

RESOLUTION NO. 95- 83

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS 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 TURTLE SHORES WEST

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

SECTION 1. That the Board has considered the request of the developer of Turtle Shores West 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 Department 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 discharge rate to offsite areas to be equal to or less than pre-development stormwater discharge rate.

B. The requirements of Section 10.2 of Ordinance No. 86-4 relating to pre- and post- development stormwater discharge rates 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 pre- and post- development discharge requirements.

E. Turtle Shores West as approved and described in the Final Development Plan approved under St. Johns County Resolution No. 85-79 , recorded in PUD Ordinance Book, at pages 158 and 159, is within a PUD and discharges through a PUD and so meets the condition of Section 16 of Ordinance 86-4.

F. Turtle Shores West will still be required to meet the water quality requirements of the St. Johns River Water Management District and the retention volume requirements of St. Johns County.

G. Enforcement of Section 10.2 of Ordinance 86-4 with regard to Turtle Shores West is unnecessary because the system discharges directly to the Intracoastal Waterway and such enforcement would impose unnecessary financial and physical burdens on Turtle Shores West 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 Turtle Shores West.

SECTION 2. The pre- and post- development discharge requirements of Section 10.2 of Ordinance 86-4 are hereby waived for Turtle Shores West to be built on a part of Sections 17 and 18, Township 6 South, Range 30 East.

PASSED AND ADOPTED this 9th day of May, 1995.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY

By: *Barbara Ward*
Its Chair,

ATTEST: CARL "BUD" MARKEL, CLERK

By: *James Sacetti*
Deputy Clerk