

RESOLUTION NO. 94- 121

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING AND RECOMMENDING A PROPOSED "SPECIAL ACT" TO THE FLORIDA LEGISLATURE WHICH PROVIDES FOR THE MERGER OF THE PONTE VEDRA ZONING BOARD AND THE PONTE VEDRA BOARD OF ADJUSTMENT INTO THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD.

WHEREAS, it has been determined that the functions of the presently existing Ponte Vedra Zoning Board and the Ponte Vedra Board of Adjustment may be merged by the Florida legislature into a Ponte Vedra Zoning and Adjustment Board and that the operation of the resulting Board would be more efficient than those of the presently existing Boards; and

WHEREAS, the Board of County Commissioners has been asked by various citizens of the Ponte Vedra Zoning District to support the creation and operation of said Ponte Vedra Zoning and Adjustment Board, and the creation of said Board is further supported by the Ponte Vedra Zoning Board and the Ponte Vedra Board of Adjustment; and

WHEREAS, the attached proposed "Special Act" would create said Ponte Vedra Zoning and Adjustment Board and provide its powers, duties and support by its repeal of Sections 6 and 7 of Chapter 65-2171, and Chapter 72-677, Laws of Florida and the additional enactment of certain other new provisions.

Now Therefore, Be It Resolved by the Board of County Commissioners of St. Johns County, Florida that

The attached draft of a "Special Act" is approved and recommended to the Legislature of the State of Florida for passage.

PASSED AND ADOPTED this 12 day of July, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Alan Roberts

Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Patricia De Grande

Deputy Clerk

Draft 7/7/94

AN ACT RELATING TO THE PONTE VEDRA BEACH ZONING DISTRICT IN ST. JOHNS COUNTY; PROVIDING FOR MERGING OF THE PONTE VEDRA ZONING BOARD AND THE PONTE VEDRA BOARD OF ADJUSTMENT INTO THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD APPOINTED BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS FROM RESIDENTS AND ELECTORS OF THE PONTE VEDRA BEACH ZONING DISTRICT; PROVIDING FOR REDUCTION OF MEMBERSHIP FROM TEN TO SEVEN MEMBERS; PROVIDING FOR THE POWERS, FUNCTIONS AND DUTIES OF THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD; PROVIDING A LOCATION FOR HEARINGS OF THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD; PROVIDING FOR STAFF SUPPORT AND FUNDING OF THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD; PROVIDING FOR MEETINGS BY THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD; REPEALING LAWS IN CONFLICT WITH THIS AND CERTAIN SECTIONS OF CHAPTERS 65-2171, AND 72-677, LAWS OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. In order to avail itself of the powers conferred by this act, the Board of County Commissioners of St. Johns County shall by resolution timely appoint the existing members of the Ponte Vedra Zoning Board and the existing members of the Ponte Vedra Board of Adjustment to a merged board which shall be created by such resolution and shall be titled the Ponte Vedra Zoning and Adjustment Board. The Ponte Vedra Zoning Board and the Ponte Vedra Board of Adjustment shall automatically be abolished upon creation of such Ponte Vedra Zoning and Adjustment

Board by passage of such Resolution. The initial scheduled term of each such transferred member as member of the Ponte Vedra Zoning and Adjustment Board shall consist of the balance of the time that remained in such member's term as a member of the Ponte Vedra Zoning Board or the Ponte Vedra Board of Adjustment at the time of the transfer. Members of the Ponte Vedra Zoning and Adjustment Board shall serve without compensation, but shall be compensated for actual and necessary travel and other expenses incurred in the performance of their duties as approved by the Board of County Commissioners and as budgeted each fiscal year.

Section 2. After implementation of Section 1 of this act, the members of the Ponte Vedra Zoning and Adjustment Board shall be appointed, reappointed and/or removed by the Board of County Commissioners of St. Johns County, Florida. No new appointments shall be made to the Ponte Vedra Zoning and Adjustment Board after passage of the Section 1 resolution until the total number of members has diminished to seven or less. Thereafter, the Board of County Commissioners of St. Johns County shall maintain the Ponte Vedra Zoning and Adjustment Board as a seven member board. Only qualified electors and permanent residents of the Ponte Vedra Zoning District shall be appointed to the Ponte Vedra Zoning and Adjustment Board

Section 3. Appointments to the Ponte Vedra Zoning and Adjustment Board under Section 2 of this act shall be for four year terms unless a shorter term is required to enable the Board

of County Commissioners of St. Johns County to assure that no more than two scheduled terms expire in any given calendar year. No member of the Ponte Vedra Zoning and Adjustment Board shall serve more than two consecutive terms. A member whose term has expired shall be allowed to continue to serve until said members' successor has been appointed and commenced service on the Ponte Vedra Zoning and Adjustment Board. Members shall serve at the pleasure of the Board of County Commissioners.

Section 4. The Ponte Vedra Zoning and Adjustment Board shall adopt rules of procedure by which it shall carry out its duties under this act.

Section 5. The Ponte Vedra Zoning and Adjustment Board created pursuant to this Act shall not be a local planning agency or land development regulations commission as referenced in Chapter 163, Florida Statutes with the powers and duties thereof.

