

ORDINANCE NO. 2012- 23

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 IV NATURAL RESOURCES; ARTICLE VI DESIGN STANDARDS AND IMPROVEMENTS REQUIREMENTS AND ARTICLE XI CONCURRENCY MANAGEMENT; OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING ARTICLE III SPECIAL DISTRICTS SPECIFICALLY SUBSECTION 3.03.02.D.1.b, STANDARDS AND CRITERIA; ARTICLE IV NATURAL RESOURCES SPECIFICALLY SUBSECTIONS 4.01.06.C.2 CRITERIA APPLIED WHEN REVIEWING THE UPLAND BUFFER AND 4.01.11.F.1 DREDGE AND FILL; ARTICLE VI DESIGN STANDARDS AND IMPROVEMENTS REQUIREMENTS, SPECIFICALLY SUBSECTIONS 6.04.02.C STATE AND FEDERAL PERMITS, AND 6.04.06.F.3.a(3) MINIMUM DESIGN STANDARDS; AND AMENDING ARTICLE XI CONCURRENCY MANAGEMENT, SPECIFICALLY SUBSECTIONS 11.05.02.C.3.c POTABLE WATER, AND 11.05.03.C.3.c WASTEWATER; 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 deleting Subsection 3.03.02.D.1.b in its entirety and by adding and substituting the following in its stead:

- b. Review proposed Development to assure that all necessary Permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, prior to commencement of Construction.

Section 2. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Subsection 4.01.06.C.2 in its entirety and by adding and substituting the following in its stead:

2. All required valid and unexpired permits from state and federal regulating agencies shall be provided to the County prior to commencement of Construction Plan approval.

Section 3. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Subsection 4.01.11.F.1 in its entirety and adding and substituting the following in its stead:

1. The Construction of canals and man-made waterways shall not commence Construction ~~be considered for final approval by the County until all federal and state Permits have been acquired.~~

Section 4. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Subsection 6.04.02.C. in its entirety and adding and substituting the following in its stead:

C. State and Federal Permits

Copies of applicable Permits, including Permit conditions, from all agencies having jurisdiction over Construction Projects shall be provided to the County Administrator ~~prior to issuance of the "Development Permit." Construction Plans may be conditionally approved subject to Permits being received by the County Administrator from other regulatory agencies prior to commencement of Construction. Once all other regulatory permits are received the Development Permit may be issued.~~ These Permits include, but are not limited to: work in or near Wetland areas, Stormwater Management Systems, Special Flood Hazard Areas, coastal Construction and Roadway Construction. The burden of obtaining these Permits, if required, will be the sole responsibility of the Applicant including any work to upgrade existing Public or Private Roadway and drainage facilities which will be unreasonably impacted by the Project. Agencies that may have jurisdiction over the proposed work include, but are not limited to, the following:

1. St. Johns River Water Management District
2. Florida Department of Environmental Protection
3. Florida Department of Transportation
4. United States Army Corps of Engineers
5. United States Environmental Protection Agency
6. Federal Emergency Management Agency

Section 5. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Subsection 6.04.06.F.3.a(3) in its entirety and adding and substituting the following in its stead:

- (3) Unless exempt, all projects shall meet state water quality discharge standards as regulated by the St. Johns River Water Management District. The County Administrator shall presume that this requirement is met upon submittal of a copy of a valid St. Johns River Water Management District Permit prior to commencement of Construction.

Section 6. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Subsection 11.05.02.C.3.c. in its entirety and adding and substituting the following in its stead:

- c. Where community water is not available, the Applicant shall comply with ~~and provide~~ all applicable Permits or approvals from the St. Johns County Environmental Health Department or the St. Johns River Water Management District, as appropriate.

Section 7. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Section 11.05.03.C.3.c in its entirety and adding and substituting the following in its stead:

- c. Projects Served by Septic Tanks or Package Treatment Plants

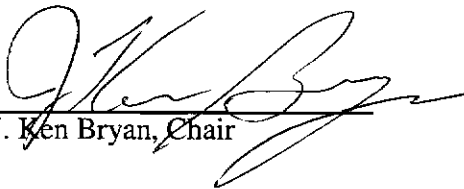
Projects served by septic tanks or package treatment plants shall comply with ~~and provide~~ all applicable Permits or approvals from the St. Johns County Environmental Health Department or a Florida Department of Environmental Protection Package Sewer Treatment Plant Permit as appropriate.

Section 8. 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 9. Effective Date. This Ordinance shall take effect upon its being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 4<sup>th</sup> day of September, 2012.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
J. Ken Bryan, Chair

ATTEST: Cheryl Strickland, Clerk of Court

By:   
Deputy Clerk

Effective Date: 09/10/12

EXPIRATION DATE 09/06/12







FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

September 10, 2012

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

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ST. JOHN'S COUNTY  
SEP 10 2012

2012 SEP 18 AM 8:19

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 September 7, 2012 and certified copies of Ordinance Nos. 2012-21 through 2012-23, which were filed in this office on September 10, 2012.

Sincerely,

Liz Cloud  
Program Administrator

LC/elr