

ORDINANCE NO. 2012 - 16

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2025 COMPREHENSIVE PLAN, ORDINANCE NO. 2010-38 AS AMENDED, TO REVISE POLICY A.3.1.27 TO ALLOW DRIVE-IN/THROUGH FACILITIES WITH LIMITATIONS AS PROVIDED IN NEW POLICY A.3.2.8; AMEND POLICY A.1.11.3, ADDING A NOTE TO THE FLOOR AREA RATIO (FAR) AND IMPERVIOUS SURFACE RATIO (ISR) TABLE; AMENDING POLICY A.3.2.6 PROVIDING INCENTIVES FOR OWNERS WHO RESTORE AND PRESERVE A QUALIFIED HISTORIC STRUCTURE, ALL WITHIN THE VILANO BEACH TOWN CENTER; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE.**

WHEREAS, Chapter 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;

WHEREAS, Section 163.3184 and 163.3187 Florida Statutes provide 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 Comprehensive Plan is amended to change Future Land Use Policy A.3.1.27 to allow drive-in/through facilities with limitations as provided in new Policy A.3.2.8; to change Policy A.3.2.6 to provide incentives for owners who restore and preserve a qualified historic structure; and to change Policy A.1.11.3 to add a note to the Floor Area Ratio (FAR) and Impervious Surface Ratio (ISR) Table, as shown in **EXHIBIT A** and **EXHIBIT B**.

**SECTION 2.** The 2025 Comprehensive Plan amendments described in Section 1 are based upon the following Findings of Fact:

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

**SECTION 3.** The remaining portions of the St. Johns County Comprehensive Plan, Ordinance No. 2010-38, as amended and the 2025 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 4.** Should any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions.

**SECTION 5.** These amendments to the St. Johns County Comprehensive Plan shall be effective 31 days after the state land planning agency notifies the local government the amendment package is complete. If timely, challenged, within 30 days after adoption, the amendment does not become effective until the state land planning agency or Administration Commission enters a final order determining the adopted amendment to be in compliance.

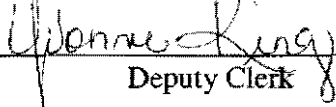
**SECTION 6.** This ordinance shall be recorded in a book of land use regulation ordinances kept and maintained by the Clerk of the Court in accordance with Section 125.68, Florida Statutes.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 19 DAY OF June 2012.**

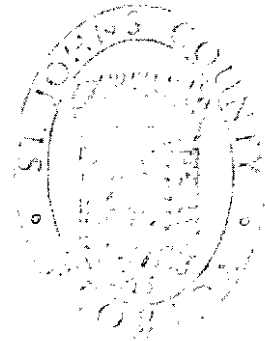
**BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**

BY:   
Mark P. Miner, Chair

RENDITION DATE 06/25/12

ATTEST: Cheryl Strickland, Clerk  
BY:   
Deputy Clerk

Effective Date: 08/03/12



# EXHIBIT A

## Drive-in Facilities

**A.3.1.27** Drive-in facilities shall be prohibited in the TCMUD unless provisions of Policy A.3.2.8 are met.

**A.3.2.8** Due to the fact that financial institutions are appropriate for the Vilano Beach Town Center Mixed Use District (VBTCMUD) and that modern financial institutions are typically built with a drive-in and drive-up facility, the County may approve drive-in facilities attached to neighborhood-serving financial institutions and such financial institutions with drive-in/drive-up facilities may only be located within the area of the VBTCMUD bounded by Vilano Road, Coastal Highway and Poplar Road. Prior to a drive-in and drive-up facility being permitted, the County shall amend the Land Development Code to include standards and procedures to implement this policy.

1. Drive-in and drive-up facilities may only be allowed as accessory to a neighborhood serving financial institution.
2. Based on the size and configuration of the block, its location within the VBTCMUD, the fact that this particular block already attracts significant vehicular traffic due to the size and use of the retail development, and the configuration of the buildings and parking currently thereon, which allow the site and design requirements, described below, and to preserve the Vilano Beach Town Center ideals, a drive-in and drive-up facility may only be located within the block of the VBTCMUD bounded by Vilano Road, Coastal Highway and Poplar Road.
3. The drive-in and drive-up windows may not be visible from Vilano Road or Coastal Highway. The drive-in and drive-up windows must be located in the rear of a building or the interior of a parking area, and shall be screened from view along public streets and adjacent property by using enhanced landscaping, roof-top coverage, walls, fences, canopies or other similar design elements.
4. The drive-in and drive-up windows must be located with access from an alley or the interior of a parking area.
5. The establishment containing such drive-in and drive-up window must be designed consistent with an urban pedestrian-oriented design concept and include the following elements:

