

ORDINANCE NO. 2020 - 23

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED, AMENDING ARTICLE IV, SECTION 4.01.05.E.3 'REMEDIES FOR PROTECTED TREE REMOVAL WITHOUT A PERMIT'; AMENDING ARTICLE XII 'DEFINITIONS' FOR PROTECTED TREE DEFINITION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR MODIFICATION DURING PUBLIC HEARING; PROVIDING FOR INCLUSION AND CODIFICATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND 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 desires to provide revised mitigation requirements and fines for the unauthorized removal of Protected Trees; and,

WHEREAS, the County desires to provide mitigation requirements and a fine for the unauthorized removal of Specimen trees; and,

WHEREAS, the County desires to provide mitigation requirements and a fine for the unauthorized clearing when unable to assess the number and size of Protected Trees removed; and,

WHEREAS, the County believes that Article IV and Article XII of the County's current Land Development Code, Ordinance No. 99-51, as previously amended, can be further improved by modifications herein; and,

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

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

SECTION 1. The above Recitals and WHEREAS clauses are hereby adopted as legislative findings by the St. Johns County Board of County Commissioners and incorporated and made a part of this Ordinance.

SECTION 2. Article IV, Section 4.01.05.E.3, of the Land Development Code Ordinance No. 99-51, as previously amended, is hereby amended to read as follows in the attached **EXHIBIT A**, hereinafter adopted and incorporated in this Ordinance.

SECTION 3. Article XII of the Land Development Code Ordinance No. 99-51, as previously amended, Definition for Protected Tree, is hereby amended to read as follows in the attached **EXHIBIT B**, hereinafter adopted and incorporated in this Ordinance.

SECTION 4. The remaining portions of the St. Johns County Land Development Code, Ordinance 99-1, 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 that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed with the Clerk to the Board.

SECTION 6. 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 No. 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 7. 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 8. 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 19th **DAY OF** May, 2020.

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

By: Jeb S. Smith
Jeb S. Smith, Chair

RENDITION DATE MAY 21 2020

ATTEST: Brandon Patty, Clerk of Court

By: Yvonne King
Deputy Clerk

Effective Date: MAY 22 2020

Exhibit A

Section 4.01.05.E

3. Remedies-Enforcement for Protected Tree Removal without a permit

Protected Tree inches removed due to unauthorized clearing shall require mitigating the Tree inches lost through replanting or a combination of replanting a portion of the Tree inches lost and providing a Tree Bank Fund payment for those inches not replanted. Additionally, the payment of a fine as set forth in this Section shall apply and be paid to the Tree Bank Fund. All mitigation shall be accomplished after the notification of the violation within the six (6) month suspension period. All fines shall be rendered no more than thirty (30) days after the notification of the violation.

- a. Removed Protected Trees are to be replaced with like Trees of the same size, species, and location. When replacement of Protected Trees is not practical as reasonably determined by the County Administrator, an equal number of inches of the same species shall be applied to replace the Trees. The plantings shall meet the general planting requirements as provided in this Article, and shall be planted on the same site.
- b. If subsection 3.a. may not be reasonably met site conditions prevent the replanting of all the Tree inches lost, as determined by the County Administrator, payment into the ~~Saint St. Johns County~~ Tree Bank Fund ~~instead of replanting for the portion of the Tree inches not replanted~~ is required. The rate of payment shall be at the replacement cost of the particular species, at a ~~Protected two (2) inch~~ Tree size, as determined by a replacement cost estimate. ~~This shall be accomplished no more than thirty (30) days after the notification of the violation.~~
- c. Fines assessed for unauthorized Protected Tree removal shall be:
 - \$200 for each Tree 8 inches to less than 12 inches
 - \$400 for each Tree 12 inches to less than 20 inches
 - \$800 for each Tree 20 inches to less than 30 inches
 - \$1,000 for each Tree 30 inches or greater
- d. Fines assessed for unauthorized removal of Protected Sand live oak or Southern red cedar:
 - \$200 for each Tree 2 inches to less than 4 inches
 - \$400 for each Tree 4 inches to less than 8 inches
 - \$800 for each Tree 8 inches to less than 12 inches
 - \$1,000 for each Tree 12 inches or greater
- e. The fine assessed for unauthorized removal of a Specimen Tree shall be \$5,000 for each Specimen Tree removed.
- f. If a site is cleared without authorization and Trees are removed such that the County Administrator is unable to assess the number and size of Protected Trees removed, such violation shall be subject to a fine of \$30,000 per acre, or fraction thereof, of land cleared.

