

## House Bill No. 801

An act relating to the Ponte Vedra Zoning District, St. Johns County; codifying, amending, reenacting, and repealing special acts relating to the district; providing boundaries; providing for continued merger 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 district; providing for membership of the Ponte Vedra Zoning and Adjustment Board; providing for the powers, functions, and duties of the board; providing that the board in place of the local planning agency established pursuant to chapter 163, F.S., shall have the authority to make recommendations to the board of county commissioners in certain circumstances within the district; providing a location for hearings of the board; providing for funding; providing for frequency and calling of meetings by the board; providing severability; repealing chapters 65-2171 and 95-527, Laws of Florida; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Pursuant to section 189.429(1), Florida Statutes, this act constitutes the codification of all special acts relating to the Ponte Vedra Zoning District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its prior legislative enactment and any additional authority granted by this act. It is further the intent of this act to preserve all district powers and authority as set forth herein.

Section 2. Chapters 65-2171 and 95-527, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Ponte Vedra Zoning District is re-created and reenacted to read:

Section 1. For the purpose of promoting health, safety, morals, or the general welfare of the people of the Ponte Vedra Zoning District, a dependent district, the Board of County Commissioners of St. Johns County is hereby empowered within said district to regulate and restrict the height, number of stories, and size of buildings and other structures and uses of land and water; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; building density; and the use of buildings and land for trade, industry, and residence or other specific use and to adopt zoning regulations and other matters proper to be regulated to safeguard the safety, health, and welfare of the people in said district. For any and all of said purposes, the Board of County Commissioners of St. Johns County may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures on land and water.

Section 2. Such regulations shall be made in accordance with the St. Johns County Comprehensive Plan and designed to lessen congestion on the highways; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; and to preserve and facilitate the development and display of the natural beauty and attractiveness of roadsides. Such regulations shall be made with reasonable consideration, among other things, of the character of said district and its peculiar suitability for particular uses and with a view to conserving the value of property and encouraging the most appropriate use of land and water throughout such district.

Section 3. The boundaries of the Ponte Vedra Zoning District as established in 1965 shall continue uninterrupted and are:

Commence at the intersection of the high water line of the Atlantic Ocean with the North line of Section 15, Township 3 South, Range 29 East, St. Johns County, Florida, said North line of Section 15 being also the Northerly boundary of St. Johns County, for the Point of Beginning; thence Westerly along the North Line of Section 15 to the Northwest corner of Section 15; thence continue Westerly along the North Line of Section 16, Township 3 South, Range 29 East to the Northwest corner of Government Lot 1 of said Section 16; thence Southerly along the West line of Government Lots 1, 8, 9 and 16 of Section 16 to a point on the South line of said Section 16; thence continue Southerly along the West line of Government Lots 1, 7 and 8 of Section 21, Township 3 South, Range 29 East to the Southwest corner of said Government Lot 8; thence Easterly along the South line of said Government Lot 8 to a point 500 feet West of the Southeast corner of said Government Lot 8; thence Southerly along a line parallel to and 500 feet West of the East line of Government Lot 12, Section 21 to a point on the South line of Section 21; thence continue Southerly along a line parallel to and 500 feet West of the East line of Government Lot 1, Section 28, Township 3 South, Range 29 East to a point on the South line of said Government Lot 1; thence Easterly along the South line of said Government Lot 1 to a point on the East line of Section 28, said line being also the West line of Section 27; thence Southerly along the West line of Government Lots 4 and 8, Section 27, Township 3 South, Range 29 East to the Southwest corner of said Government Lot 8; thence Easterly along the South line of Government Lots 8 and 7, Section 27 to a point on the West line of Section 43, Township 3 South, Range 29 East; thence Northerly along the West line of said Section 43 to the Northwest corner of Section 43; thence Easterly along the North line of Section 43 to a point on the East edge of existing marsh land, said point being approximately 200 feet West of the West right-of-way line of State Road A-1-A (as established in 1965); thence Southerly following the East edge of existing marsh land when said East edge is 150 feet or more West of the center line of State Road A-1-A (as established in 1965) and following a line parallel to and 150 feet West of the center line of State Road A-1-A (as established in 1965) when the East edge of existing marsh land is nearer than 150 feet to the center line of State Road A-1-A (as established in 1965), to a point on the South line of Section 36, Township 4 South, Range 29 East, St. Johns County,

Florida; thence Easterly along the South line of said Section 36, Township 4 South, Range 29 East to a point on the high water line of the Atlantic Ocean; thence Northerly along the meanders of the high water line of the Atlantic Ocean to a point on the North line of Section 15, Township 3 South, Range 29 East, St. Johns County, Florida and the Point of Beginning.

Section 4. The Board of County Commissioners of St. Johns County shall provide for the manner in which such regulations shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, no such regulation or restriction shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a paper of general circulation in St. Johns County.

