

**RESOLUTION NO. 95-104**

**RESOLUTION OF ST. JOHNS COUNTY, FLORIDA  
WAIVING THE PRE- AND POST-DEVELOPMENT  
DISCHARGE REQUIREMENTS OF ST. JOHNS COUNTY  
ORDINANCE NO. 86-4, SECTION 10.2 FOR  
MARSH LANDING AT SAWGRASS UNIT 28**

BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida:

SECTION 1. The Board has considered the request of the developer of Marsh Landing at Sawgrass Unit 28 for waiver of the pre- and post-development discharge requirements contained in Section 10.2 of St. Johns County Ordinance No. 86-4 and the recommendations of the St. Johns County Public Works Departments and finds as follows:

A. Section 10.2 of Ordinance No. 86-4, the St. Johns County Paving and Drainage Ordinance, requires post-development stormwater discharges to offsite areas to be equal to or less than pre-development stormwater discharges.

B. The requirements of Section 10.2 of Ordinance No. 86-4 relating to pre- and post-development stormwater discharges are intended to protect downstream property owners and are not a necessary benefit when a system discharges directly to the Intracoastal Waterway or the Atlantic Ocean.

C. Section 16 of Ordinance No. 86-4 allows for waiver or reduction of the requirements of Ordinance 86-4 within PUDs upon a finding that such waiver or reduction of requirements is in the public interest.

D. The St. Johns River Water Management District exempts projects that discharge directly to the Intracoastal Waterway from peak rate of discharge requirements.

E. Marsh Landing at Sawgrass Unit 28 as approved and described in the Final Development Plan approved under St. Johns County Resolution No. 95-35, recorded in PUD Records Book H, at page 159, is within a PUD and discharges through a PUD and so meets the condition of Section 16 of Ordinance 86-4.

F. The St. Johns River Water Management District has exempted Marsh Landing at Sawgrass Unit 28 from the peak rate of discharge requirements because its discharge is into the Intracoastal Waterway.

G. Marsh Landing at Sawgrass Unit 28 will still be required to meet the water quality requirements of St. Johns County and the St. Johns River Water Management District.


H. Enforcement of Section 10.2 of Ordinance 86-4 with regard to Marsh Landing at Sawgrass Unit 28 is unnecessary because the system discharges directly to the Intracoastal Waterway and such enforcement would impose unnecessary financial and physical burdens on Marsh Landing at Sawgrass Unit 28 affecting the ability of the developer to provide needed housing units within St. Johns County.

As a result, the Board finds that it is in the public interest to waive the pre- and post-development discharge requirements of Section 10.2 of Ordinance 86-4 with regard to Marsh Landing at Sawgrass Unit 28.

SECTION 2. The pre- and post-development discharge requirements of Section 10.2 of Ordinance 86-4 are hereby waived for Marsh Landing at Sawgrass Unit 28 to be built on a part of Government Lots 1 and 4, Sections 16 and 17, Township 3 South, Range 29 East.

PASSED AND ADOPTED this 13 day of June, 1995.

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA

  
Barbara Ward  
Chair

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Jana Baette  
Deputy Clerk