- g. Issuance of all Development permits with respect to the subject property shall be suspended for a period of six (6) months during which time all mitigation shall be satisfied.
- eh. These provisions to achieve compliance do not preclude the use of Code Enforcement activities as provided by Article 10.05.00 of this Code or any other enforcement activities permitted by law.

Exhibit B

Article XII – Amended definition of Protected Tree

Protected Tree: Any Tree having a Diameter at Breast Height (DBH) of eight (8) inches or greater, excluding Exempt Trees. Native Southern ~~Red-red Cedar-cedar~~ (*Juniperus silicicola*) and Sand live oak (*Quercus geminata*) with a DBH ~~greater than two (2) inches~~ or greater shall be a Protected Tree whenever it occurs ~~within three (3) miles of the Atlantic Ocean~~ on lands lying east of the Intracoastal Waterway, Tolomato River or Matanzas River. ~~and any Endangered Trees are to be Protected Trees.~~ Any Tree preserved or planted to meet the requirements of this Code becomes a Protected Tree, regardless of size.

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW

SAINT AUGUSTINE, FL 32084

ACCT: 15634
AD# 0003269636-01
PO# 0003269636

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 SA Legal Retail in the matter of 041620 PZA 051920 BCC LDC was published in said newspaper on 04/02/2020, 05/05/2020.

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.

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

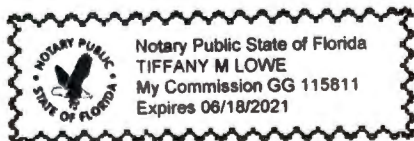
physical presence or
 online notarization

MAY 06 2020

this ___ day of ___

by Melissa Rhinehart who is personally known to me or who has produced as identification

Tiffany M. Lowe
(Signature of Notary Public)



NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND PLANNING & ZONING AGENCY ON ESTABLISHMENT OF ORDINANCE/REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that public hearings will be held to consider adoption of the following proposed ordinance at regular meetings, as follows:

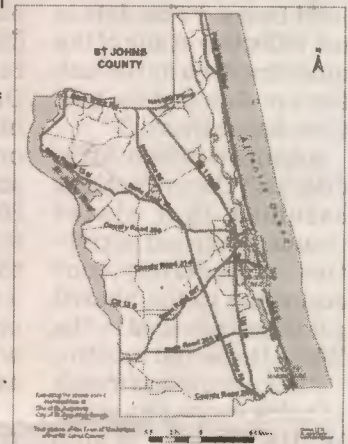
Planning & Zoning Agency
Thursday, April 16, 2020, at 1:30 p.m.
Board of County Commissioners
Tuesday, May 19, 2020, at 9:00 a.m.

Both public hearings will be held 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 THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED, AMENDING ARTICLE IV, SECTION 4.01.05.E.3 'REMEDIES FOR PROTECTED TREE REMOVAL WITHOUT A PERMIT'; AMENDING ARTICLE XII 'DEFINITIONS' FOR PROTECTED TREE DEFINITION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR MODIFICATION DURING PUBLIC HEARING; PROVIDING FOR INCLUSION AND CODIFICATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR LIBERAL CONSTRUCTION; 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 said public hearings. Please take note that the proposed ordinance is subject to revision prior to 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 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
BRANDON PATTY, ITS CLERK
By: Yvonne King, Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 22, 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. 2020-23, which was filed in this office on May 22, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

FILED **MAY 22 2020**
ST. JOHNS COUNTY
CLERK OF COURT
BY: Yvonne King
DEPUTY CLERK