

ORDINANCE 2021- 68

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE 2025 COMPREHENSIVE PLAN, TO AMEND THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES REGARDING AMENDMENTS TO ADD POLICY I. PROPERTY RIGHTS ELEMENT IN COMPLIANCE WITH SECTION 163.3177(6)(i), FLORIDA STATUTES (2021); PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE.

**WHEREAS**, Chapter 125 and 163, Florida Statutes, provide for the St. Johns County Board of County Commissioners (Board) 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 set forth the process for the adoption of Comprehensive Plan amendments; and

**WHEREAS**, Section 163.3177(6)(i), Florida Statutes (2021), requires the comprehensive plan to include a property rights element with minimum specified language; and

**WHEREAS**, the Board respects judicially acknowledged and constitutionally protected private property rights; and

**WHEREAS**, the Board respects the rights of all people to participate in land use planning processes; and

**WHEREAS**, this Ordinance will amend the comprehensive plan by adding a property rights element.

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

**SECTION 1.** The Land Use Element, Goal A, of the St. Johns County Comprehensive Plan is amended to change, revise, and add new Goals, Objectives, and Policies as described and shown on the attached as **Exhibit A**, incorporated herein as part of this Ordinance.

**SECTION 2.** The 2025 Comprehensive Plan amendment described in Section 1 is 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 that the plan 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 Court in accordance with Section 125.68, Florida Statutes.

**PASSED AND ENACTED** by the Board of County Commissioners of St. Johns County, Florida, this 21<sup>st</sup> day of September, 2021.

BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS  
COUNTY, FLORIDA

By: Jeremiah R. Blocker  
Jeremiah R. Blocker, Chair

ATTEST: Brandon J. Patty, Clerk of the Circuit Court and Comptroller

By: Quene King  
Deputy Clerk

Effective Date: OCT 28 2021

Rendition Date: SEP 23 2021

**Exhibit A**

**Relocation of Objective A.1.16 Private Property Rights  
Creation of New Policy I. Property Rights Element**

## Objective A.1.16

### RESERVED

#### ~~Private Property Rights~~

~~The County shall adopt land development regulations that are consistent with the protection of private property rights and shall not take private property without just compensation.~~

#### ~~Policies~~

- ~~A.1.16.1 — St. Johns County shall regulate the use of land only for valid public purposes in a reasonable manner, in accordance with due process, and as allowed by law.~~
- ~~A.1.16.2 — Consistent with Chapter 125 and Chapter 163, Florida Statutes, St. Johns County shall give adequate public notice to landowners of any application to change the Future Land Use Map designation or zoning category of their land.~~
- ~~A.1.16.3 — The County shall ensure, in accordance with the applicable Florida Statutes, and consistent with applicable law, that nothing contained in this Plan including, but not limited to, the Future Land Use Map and the Land Use Element, shall be interpreted to limit or modify the rights of:~~
- ~~(a) — any person to complete development of any Development of Regional Impact which has received a final local development order approved pursuant to Chapter 380, Florida Statutes prior to the effective date of this Plan Amendment; or~~
  - ~~(b) — any person to complete a development which has been properly issued a final local development order and development has commenced and is continuing in good faith prior to the effective date of this Plan Amendment.~~
  - ~~(c) — any person to complete a development in accordance with vested rights for such completion under applicable Federal or State; constitutional, statutory, or common law.~~
- ~~A.1.16.4 — Any person may seek a County determination of vested rights to complete a development in accordance with previously effective laws, ordinances, or regulations; including but not limited to this Comprehensive Plan, using procedures set forth in the County Land Development Code.~~

\*\*\* This Objective is relocated to the new policy I. Property Rights Element, in compliance with Section 163.3177(6)(i), Florida Statutes, (2021). The only change to this language is renumbering.

I. PROPERTY RIGHTS ELEMENT

GOAL I.1 STATEMENT OF PROPERTY RIGHTS

OBJECTIVE I.1.1

The following rights shall be considered in St. Johns County decision-making:

Policies

- I.1.1.1 The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- I.1.1.2 The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
- I.1.1.3 The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- I.1.1.4 The right of a property owner to dispose of his or her property through sale or gift.

