

ORDINANCE 2015 - 49

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ARTICLE VI OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, ORDINANCE NO. 99-51, AS AMENDED; AMENDING SUB-SECTION 6.04.04.H RIGHT-OF-WAY PROTECTION AND ACQUISITION IN ARTICLE VI DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, PART 6.04.00 ROADWAYS, DRAINAGE & UTILITIES STANDARDS, SECTION 6.04.04 CONSTRUCTION WITHIN RIGHT-OF-WAY; PROVIDING FOR CONSIDERATION IN EXCHANGE FOR RIGHT-OF-WAY RESERVATION OR DEDICATION; PROVIDING FOR CODIFICATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, local land development regulations require evaluation and revision to address public health, safety and welfare issues that may occur during the implementation of land development regulations; and

WHEREAS, the County believes that Article VI of the County's current Land Development Code can be further improved by modifications herein; and

WHEREAS, it is found that the hereinafter Ordinance provisions are consistent with and implement provisions of the 2025 Comprehensive Plan of St. Johns County as adopted and enacted on August 17, 2010.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY:

Section 1. The foregoing WHEREAS clauses are adopted and incorporated as legislative findings.

Section 2. Sub-Section 6.06.04.H Right-of-Way Protection and Acquisition of the St. Johns County Land Development Code, Ordinance 99-51, as previously amended, is hereby amended to read:

Sec. 6.04.04.H

H. Right-of-Way Protection and Acquisition

1. No new Subdivisions or non-residential Development (Buildings, Parking Areas, water retention, etc.) shall be permitted within proposed future County or State Road Right-of-Way corridors, as established in the Traffic Circulation Plan and Goals, Objectives & Policies of the St. Johns County Comprehensive Plan, unless approved by the Board of County Commissioners.

2. Prior to the Development of new Subdivisions or non-residential Development contiguous to existing County Collector Roadways, Right-of-Way shall be reserved or dedicated to St. Johns County in accordance with the Transportation Element of the St. Johns County Comprehensive Plan or other requirements specified within County approved plans, unless otherwise approved by the Board of County Commissioners. Impact fee credits or other incentives or valuable consideration including, but not limited to, additional density, flexible setbacks or accelerated timing and phasing of development, may be granted in consideration for such Right-of-Way dedication. Other incentives including but not limited to additional density, flexible setbacks or accelerated timing and phasing of development may be granted in consideration for Right-of-Way reservation. Such impact fees, incentives, or consideration shall be negotiated with the applicant for the Development.

3. No Development activity shall be permitted within existing County Right-of-Way, unless approved by the Board of County Commissioners.

Section 3. Inclusion and Codification into the Land Development Code. It is the intent of the St. Johns County Board of County Commissioners that the provisions of this Ordinance shall be codified and made part of the St. Johns County Land Development Code, Ordinance 99-51, as previously amended, and that the sections and attachments of this ordinance may be renumbered, reorganized, relettered, and appropriately incorporated into the Land Development Code in order to accomplish such intentions.

Section 4. The remaining portions of the St. Johns County Land Development Code, Ordinance 99-51, as amended, which are not in conflict with the provisions of this ordinance, shall remain in full force and effect.

Section 5. 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 6. Effective Date. This Ordinance shall take effect upon it being filed with the Secretary of State.

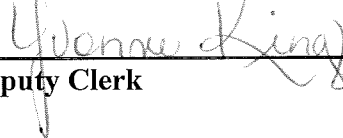
PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 21 DAY OF July 2015.

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

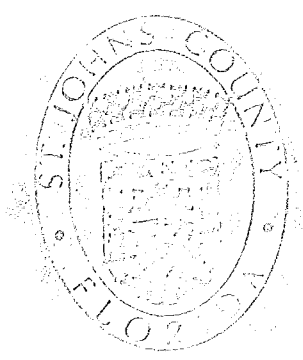
BY: 
Priscilla L. Bennett, Chair

RENDITION DATE July 23, 2015

ATTEST: CHERYL STRICKLAND, CLERK

BY: 
Deputy Clerk

EFFECTIVE DATE: July 23, 2015



THE ST. AUGUSTINE RECORD

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.#: L1934-15
P.O.#: L1934-15

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 **NICOLE CORRIVEAU**
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 **NOTICE OF HEARING**
In the matter of **AMEND ARTICLE VI - HEARING JULY 21, 2015**
was published in said newspaper on **07/10/2015**

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 _____ day of JUL 10 2015

by Michele Curran who is personally known to me
or who has produced as identification



SHAWNE' H ORDONEZ
MY COMMISSION # EE212989
EXPIRES July 01, 2016

(Signature of Notary Public)

(Seal)

**NOTICE OF A PUBLIC HEARING
OF
THE ST. JOHNS COUNTY BOARD
OF COUNTY COMMISSIONERS**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing to consider adoption of the following proposed ordinance at a regular meeting on Tuesday, July 21, 2015, at 9:00 a.m., in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ARTICLE VI OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, ORDINANCE NO. 99-51, AS AMENDED; AMENDING SUB-SECTION 6.04.04, RIGHT-OF-WAY PROTECTION AND ACQUISITION IN ARTICLE VI DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, PART 6.04.00 ROADWAYS, DRAINAGE & UTILITIES STANDARDS, SECTION 6.04.04 CONSTRUCTION WITH IN RIGHT-OF-WAY; PROVIDING FOR CONSIDERATION IN EXCHANGE FOR RIGHT-OF-WAY RESERVATION OR DEDICATION; PROVIDING FOR CODIFICATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; 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 hearing. 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 hearing.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, 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 the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: 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
L1934-15 Jul 10, 2015**



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 24, 2015

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 electronic copy of St. Johns Ordinance No. 2015-49, which was filed in this office on July 23, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

OFFICE OF THE SECRETARY OF STATE
ST. JOHN'S COUNTY, FL

2015 JUL 24 AM 8:46

FILED