

RESOLUTION NO. 2000-95

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, INSTRUCTING COUNTY STAFF AND THE OFFICE OF THE COUNTY ATTORNEY TO DRAFT AN ORDINANCE THAT IMPOSES A MORATORIUM ON CERTAIN LAND USE AND ZONING CHANGES WITHIN THE NORTHWEST SECTOR STUDY AREA AND TO SCHEDULE THE REQUIRED PUBLIC HEARING(S) ON THE ORDINANCE.

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

Section 1. The Board of County Commissioners of St. Johns County, Florida (the "Board") hereby finds, determines and declares the following:

- A. St. Johns County is currently underway with a Northwest Sector Study for a portion of St. Johns County. This Study will be used to establish a Northwest Sector Plan for the area of the County lying south of the Duval County line, west of I-95, east of the St. Johns River and north of SR16/CR 208 (the "Northwest Sector Study Area"). The origin of this study was an agreement between the Florida Department of Transportation and St. Johns County for a Variance from Rule 14-94, F.A.C. that allowed a change in the Level of Service standard on Interstate 95. As conditions of the Rule Variance, St. Johns County agreed to perform several tasks and undertake several studies, one of which is the establishment of a Northwest Sector Plan.
- B. The County initiated a contract with Miller, Sellen, Conner and Walsh on December 28, 1999 to perform the Study and draft a proposed Northwest Sector Plan. The Rule Variance requires that by December 31, 2001, St. Johns County must amend its Comprehensive Plan to establish the Northwest Sector Plan. Further, the Rule Variance requires that the Northwest Sector Plan address future land use, protection of natural resources, public facilities, urban design and other matters necessary to be consistent with the requirements of Chapter 163, Part II, F.S. The Northwest Sector Plan will be used to evaluate future Comprehensive Plan amendments and rezoning requests. In addition, the Rule Variance established requirements for other Comprehensive Plan amendments to incorporate in the capital improvements element funding for a future north/south arterial road. The County is also underway with a corridor study that will establish the preferred corridor for this arterial road.

- C. The Rule Variance also contemplated the interim period between the time the Rule Variance was adopted and the adoption of the Northwest Sector Plan. Paragraph f. of Appendix A Conditions of Variance states that “proposed comprehensive land use amendments that increase the density or intensity of future land use within the area west of Interstate 95 and north of S.R. 16 and C.R. 208 may be approved prior to adoption of the sector plan only if such amendments are not contrary to or further the planning, right-of-way acquisition or construction of the above referenced north/south arterial road, the supporting collector network or the development of the required sector plan.”
- D. The Northwest Sector Plan is anticipated to be completed by December 2000 with Comprehensive Plan amendments to be adopted by December 2001 as required by the Rule Variance. While the Northwest Sector Plan has as its focus future land use that will be incorporated into the Comprehensive Plan, it will also incorporate urban design principles and road access issues that will also likely be incorporated into the Land Development Code.
- E. The Northwest Sector plan is not expected to affect projects that have already received development approval through rezoning or plat approval prior to the date of this Resolution. However, land outside the existing development area boundaries on the Comprehensive Plan and land within the development area boundaries which have not been rezoned to accommodate new development.
- F. In order to comply with the intent of the Rule Variance and in order to prevent the establishment of vested rights for construction and land uses that will be inconsistent with the goals and intent of the Northwest Sector Plan, it is necessary that the County impose the following described moratorium on land use and zoning changes in the Northwest Sector Study Area.

Section 2. County staff and the office of the County Attorney are hereby directed to draft an ordinance that imposes a moratorium on quasi-judicial or legislative approval of the following described activities that pertain to land use in the Northwest Sector Study Area.

- A. Comprehensive Plan amendments that result in an increase in the density or intensity of future land use.
- B. Rezoning that allow for an increase in the density or intensity of future land use.

Section 3. A. Properly justified exclusions to said moratorium may include, but are not limited to, Comprehensive Plan amendments, rezonings, Major Modifications to PUD’s

or PRD's that do not result in an overall increase in the density or intensity of future land use in the affected development.

B. Furthermore, no Comprehensive Plan amendment or rezoning properly filed with the County for consideration prior to the time this Resolution is passed shall be subject to said moratorium. Said "proper filing" shall not include pre-application filings or considerations.

Section 4. The moratorium shall last until midnight on December 31, 2001 with the proviso that the Board, shall by ordinance(s), terminate all or portions of the moratorium at such sooner time(s) as the Board determines that the public need for a moratorium on such portion(s) no longer exists.

Section 5. County staff is directed to schedule the required public hearing(s) on the moratorium ordinance at their earliest convenience.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 11<sup>th</sup> day of July, 2000.

BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS  
COUNTY, FLORIDA

By: James E. Bryant  
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Patricia Lopez Grande  
Deputy Clerk

