

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING PARTS OF ARTICLE III – SPECIAL DISTRICTS; ARTICLE X – INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT, AND ARTICLE XII – DEFINITIONS; OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING ARTICLE III SPECIAL DISTRICTS, PART 3.03.00 FLOOD DAMAGE CONTROL REGULATIONS, SPECIFICALLY SECTION 3.03.01 GENERAL PROVISIONS, AND SECTION 3.03.02 STANDARDS AND CRITERIA; AMENDING ARTICLE X INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT, PART 10.04.00 VARIANCES, SPECIFICALLY SECTION 10.04.07 SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS TO FLOOD DAMAGE PREVENTION REGULATIONS (FLOOD DAMAGE PREVENTION VARIANCE); AND AMENDING ARTICLE XII; SPECIFICALLY PART 12.01.00 DEFINITIONS; 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 adding the following to Section 3.03.01:

C. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The St. Johns County Board of County Commissioners hereby appoints the County Administrator or designees to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

D. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Board of County Commissioners of St. Johns County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 2. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by adding the following to Subsection 3.03.02.A:

A. Basis for Establishing the Areas of Special Hazard

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency (FEMA) in its St. Johns County Insurance Study dated September 2, 2004 and any supporting documentation, and any revisions thereto are adopted by reference and declared to be a part of the Flood Damage Control regulations.

Section 3. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by adding the following to Subsection 3.03.02.B:

B. Use of Other Base Flood Data

When base Flood elevation data have not been provided in accordance with Section 3.03.02.A, Basis for Establishing the Areas of Special Hazard, then the Flood Damage Control Administrator shall obtain, review, and reasonably utilize any base Flood elevation data available from a Federal, State, or other source, in order to administer Section 3.03.02.A. The best available information shall be used in all cases in the administration of the Flood Damage Control regulations.

The Floodplain Administrator shall notify FEMA within six months when new technical or scientific data becomes available to the community concerning physical changes affecting flooding conditions so that risk premium rates and flood plain management requirements will be based on current data.

Section 4. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting paragraphs E and F of Subsection 10.04.07, and adding and substituting the following in its stead:

E. HISTORIC STRUCTURES

Variances may be issued for the repair or rehabilitation of historic structures meeting the definition in this ordinance upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure.

F. Notification

All Variances to the Flood Damage Prevention regulations shall:

1. Specify the difference between the Flood protection elevation and the elevation to which the Structure is to be built.
2. State that the Variance may result in substantially increased premium rates for Flood insurance.

3. State that Construction below the Flood protection level increases risks to life and property.

G. Record of Variances To Be Maintained

The County Administrator shall maintain a record of all Variances including the justification for their issuance and a copy of the notice of the Variance.

Section 5. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by adding or modifying the following definitions to Article XII and adding the following in its stead:

Area of Special Flood Hazard: Is the land in the floodplain within a community subject to a one percent (1%) or greater chance of Flooding in any given year. This term is synonymous with the phrase “special flood hazard area.”

Existing Construction: Any Structure for which the “start of Construction” commenced before November 20, 1974, the effective date of the first Floodplain Management Ordinance or standard based upon specific technical base Flood elevation data which establishes the Area of Special Flood Hazard.

Existing Manufactured Home Park or Subdivision: Means a manufactured home park or subdivision for which the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before November 20, 1974, the effective date of the first Floodplain Management Ordinance, or standard based upon specific technical base Flood elevation data which established the Area of Special Flood Hazard.

Flood Hazard Boundary Map (FHBM): means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Areas of Special Flood Hazard have been defined as only Approximate Zone A.

Flood Insurance Rate Map (FIRM): means an official map of a community, issued by the Federal Emergency Management Agency, which delineated both the Areas of Special Flood Hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): Means the official hydrology and hydraulics report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.

Floodproofing: means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river, or other watercourse and the adjacent land areas that must be reserved in order to discharge the one hundred (100) year base Flood without cumulatively increasing the water surface elevation more than a designated height.

Floor, Lowest: means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design standards of this ordinance.