Section 6. The powers, duties and functions of the Ponte Vedra Zoning and Adjustment Board shall be:

- (1) the granting or denying of requests for variances or exceptions to applicable St. Johns County subdivision, zoning and building resolutions, ordinances and Ponte Vedra Zoning District codes for single parcels of land within the Ponte Vedra Zoning District provided that if the boundaries of any such parcel extends into portions of St. Johns County outside said district, both the St. Johns

County Planning and Zoning Agency and the Ponte Vedra Zoning and Adjustment Board must approve any such variance or exception. The Board of County Commissioners may, however, retain sole authority to grant or deny any variance or exception for which it retains similar sole authority in areas of St. Johns County that are outside of the Ponte Vedra Zoning District. Additionally, the Ponte Vedra Zoning and Adjustment Board may make recommendations to the Board of County Commissioners of St. Johns County concerning variances and exceptions, the granting of which is reserved to the Board of County Commissioners. Requests for variances and exceptions within the Ponte Vedra Zoning District shall be granted or denied on the basis of applicable Florida law, applicable County resolutions and ordinances, the Ponte Vedra Zoning District Regulations, and the St. Johns County Comprehensive Plan;

- (2) the granting or denying of minor modifications to Planned Special Developments within the Ponte Vedra Zoning District provided that any Planned Special Development the boundaries of which run into said District and into portions of St. Johns County outside said District shall be subject to

approval by both the St. Johns County Planning and Zoning Agency and the Ponte Vedra Board of Zoning and Adjustment;

- (3) the reviewing and making of recommendations to the Board of County Commissioners of St. Johns County on all vacation of plats, new plats, replats, major modifications to planned unit and special developments, final development plans, rezonings and road vacations (individually or collectively "Development Actions") that pertain to lands located within the Ponte Vedra Zoning District. Such reviews and recommendations shall address issues of whether such proposed actions are in compliance with applicable St. Johns County ordinances and resolutions, the Ponte Vedra Zoning District Regulations and the County Comprehensive Plan (which issues shall not be the subject of review or recommendation by the St. Johns County Planning and Zoning Agency unless the lands to which such Development Action pertains also includes lands located without the Ponte Vedra Zoning District in which case the Ponte Vedra Zoning and Adjustment Board and the St. Johns County Planning and Zoning Agency shall have concurrent jurisdiction to review and make

recommendations on development actions affecting such parcel or lands).

(4) such other powers or duties granted by County ordinances or resolutions.

Section 7. All quasi-judicial hearings of the Ponte Vedra Zoning and Adjustment Board shall be held in the County Seat at a location designated by the County Administrator.

Section 8. The Ponte Vedra Zoning and Adjustment Board shall be provided with necessary staff support and funding by St. Johns County.

Section 9. The Ponte Vedra Zoning and Adjustment Board shall hold regular monthly meetings and may hold other meetings at such other times as the Ponte Vedra Zoning and Adjustment Board may determine. The chairman, or in his absence the acting chairman, of the Ponte Vedra Zoning and Adjustment Board may administer oaths and compel attendance of witnesses and production of evidence by subpoenas which may be served by the Sheriff of the County. All meetings of the Ponte Vedra Zoning and Adjustment Board shall be open to the public. The Ponte Vedra Zoning and Adjustment Board shall keep minutes of its proceedings.

Section 10. All appeals of final action by the Ponte Vedra Zoning and Adjustment Board shall be heard by the Board of County Commissioners of St. Johns County in a de novo hearing. However, the record of the hearing of the same case before the



Ponte Vedra Zoning and Adjustment Board shall be accepted into evidence on appeal subject to ruling by the Board of County Commissioners on objections to particular portions thereof. Such appeals shall be heard if a substantially affected party files a notice of appeal with both the Ponte Vedra Zoning and Adjustment Board and the Board of County Commissioners within thirty (30) days of the final action by the Ponte Vedra Zoning and Adjustment Board on the matter that is to be appealed.

Section 11. The concurring vote of a majority of the total membership of the Ponte Vedra Zoning and Adjustment Board shall be necessary to take any official action other than to continue or adjourn a meeting or hearing. A majority of the members present at a meeting may continue or adjourn the meeting.

Section 12. The Ponte Vedra Zoning and Adjustment Board shall have all powers and duties in relation to the Ponte Vedra Zoning District that are granted to the Ponte Vedra Zoning Board and/or to the Ponte Vedra Board of Adjustment by Chapters 65-2171 and 72-677, Laws of Florida, unless hereby or hereinafter repealed by the legislature of the State of Florida.

Section 13. Upon creation of the Ponte Vedra Zoning and Adjustment Board, Sections 6 and 7 of Chapter 65-2171, and Chapter 72-677, Laws of Florida and all other laws in conflict with this act are automatically repealed.

Section 14. This act shall not be construed to delete or amend any power, duty or obligation of the St. Johns County

Board of County Commissioners in relation to the Ponte Vedra Zoning District established by Chapter 65-2171, Laws of Florida except as may be otherwise specifically stated herein.

Section 15. Dissolution of the Ponte Vedra Zoning District or, dissolution, merger, absorption or termination of the Ponte Vedra Zoning and Adjustment Board may not be enacted except through a specific Act by the Legislature of the State of Florida.

Section 16. This act shall take effect upon becoming law.