

ORDINANCE NO. 2009- 45

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; SPECIFICALLY, THIS ORDINANCE AMENDS "SECTION EIGHT: PAYMENT OF FEE" OF THE CONSOLIDATED IMPACT FEE ORDINANCES OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, AS CONSOLIDATED BY ORDINANCE 2005-27, TO PROVIDE FOR THE IMPLEMENTATION OF A DEFERRED PAYMENT PLAN; PROVIDES FOR SEVERABILITY; AND PROVIDES FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, finds that the imposition of impact fees is one of the preferred and recommended forms of ensuring that new development bears a proportionate share of the cost of roads, parks, schools and public capital facilities; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, finds that impact fees have become a widespread and legally acceptable form of funding infrastructure needed for new growth in Florida; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, finds that Chapter 163, Florida Statutes, encourages the use of impact fees as a tool of local government in land use regulation; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, finds that the County Impact Fee Ordinance requires that impact fees be paid as a prerequisite for approval of Electrical Energizing; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, finds that deferral of the impact fees would encourage economic development within St. Johns County and strengthen our local economy.

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

Section 1. St. Johns County Ordinance 1999-51, as previously amended, is hereby amended by adding the following to the end of "Section Eight: Payment of Fees" of the Consolidated Impact Fee Ordinances of the St. Johns County Land Development Code, as consolidated by Ordinance 2005-27:

"Section Eight-A: Payment By Installments

- A. Subject to the requirements of this Section, any Applicant who is required to pay Impact Fees pursuant to this Ordinance for Construction in the amount of \$50,000 or greater may apply to the County Administrator to pay such Impact Fees in

installments over such period of time (not to exceed five years) as may be mutually agreed upon by the Applicant and the County.

B. In consideration for paying the Impact Fees in installments, an Applicant must execute an "Impact Fee Installment Agreement" with the County under which:

1. The Applicant acknowledges responsibility for the entire Impact Fee;
2. The payment schedule and rate of interest due on each installment payment shall be set out in the agreement, and the rate of interest shall be based upon the Annual Average Construction Cost Index as of the date of the Impact Fee Installment Agreement, as provided in Section 6(b) and (c) of Ordinance 2005-27; however, in no circumstance shall the total payments amount to less than the total impact fee that would have been due prior to electrification under Ordinance 2005-27.
3. The Applicant waives the right to a refund under Section Twelve of the Consolidated Impact Fee Ordinances;
4. The Applicant agrees to provide a Letter of Credit in a form acceptable to the County Administrator or his designee for the amount of the Impact Fee deferred, such letter may be drawn down annually as the amount deferred is paid;
5. The Applicant acknowledges the right of the County to record a judgment or to take any and all measures available to any private party to collect and enforce such; and
6. The Applicant acknowledges that the unpaid amount of the Impact Fees shall constitute a lien against the property and all improvement located thereon.

C. The Impact Fee Installment Agreement shall be recorded in the public records of the County and shall constitute a lien against the real property on which the Capital Facilities Impact Construction is constructed. Such lien shall have priority over all other liens except for taxes and other governmental liens and assessments."

D. The payment of School Impact Fees are exempted from this section and shall not be deferred.

E. Projects subject to an approved Impact Fee Agreement or Development Agreement are not eligible for the impact fee deferred payment plan.

F. Revision/Sunset of this section regarding "Payment by Installments": County staff shall submit to the Board of County Commissioners a report with suggested revisions and/or a recommendation to sunset this provision no later than every five (5) years, commencing from the effective date of this ordinance.

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,

provision or map 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. Furthermore, it is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if this Ordinance is held to be invalid or unconstitutional, in whole or in part, by a court of competent jurisdiction, the Consolidated Impact Fee Ordinances, as consolidated by Ordinance 2005-27, shall be severable from this Ordinance and any such invalidity or unconstitutionality of all or part of this Ordinance shall not be construed as to render invalid or unconstitutional any part or provision of those Ordinances, and such Ordinances shall continue to be valid and effective.