Section 5. Such regulations may from time to time be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against such change signed by the owner or owners of 20 percent or more, either of the area of the property included in such proposed change or that immediately adjacent in the rear thereof extending 150 feet or more therefrom, or of those directly opposite thereto extending 150 feet or more from the street or road frontage of such opposite properties, such amendment shall not become effective except by the favorable vote of a super majority of all the voting members of the board of county commissioners and upon its due consideration of a recommendation made to the board of county commissioners by a majority of all the members of the Ponte Vedra Zoning and Adjustment Board.

Section 6. The prior establishment of the Ponte Vedra Zoning and Adjustment Board and the abolishment of the Ponte Vedra Zoning Board and the Ponte Vedra Board of Adjustment by Resolution 95-135 of the St. Johns County Board of County Commissioners are hereby ratified and reaffirmed.

Section 7. The members of the Ponte Vedra Zoning and Adjustment Board shall be appointed, reappointed, or removed by the Board of County Commissioners of St. Johns County as necessary to maintain seven active members on the Ponte Vedra Zoning and Adjustment Board. Only qualified electors domiciled in the Ponte Vedra Zoning District shall be appointed to the Ponte Vedra Zoning and Adjustment Board.

Section 8. Appointments to the Ponte Vedra Zoning and Adjustment Board under section 7 shall be for 4-year terms, unless a shorter term is required to enable the Board of County Commissioners of St. Johns County to ensure 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 full consecutive terms. A member whose term has expired shall be allowed to continue to serve until said member's successor has been appointed and has commenced service on the Ponte Vedra Zoning and Adjustment Board. Members shall serve at the pleasure of the board of county commissioners.

Section 9. The Ponte Vedra Zoning and Adjustment Board may as necessary adopt rules of procedure by which it shall carry out its duties under this act, county ordinances, and the laws and Constitutions of Florida and the United States of America.

Section 10. The Ponte Vedra Zoning and Adjustment Board created pursuant to this act shall not be a local planning agency or land development regulation commission as referenced in chapter 163, Florida Statutes, with the powers and duties thereof except that, notwithstanding any provision of chapter 163, Florida Statutes, the Ponte Vedra Zoning and Adjustment Board, in place of the St. Johns County Local Planning Agency, shall have authority to make recommendations to the board of county commissioners as to whether land development of any parcel of land located wholly within the Ponte Vedra Zoning District is consistent with the St. Johns County Comprehensive Plan.

Section 11. The powers, duties, and functions of the Ponte Vedra Zoning and Adjustment Board shall also include the following:

(1) Any land use decision, recommendation, or other action that is made or taken by the St. Johns County Planning and Zoning Agency for unified title parcels of land located wholly outside the Ponte Vedra Zoning District shall be made by the Ponte Vedra Zoning and Adjustment Board for such parcels of land located wholly within the Ponte Vedra Zoning District, except as otherwise provided for in this act or by provisions of the Ponte Vedra Zoning District Regulations, as amended from time to time, provided that:

(a) Such decisions and actions shall be made by both the planning and zoning agency and the Ponte Vedra Zoning and Adjustment Board for parcels of land portions of which are concurrently located in both of these areas, with inconsistencies to be resolved by the board of county commissioners; and

(b) The Ponte Vedra Zoning and Adjustment Board shall in no case be vested by county ordinance with less authority than that held by the planning and zoning agency in regards to lands under their respective jurisdictions.

(2) Such other powers or duties granted by county ordinances or resolutions.

Section 12. 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 13. The Ponte Vedra Zoning and Adjustment Board shall be provided with reasonably necessary staff support and funding by St. Johns County.

Section 14. 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 chairperson, or in his or her absence the vice chairperson or acting chairperson, 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 15. All appeals of all final actions 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 proper objection to particular portions thereof. Such appeals shall only 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 30 days after the final action by the Ponte Vedra Zoning and Adjustment Board on the matter that is to be appealed.

Section 16. 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, except as provided herein.

Section 17. 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 of the Legislature.

Section 18. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building or structure on land or water is used in violation of this act or of any order or resolution or other regulation made under authority conferred hereby, the proper local authorities of said county, including the county or state prosecutor, and any citizen residing in said district, in addition to other remedies, and after seeking voluntary compliance, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation to prevent the occupancy of said building structure on land or water or to prevent any illegal act, conduct, business, or use in or about such premises.

Section 19. It is declared to be the intent of the Legislature that if any section, subsection, sentence, clause, phrase, or portion of this act is held invalid or unconstitutional for any reason, by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions hereof, or if this act or any provision thereof is held to be inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the applicability thereof to any other person, property, or circumstances.

Section 20. The Board of County Commissioners of St. Johns County is hereby authorized to appropriate and pay out of the general fund of said county annually such sum as may be necessary for the purpose of defraying

the expenses of zoning said district and administering the provisions of this act.

Section 21. All provisions of this act and ordinances promulgated hereunder may be enforced by the county in accordance with the provisions of chapter 162, Florida Statutes, and any other applicable provisions of law.

Section 4. Chapters 65-2171 and 95-527, Laws of Florida, are repealed.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 3, 2005.

Filed in Office Secretary of State June 3, 2005.