My Commission DD27599:
Expires December 18, 2007
(Seal)

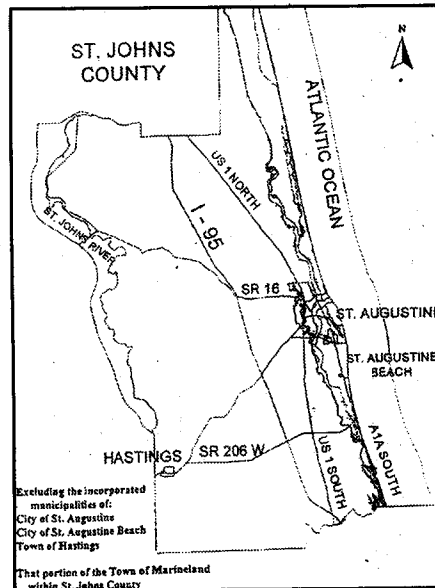
PATRICIA A. BERGQUIST

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, October 3, 2006 at 5:30 p.m. and Tuesday, October 17, 2006 at 9:00 a.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 ARTICLE IV 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 4.01.06.C PERTAINING TO CRITERIA THAT SHALL BE APPLIED WHEN REVIEWING THE UPLAND BUFFER, PROVIDING FOR THE BANK OF A STORMWATER SYSTEM TO BE PLACED IN AND BECOME A PART OF THE UPLAND BUFFER, PROVIDING FOR UNAVOIDABLE WETLAND IMPACT TO INCLUDE WETLAND IMPACTS AS PERMITTED BY STATE AND/OR FEDERAL REGULATING AGENCIES, PROVIDING FOR SELF-CREATED HARDSHIPS TO INCLUDE FEATURES IMMEDIATELY ADJACENT TO WETLANDS, 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 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 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) 209-0650 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. 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 meeting.

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

COPY OF ADVERTISEMENT

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **SARAH SELFRIDGE**
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 **DISPLAY ADVERTISING**
in the matter **ORD/REG AFFECTING USE OF LAND**
was published in said newspaper in the issues of
OCTOBER 06, 2006.

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
he 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 **13th** day of **OCTOBER 2006.**

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

Patricia A. Bergquist

(Signature of Notary Public)



Patricia A. Bergquist
My Commission DD27599
Expires December 18, 2007

(Seal)

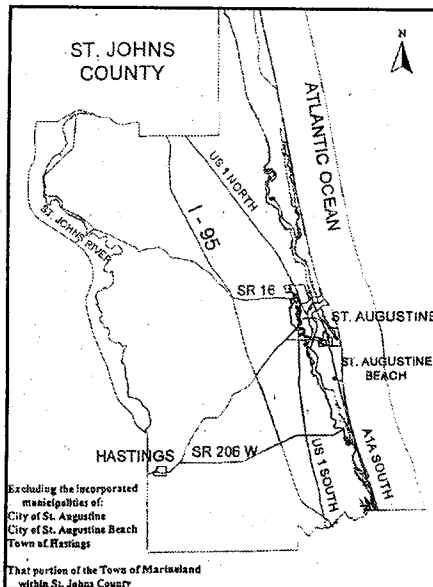
PATRICIA A. BERGQUIST

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