New Construction: Any structure for which the "start of construction" commenced after November 20, 1974, the effective date of the first Floodplain Management, Ordinance, or standard based upon specific technical base Flood elevation data which establishes the Area of Special Flood Hazard. The term also includes any subsequent Substantial Improvements to such Structure.

New Manufactured Home Park or Subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 20, 1974, the effective date of the first floodplain management ordinance or standard.

Recreational Vehicle: A vehicular portable Structure built on a chassis with its own wheels, either self-propelled or towed by another vehicle, designed to be used as a temporary dwelling for travel, vacation, camping or recreational purposes and including travel trailers, camping trailers, pickup campers, converted buses, motor homes, tent trailers, pop-up trailers, boats and boat trailers and similar devices. In addition, for floodplain management purposes, a Recreational Vehicle is 400 square feet or less when measured at the largest horizontal projection.

Substantial Damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. This term also includes "repetitive loss" structures as defined herein.

Substantial Improvement: means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however, include any repair or improvement of a structure to correct existing violations of State of Florida or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions. This term does not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Violation: means the failure of a structure or other development to be fully compliant with the requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Section 6. 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 7. Effective Date. This Ordinance shall take effect on June 21, 2011 or upon its being filed with the Department of State of Florida, whichever is later.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 21st day of June, 2011.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: J. Ken Bryan
J. Ken Bryan, Chair

ATTEST: Cheryl Strickland, Clerk of Court

By: Ullanne King
Deputy Clerk

Rendition Date: June 23, 2011

Effective Date: June 27, 2011



SJC MINUTES & RECORDS C/O CLER
ATTN MS.P DEGRANDE
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref. #:
P.O. #:

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 **BRI HALL**

who on oath says that he/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

In the matter of **NOTICE OF HEARING -**

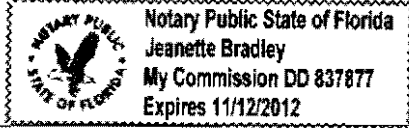
was published in said newspaper on **06/08/2011**

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 has 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/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 8 day of June 2011

by Bri Hall who is personally known to me
or who has produced as identification

Jeanette Bradley



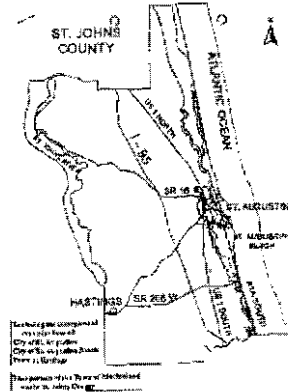
(Signature of Notary Public)

(Seal)

NOTICE OF PUBLIC HEARING 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, June 21, 2011 at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida will hold public hearing to consider adoption of the following proposed ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING PARTS OF ARTICLE III - SPECIAL DISTRICTS; ARTICLE X - INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT, AND ARTICLE XII - DEFINITIONS, OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO:



AMENDING ARTICLE III SPECIAL DISTRICTS, PART 3.03.00 FLOOD DAMAGE CONTROL REGULATIONS, SPECIFICALLY SECTION 3.03.01 GENERAL PROVISIONS, AND SECTION 3.03.02 STANDARDS AND CRITERIA; AMENDING ARTICLE X INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT, PART 10.04.00 VARIANCES, SPECIFICALLY SECTION 10.04.07 SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS TO FLOOD DAMAGE PREVENTION REGULATIONS (FLOOD DAMAGE PREVENTION VARIANCE); AND AMENDING ARTICLE XII; SPECIFICALLY PART 12.01.00 DEFINITIONS; 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 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: Yvonne King, Deputy Clerk



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

June 28, 2011

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

2011 JUL - 1 AM 11: 11
CLERK OF THE SUPREME COURT
ST. JAMES COUNTY, FL

Attention: Ms. Yvonne King, Deputy Clerk, 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 June 24, 2011 and certified copies of Ordinance Nos. 2011-21 through 2011-24, which were filed in this office on June 27, 2011.

Sincerely,

Liz Cloud
Program Administrator

LC/vm

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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COMMUNITY DEVELOPMENT
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STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

CAPITOL BRANCH
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