- (a) Locate the building's main entrance fronting on Poplar Avenue with direct route from the public sidewalk.
  - (b) Financial institutions shall have no more than three (3) drive-in lanes, one (1) of which may be a drive-up window.
  - (c) The stacking lanes shall not be located closer than 100 feet from Vilano Road. Stacking and drive-in or drive-up lanes shall be screened from view along public streets by using enhanced landscaping, screening, walls, fences, or other similar design elements, with only the driveway entrance/exit areas and corresponding line-of-sight areas being visible as needed.
6. If the financial institution vacates the building, and another one does not relocate on the site within one (1) year, the drive in or drive-up lanes must be removed or converted to a compatible use with the new commercial/retail use, e.g. patio, outdoor seating area, etc.
7. If developed, any such facility shall comply with the standards herein, as well as with any other applicable standards as may be provided by this Plan and the Land Development Code

## **EXHIBIT B**

### **Revised Proposed Amendment to the Comprehensive Plan for Preservation of Historic Structures in the Vilano Town Center Mixed Use District**

#### **Policy A.1.11.3 - Add:**

Note 12. See Policy A.3.2.6 for ISR and FAR established for preservation of Historic structures in the Vilano Beach Town Center Mixed Use District.

#### **Policy A.3.2.6**

In an effort to promote the preservation of historic "landmark" structures that establish the unique historic character and "sense of place" in the Vilano Beach Town Center, property owners may consider the following options:

- (a) A one-time only Transfer of Development Rights (TDR) option to preserve historic structures that are fifty years or older. This option is to allow a one-time only Transfer of Development Rights for the maximum residential density allowed within the Town Center to be transferred to other properties located within the Town Center (sending and receiving area) in exchange for preservation of the historic structure(s) in perpetuity, and as required by the Land Development Code. Other credits may be considered for preservation of historic building facades.
- (b) Incentives for owners who restore and preserve a qualified historic structure on the property. These incentives include:
  - (1) Increase in the Floor Area Ratio of the buildable property from 0.80 to 1.5, excluding the floor area of the historic structure.
  - (2) Increase in the Impervious Surface Ratio of the buildable property from 0.75 to 0.90, excluding the historic structure footprint.
  - (3) Elimination of parking requirements for Commercial/ Retail/Office uses, if buildable property is under 30,000 square feet.
  - (4) A fifty percent (50%) reduction of parking requirements for Commercial/Retail/Office uses if buildable property is over 30,000 square feet.

# 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 **SHAWNÉ H. ORDONEZ**

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 **COMPAMD 2011-01 VILANO BEACH TOWN CENTER-**  
was published in said newspaper **MAY 2, 2012**

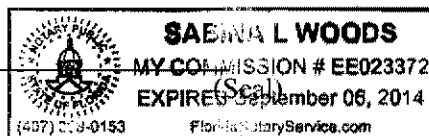
Affiant further says that the St. Augustine Record is a newspaper published  
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper  
heretofore been continuously published in said St. Johns County, Florida, each  
day and has been entered as second class mail matter at the 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.

  
**SHAWNÉ H. ORDONEZ**

Sworn to and subscribed before me this 2nd day of **MAY, 2012.**

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

  
(Signature of Notary Public)



# NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED TEXT AMENDMENTS TO THE OBJECTIVES AND POLICIES OF GOAL A.3 AND TO POLICY A.1.11.3 OF THE ST. JOHNS COUNTY 2025 COMPREHENSIVE PLAN

NOTICE IS HEREBY GIVEN that the Planning and Zoning Agency on Thursday, May 17, 2012 at 1:30 p.m. and the St. Johns County Board of County Commissioners on Tuesday, June 19, 2012 at 9:00 a.m., will each hold public hearings, as follows: The Planning and Zoning Agency to consider and issue a recommendation on the ADOPTION of a proposed comprehensive plan amendment to the St. Johns County 2025 Comprehensive Plan and the Board of County Commissioners will consider whether or not to ADOPT, the same proposed comprehensive plan amendment to the St. Johns 2025 Comprehensive Plan, with the following styled ordinance:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2025 COMPREHENSIVE PLAN, ORDINANCE NO. 2010-38 AS AMENDED, TO REVISE POLICY A.2.1.27 TO ALLOW DRIVE-IN/THROUGH FACILITIES WITH LIMITATIONS AS PROVIDED IN NEW POLICY A.3.2.8; AMEND POLICY A.1.11.3, ADDING A NOTE TO THE FLOOR AREA RATIO (FAR) AND IMPERVIOUS SURFACE RATIO (ISR) TABLE; AMENDING POLICY A.3.2.6 PROVIDING INCENTIVES FOR OWNERS WHO RESTORE AND PRESERVE A QUALIFIED HISTORIC STRUCTURE, ALL WITHIN THE VILANO BEACH TOWN CENTER; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE.