OBJECTIVE I.1.2

The County shall adopt land development regulations that are consistent with the protection of private property rights and shall not take private property without just compensation.

Policies

- I.1.2.1 St. Johns County shall regulate the use of land only for valid public purposes in a reasonable manner, in accordance with due process, and as allowed by law.
- I.1.2.2 Consistent with Chapter 125 and Chapter 163, Florida Statutes, St. Johns County shall give adequate public notice to landowners of any application to change the Future Land Use Map designation or zoning category of their land.
- I.1.2.3 The County shall ensure, in accordance with the applicable Florida Statutes, and consistent with applicable law, that nothing contained in this Plan including, but not limited to, the Future Land Use Map and the Land Use Element, shall be interpreted to limit or modify the rights of:
  - (a) any person to complete development of any Development of Regional Impact which has received a final local development order approved pursuant to Chapter 380, Florida Statutes prior to the effective date of this Plan Amendment; or
  - (b) any person to complete a development which has been properly issued a final local development order and development has commenced and is continuing in good faith prior to the effective date of this Plan Amendment.

- (c) any person to complete a development in accordance with vested rights for such completion under applicable Federal or State; constitutional, statutory, or common law.

I.1.2.4 Any person may seek a County determination of vested rights to complete a development in accordance with previously effective laws, ordinances, or regulations; including but not limited to this Comprehensive Plan, using procedures set forth in the County Land Development Code.

THE ST. AUGUSTINE RECORD  
Affidavit of Publication

**SJC GROWTH MANAGEMENT  
4040 LEWIS SPEEDWAY**

**SAINT AUGUSTINE, FL 32084**

ACCT: 15628

AD# 0003372022-01

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 SA Legal Classified in the matter of COMPAND 2021-11 was published in said newspaper on 08/20/2021.

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.

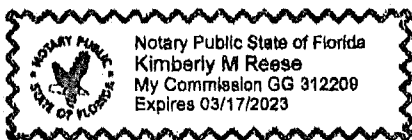
Sworn to (or affirmed) and subscribed before me by means of

physical presence or  
 online notarization

this \_\_\_\_\_ day of **AUG 20 2021**

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

*Kimberly M Reese*  
(Signature of Notary Public)



# NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF A PROPOSED COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP OF THE ST. JOHNS COUNTY 2025 COMPREHENSIVE PLAN

NOTICE IS HEREBY GIVEN that the Planning and Zoning Agency on Thursday, 9/16/2021 at 1:30 p.m. and the St. Johns County Board of County Commissioners on Tuesday, 9/21/2021 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 Future Land Use Map of the 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 County Future Land Use Map of the 2025 Comprehensive Plan, with the following styled ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE 2025 COMPREHENSIVE PLAN, TO AMEND THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES REGARDING AMENDMENTS TO ADD POLICY J. PROPERTY RIGHTS ELEMENT IN COMPLIANCE WITH SECTION 163.3177(6)(i), FLORIDA STATUTES (2021); PROVIDING FOR FINDINGS OF FACTS; 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 amendment. 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.

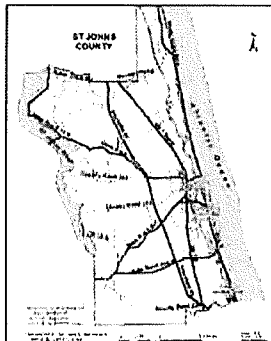
The proposed change is known as File Number COMPAMD-2021000011, and is available for review in the Planning and Zoning Division of the Growth Management Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida and may be examined by interested parties prior to said public hearings.

Interested parties may appear at the public hearings to be heard regarding 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      BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA      ST. JOHNS COUNTY, FLORIDA  
GREG MATOVINA, CHAIR              JEREMIAH R. BLOCKER, CHAIR  
FILENAME: COMPAMD-2021-11  
PROJECT NAME: Property Rights Element



ED-000372022-01

August 20, 2021





## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

September 23, 2021

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. 2021-68, which was filed in this office on September 23, 2021.

Sincerely,

Anya Owens  
Program Administrator

AO/lb

FILED SEP 23 2021  
ST. JOHNS COUNTY  
CLERK OF COURT  
BY: Yvonne King  
DEPUTY CLERK