Section 3. This Ordinance shall take effect upon a certified copy being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 20th day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Chair

Rendition Date: 10-22-09

ATTEST: Cheryl Strickland, Clerk of Court

By: Wendell King
Deputy Clerk

Effective Date: 10-23-09



The St. Augustine Record

COPY OF ADVERTISEMENT

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E VERSTRAATE**

who on oath says that she is an Employee 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 AD**

In/the matter of **NOTICE OF PUBLIC HEARINGS OF THE SJC COMMISSIONERS ON
ESTABLISHMENT OF ORDINANCE/REGULATIONS AFFECTING THE USE OF LAND**

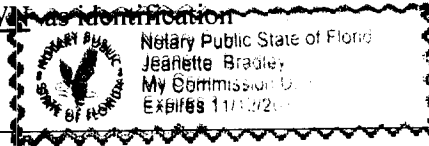
published in said newspaper **SEPT 25, 2009**

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 **29TH day of SEPT 2009**

by Ulinda E Verstraate who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification

Jeanette Bradley



(Signature of Notary Public)
JEANETTE BRADLEY

(Seal)

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 regular meeting on Tuesday, October 6, 2009 at 5:30 p.m. and Tuesday, October 20, 2009 at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida will hold public hearings to consider adoption of the following proposed ordinance:

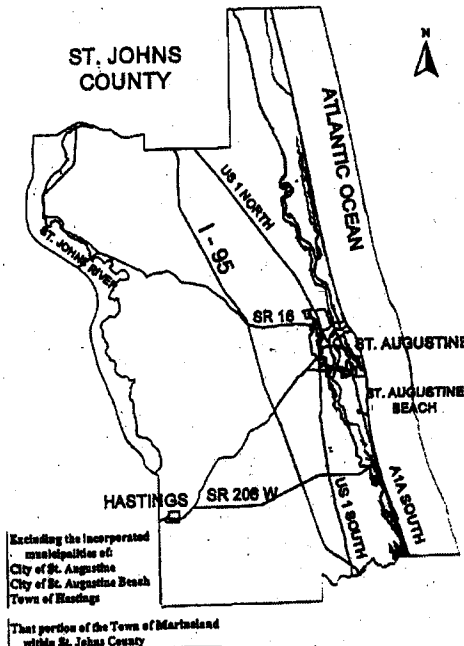
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The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by parties interested prior to the said public 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 Administration Building, 500 San Sebastian View, 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

COPY OF ADVERTISEMENT

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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 Employee of the St. Augustine Record,
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that the attached copy of advertisement being a **DISPLAY AD**

In/the matter of **NOTICE OF PUBLIC HEARINGS**

published in said newspaper **SEPT 25 & OCT 10, 2009**

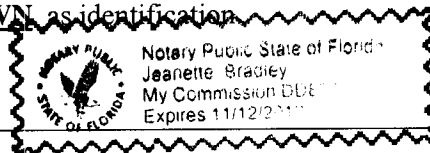
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Sworn to and subscribed before me this **12TH day of OCT 2009**

by Ulinda E Verstraate who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification



(Signature of Notary Public)
JEANETTE BRADLEY



(Seal)

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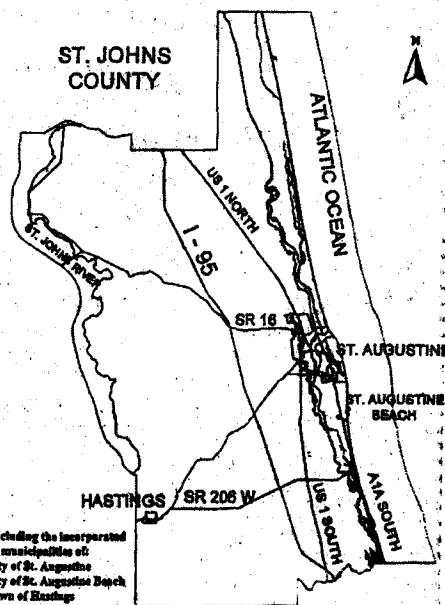
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**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY,
FLORIDA
CHERYL STRICKLAND,
ITS CLERK
By: Patricia DeGrande,
Deputy Clerk**



Excluding the incorporated municipalities of:
City of St. Augustine
City of St. Augustine Beach
Town of Hastings

That portion of the Town of Marco Island within St. Johns County



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

October 23, 2009

Ms. Cheryl Strickland
Clerk of the Circuit Court
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084-8637

FILED
2009 OCT 28 PM 2: 27
CLERK OF THE CIRCUIT COURT
ST. JOHNS COUNTY, FLORIDA

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 22, 2009 and certified copies of St. Johns County Ordinance Nos. 2009-44 and 2009-45, which were filed in this office on October 23, 2009.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282