

PROPOSED CHANGES TO ORDINANCE NO. 2015-6

ORDINANCE NO. 2020-19

AN ORDINANCE AMENDING ROAD CAPACITY CHARGES WITHIN THE PROPERTY ENCOMPASSED BY THE DEVELOPMENT AGREEMENT BETWEEN DURBIN CREEK NATIONAL LLC AND THE COUNTY; AMENDING THE FEE SCHEDULE FOR THE CALCULATION OF THE ROAD CAPACITY CHARGES; INCORPORATING THE DEFINITIONS IN THE DEVELOPMENT AGREEMENT INTO THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. PURPOSE. The intent and objective of this Ordinance is to amend Ordinance No. 2015-6 to revise Road Capacity Charges in a manner consistent with the modifications to the Development Agreement, as amended by that certain First Amendment to Development Agreement dated January 19, 2017 and recorded in Official Records Book 4319, Page 1805, and as further amended by that certain Second Amendment to Development Agreement dated May 19, 2020 and recorded in Official Records Book 4951, Page 1179, all of the Public Records of St. Johns County, Florida (collectively, the "Development Agreement"), as a dedicated source for the funding the Proposed Roadway Improvements to be constructed pursuant to the provisions of the Development Agreement.

SECTION 2. FINDINGS. It is hereby ascertained, determined and declared that:

(A) The County has amended the Development Agreement to revise the Proposed Roadway Improvements and Projected Development to include Hospital as a

permitted land use, to convert certain land uses within the Development Agreement to Hospital beds and to provide a Road Capacity Charge for Hospital beds.

(B) The projected total Roadway Improvement Costs for all Phases as described in Subsection 5.3(b) of the Development Agreement, as amended, continues to exceed the amount of Transportation Impact Fees projected to be received from the Projected Development, as revised, as acknowledged in Section 5.6 of the Development Agreement.

SECTION 3. DEFINITIONS. All defined terms set forth in this Ordinance shall be as defined in Ordinance 2015-6 and the Development Agreement unless otherwise defined herein.

SECTION 4. AMENDMENT OF ROAD CAPACITY CHARGE.

(A) The amount of the Road Capacity Charge for the Projected Development, as revised, shall be determined by the application of the following amended Fee Schedule:

Road Capacity Charges				
TOTAL	Quantity	Units	Fee/Unit*	Total
Apartment	2,265	DU	\$1,567	\$3,549,255
Office	2,261,065	SF	\$904	\$2,044,003
Shopping	2,397,130	SF	\$2,803	\$6,719,155
Hotel	350	RM	\$1,204	\$421,400
Hospital	375,000	SF**	\$308	\$115,500
TOTAL				\$12,849,313

*Calculation per 1,000 square feet.

**For the purposes of this Ordinance, 1 hospital bed equals 2,500 SF.

If a building permit is required for mixed uses, then the fee shall be determined by an apportionment of space and committed uses as specified consistent with the Fee Schedule.

(B) If the type of development activity that a building permit is applied for is not specified on the Fee Schedule, the County Administrator shall use the fee applicable to the most nearly comparable type of land use on the Fee Schedule. The County Administrator shall be guided in the selection of a comparable type by the report titled Trip Generation: An Information Report (Third Edition) prepared by the Institute of Transportation Engineers.

SECTION 5. ORDINANCE NO. 2015-6. Except as amended by this Ordinance No. 2020-19, the terms and conditions of Ordinance No. 2015-6 shall govern the Road Capacity changes for the Property.

SECTION 6. CONFLICT AND SEVERABILITY. In the event this Ordinance conflicts with any other ordinance of St. Johns County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES. The provisions of this Ordinance shall become and be made a part of the Code Ordinances of St. Johns County, Florida. The sections of this Ordinance may be renumbered or re-

lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 8. VENUE. Venue for any litigation pertaining to the subject matter in this Ordinance shall be exclusively in St. Johns County, Florida.

SECTION 9. EFFECTIVE DATE. This Ordinance shall be effective on May 29, 2020.

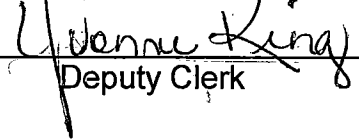
PASSED AND ENACTED this 19 day of May, 2020.

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



Jeb S. Smith, Chairman

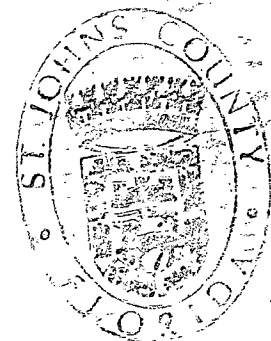
ATTEST: Brandon Patty, Clerk

By: 

Deputy Clerk

RENDITION DATE MAY 21 2020

Effective Date: MAY 29 2020



THE ST. AUGUSTINE RECORD
Affidavit of Publication

SJC GROWTH MANAGEMENT
4040 LEWIS SPEEDWAY

SAINT AUGUSTINE, FL 32084

ACCT: 15628
AD# 0003268763-01

PO#

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

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says 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 ROAD CAPCTY CHANGE ORDINANCE was published in said newspaper on 03/23/2020.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in 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, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

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

NOTICE IS HEREBY GIVEN that a public hearing will be held on 4/16/2020 at 1:30 pm before the Planning and Zoning Agency in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida and on 5/19/2020 at 9:00 am before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida, to consider adoption of the following ordinance.

ORDINANCE NO. 3020
AN ORDINANCE AMENDING ROAD CAPACITY CHARGES WITHIN THE PROPERTY ENCOMPASSED BY THE DEVELOPMENT AGREEMENT BETWEEN DURBIN CREEK NATIONAL LLC AND THE COUNTY; AMENDING THE FEE SCHEDULE FOR THE CALCULATION OF THE ROAD CAPACITY CHARGES; INCORPORATING THE DEFINITIONS IN THE DEVELOPMENT AGREEMENT INTO THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This file and the proposed ordinance are maintained in the Planning and Zoning Section of the Growth Management Department located at the St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, Florida 32084 and may be inspected by interested parties prior to said public hearing. Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or 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.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except in compliance with Resolution 95-126, to properly noticed public hearings or to written communication, care of SJC Planning and Zoning Section, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

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 (1 800 935 8770), no later than 5 days prior to the meeting.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
JED S. SMITH, CHAIR
FILENAME: ROAD CAPACITY CHANGE ORDINANCE

0003268763 March 23, 2020

Sworn to (or affirmed) and subscribed before me by means of

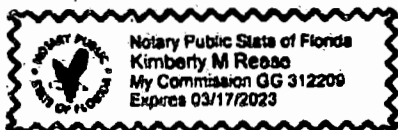
physical presence or
 online notarization

MAR 26 2020

this _____ day of _____

by [Signature] who is personally known to me or who has produced as identification

[Signature]
(Signature of Notary Public)





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 29, 2020

Honorable Brandon Patty
Clerk of Courts
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Yvonne King

Dear Mr. Patty:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2020-19, which was filed in this office on May 29, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

FILED MAY 29 2020
ST. JOHNS COUNTY
CLERK OF COURT
BY: Yvonne King
DEPUTY CLERK