Said hearings will be held in the County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida. All interested parties may appear at the public hearings to be heard regarding any or all of the proposed amendments. Board of County Commissioner items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

The Vilano Beach Town Center Mixed Use District is the subject of the above noticed hearing. A complete description is available in the St. Johns County Planning Office. See map generally depicting the location, Exhibit A.

The proposed amendment is known as File Number COMPAMD2011-01 Vilano Beach Town Center, and is available for review at the local County Planning Office and may be examined by interested parties prior to said public hearings.

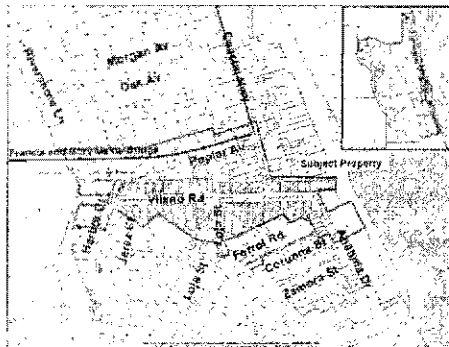
Interested parties may appear at the meeting and be heard with respect to the proposed amendment. If a person decides to appeal any decision made with respect to any matter considered at the meetings or hearings, he/she will need a record of the proceedings and for such purpose may need to ensure that 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 or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 500 Sebastian View, St. Augustine, Florida, 32084. Hearing impaired persons, call Florida Relay Service (1-800-955-8770), no later than 5 days prior to the meeting.

PLANNING AND ZONING AGENCY  
ST. JOHNS COUNTY, FLORIDA  
BRAD NELSON, CHAIR

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
MARK P. MINER, CHAIR

COMPAMD 2011-01, VILANO BEACH TOWN CENTER



1307551



## FLORIDA DEPARTMENT OF STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

June 28, 2012

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

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 June 25, 2012 and certified copy of Ordinance No. 2012-16, which was filed in this office on June 26, 2012.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

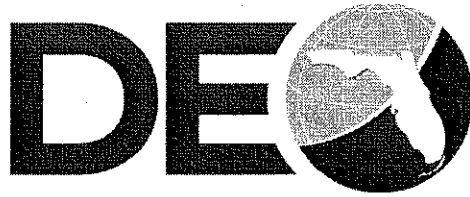
Liz Cloud  
Program Administrator

LC/srd

2012 JUL -5 PM 4:15  
RECEIVED  
ST. JOHN COUNTY  
ST. AUGUSTINE



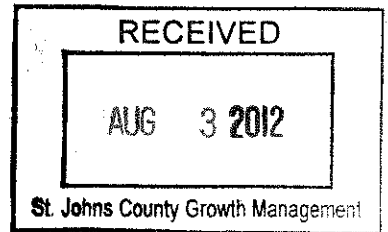
Rick Scott  
GOVERNOR



Hunting F. Deutsch  
EXECUTIVE DIRECTOR

FLORIDA DEPARTMENT *of*  
ECONOMIC OPPORTUNITY

July 31, 2012



The Honorable Mark P. Miner, Chairman  
St. Johns County Board of County Commissioners  
500 San Sebastian View  
St. Augustine, Florida 32084

Dear Chairman Miner:

The Department has completed its review of the comprehensive plan amendment adopted by St. Johns County on June 19, 2012 by Ordinance No. 12-16 (Amendment No. 12-1ESR). We have reviewed the amendment in accordance with the expedited state review process set forth in Sections 163.3184(2), (3) and (5), Florida Statutes, and have identified no provision that necessitates a challenge of the Ordinance adopting the amendment.

If the plan amendment is not challenged by an affected person, the amendment will become effective 31 days after the Department notified the local government that the plan amendment package was complete. If this plan amendment is challenged by an affected person, the amendment will not become effective until the Department or the Administration Commission enters a final order determining the amendment to be "In Compliance." No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

We appreciate the opportunity to work with the County's Planning staff in the review of the amendment. If you have any questions related to this review, please contact Joseph Addae-Mensa, Planning Analyst, at (850) 717-8476, or by email at [joseph.addae-mensa@deo.myflorida.com](mailto:joseph.addae-mensa@deo.myflorida.com).

Sincerely,

Ana Richmond  
Regional Planning Administrator

AR/jam

cc: Teresa Bishop, AICP, Long Range Planning Director, St. Johns County  
Ed Lehman, Director of Transportation & Community Development, Northeast Florida  
Regional Council