

ORDINANCE NO. 2006 - 53

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND THE TEXT OF THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES, FUTURE LAND USE ELEMENT, TO ADD NEW POLICY A.1.11.1(h)(8)(b), AS PERTAINING TO THE SITE-SPECIFIC LIMITATION ON DENSITY/INTENSITY FOR PROPERTY KNOWN AS PACETTI'S MARINA, LOCATED ON THE NORTHEAST SIDE OF STATE ROAD 13 AT TROUT CREEK UNDER APPLICATION NO. COMPAMD 2005-08; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; 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, 163.3187 and 163.3189, Florida Statutes, provides the process for the adoption of Comprehensive Plan amendments; and,

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

SECTION 1. The St. Johns County 2015 Comprehensive Plan is amended to change the text of the Comprehensive Plan Goals, Objectives and Policies, Future Land Use Element, to add new Policy A.1.11(), as pertaining to the limited number of dwelling units and intensity of development on property known as Pacetti's Marina, located on the northeast side of State Road 13 at Trout Creek under Application #COMPAMD 2005-08, and as shown on **EXHIBIT A**, based on the following Findings of Fact:

- a) The proposed amendment was fully considered after public hearing pursuant to legal notice duly published as required by law.
- b) The proposed amendment is consistent with the State Comprehensive Plan, the Northeast Florida Strategic Regional Policy Plan, and Rule 9J-5, Florida Administrative Code.
- c) The proposed amendment is consistent with applicable sections of the St. Johns County Comprehensive Plan and the St. Johns County Land Development Code.

SECTION 2. The remaining portions of the St. Johns County Comprehensive Plan, Ordinance 2000-34, as amended, and the 2015 Future Land Use Map, 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 effect the validity of the remaining portions.

SECTION 4. The amendment to the St. Johns County Comprehensive Plan shall become effective on the date the State Land Planning Agency issues a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184 (9) Florida Statutes, or in the alternative and if applicable on the date the Florida Administration Commission issues a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184 (10), Florida Statutes.

SECTION 5. This ordinance shall be recorded by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in the official records of St. Johns County, Florida.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 2nd DAY OF May 2006.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: James E. Bryant
James E. Bryant, Chairman

RENDITION DATE 05/05/06

ATTEST: Cheryl Strickland, Clerk

BY: Robert L. Platt
Deputy Clerk

EFFECTIVE DATE: 07/18/06

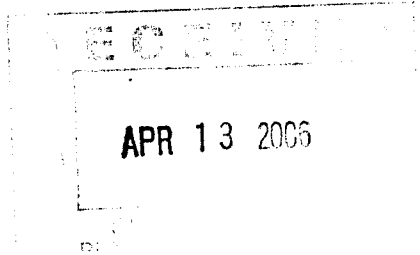
EXHIBIT A

Policies

A.1.11.1 (h) Residential

(8) Site-Specific Limitations on Density/Intensity

- (b) The property known as the Pacetti Property legally described in Ordinance 2006- 52 (the "Ordinance") is assigned a Residential D Future Land Use Designation under the Ordinance. The gross density of said property shall not exceed 224 residential units and 2,500 square feet of water dependent commercial use. Proposed changes to increase the allowed density of the subject property are subject to the provisions of Chapter 163, Florida Statutes, regarding large-scale amendments to comprehensive plans.



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 **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 CONTINUATION OF PUBLIC HEARING PACETTI'S MARINA**
was published in said newspaper in the issues of
APRIL 11, 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 **11TH** day of **APRIL, 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)

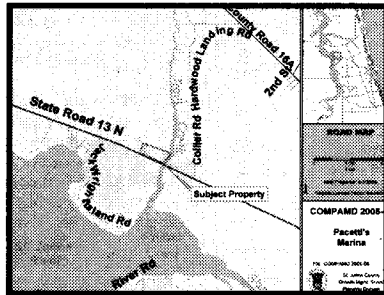


Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

**NOTICE OF
CONTINUATION
OF PUBLIC HEARING TO CON-
SIDER ADOPTION OF PROPOSED
AMENDMENTS TO THE FUTURE
LAND USE MAP OF THE ST.
JOHNS COUNTY 2015 COMPRE-
HENSIVE PLAN AS RELATED
TO THE PROPOSED AMENDMENT
FOR PACETTI'S MARINA**



NOTICE IS HEREBY GIVEN that the public hearing before the St. Johns County Board of County Commissioners on Tuesday, April 4, 2006 at 9:00 a.m., to consider adoption of proposed amendments to the St. Johns County Future Land Use Map and the Goals, Objectives and Policies document of the 2015 Comprehensive Plan, is hereby **CONTINUED to Tuesday, May 2, 2006 at 9:00 a.m.** Proposed

amendments include (1) changing the Future Land Use Map Designation from Rural Commercial to Residential-D; (2) changing the Capital Improvements Element to include proposed public improvements needed to support the Amendment; and (3) adding a policy to the Future Land Use Element to limit the number of dwelling units and intensity of development. Said hearing will be held in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida. All interested parties may appear at the public hearings to be heard regarding the proposed amendment.

The subject property is 23.1 acres and is located at 6550 State Road 13 North. A complete description is available in the St. Johns County Planning Office. See map generally depicting the location, Exhibit A. This is a request to amend the Future Land Use Map designation from Rural Commercial to Residential-D.

It should be noted the Board of County Commissioners may consider one or more amendments to the Goals, Objectives and Policies of the 2015 Comprehensive Plan as appropriate relating to the request.

The proposed amendment is known as File Number COMPAMD 2005-08 Pacetti's Marina, and is available for review at the local County Planning Office and Libraries and may be examined by interested parties prior to said public hearings.

If a person decides to appeal any decision made with respect to any matter considered at the meetings or hearings, he/she will need a record of the proceedings and for such purpose may need to ensure that verbatim records of the proceedings are made, which records include 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 special accommodations to participate in the proceedings should contact the County's ADA Coordinator at (904) 209 0650 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32085. For hearing impaired individuals, for Telecommunications Device for the Deaf (TDD), call Florida Relay Service at 1 800 955-8770, no later than 5 days prior to the date of the hearings.

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
JAMES E. BRYANT, CHAIRMAN
File Number: COMPAMD 2005-08 Pacetti's Marina**