

CHAMBER ACTION

1 The Local Government Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Ponte Vedra Zoning District, St.  
7 Johns County; codifying, amending, reenacting, and  
8 repealing special acts relating to the district; providing  
9 boundaries; providing for continued merger of the Ponte  
10 Vedra Zoning Board and the Ponte Vedra Board of Adjustment  
11 into the Ponte Vedra Zoning and Adjustment Board appointed  
12 by the St. Johns County Board of County Commissioners from  
13 residents and electors of the district; providing for  
14 membership of the Ponte Vedra Zoning and Adjustment Board;  
15 providing for the powers, functions, and duties of the  
16 board; providing that the board in place of the local  
17 planning agency established pursuant to chapter 163, F.S.,  
18 shall have the authority to make recommendations to the  
19 board of county commissioners in certain circumstances  
20 within the district; providing a location for hearings of  
21 the board; providing for funding; providing for frequency  
22 and calling of meetings by the board; providing

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23 severability; repealing chapters 65-2171 and 95-527, Laws  
24 of Florida; providing an effective date.

25

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

27

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

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39 are codified, reenacted, amended, and repealed as herein  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

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

43 Section 1. For the purpose of promoting health, safety,  
44 morals, or the general welfare of the people of the Ponte Vedra  
45 Zoning District, a dependent district, the Board of County  
46 Commissioners of St. Johns County is hereby empowered within  
47 said district to regulate and restrict the height, number of  
48 stories, and size of buildings and other structures and uses of  
49 land and water; the percentage of lots that may be occupied; the  
50 size of yards, courts, and other open spaces; building density;

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51 and the use of buildings and land for trade, industry, and  
 52 residence or other specific use and to adopt zoning regulations  
 53 and other matters proper to be regulated to safeguard the  
 54 safety, health, and welfare of the people in said district. For  
 55 any and all of said purposes, the Board of County Commissioners  
 56 of St. Johns County may regulate and restrict the erection,  
 57 construction, reconstruction, alteration, repair, or use of  
 58 buildings and structures on land and water.

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

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

75  
 76 Commence at the intersection of the high water line of  
 77 the Atlantic Ocean with the North line of Section 15,  
 78 Township 3 South, Range 29 East, St. Johns County,

79 | Florida, said North line of Section 15 being also the  
 80 | Northerly boundary of St. Johns County, for the Point  
 81 | of Beginning; thence Westerly along the North Line of  
 82 | Section 15 to the Northwest corner of Section 15;  
 83 | thence continue Westerly along the North Line of  
 84 | Section 16, Township 3 South, Range 29 East to the  
 85 | Northwest corner of Government Lot 1 of said Section  
 86 | 16; thence Southerly along the West line of Government  
 87 | Lots 1, 8, 9 and 16 of Section 16 to a point on the  
 88 | South line of said Section 16; thence continue  
 89 | Southerly along the West line of Government Lots 1, 7  
 90 | and 8 of Section 21, Township 3 South, Range 29 East  
 91 | to the Southwest corner of said Government Lot 8;  
 92 | thence Easterly along the South line of said  
 93 | Government Lot 8 to a point 500 feet West of the  
 94 | Southeast corner of said Government Lot 8; thence  
 95 | Southerly along a line parallel to and 500 feet West  
 96 | of the East line of Government Lot 12, Section 21 to a  
 97 | point on the South line of Section 21 ; thence  
 98 | continue Southerly along a line parallel to and 500  
 99 | feet West of the East line of Government Lot 1,  
 100 | Section 28, Township 3 South, Range 29 East to a point  
 101 | on the South line of said Government Lot 1; thence  
 102 | Easterly along the South line of said Government Lot 1  
 103 | to a point on the East line of Section 28, said line  
 104 | being also the West line of Section 27; thence  
 105 | Southerly along the West line of Government Lots 4 and  
 106 | 8, Section 27, Township 3 South, Range 29 East to the

107 | Southwest corner of said Government Lot 8; thence  
 108 | Easterly along the South line of Government Lots 8 and  
 109 | 7, Section 27 to a point on the West line of Section  
 110 | 43, Township 3 South, Range 29 East; thence Northerly  
 111 | along the West line of said Section 43 to the  
 112 | Northwest corner of Section 43; thence Easterly along  
 113 | the North line of Section 43 to a point on the East  
 114 | edge of existing marsh land, said point being  
 115 | approximately 200 feet West of the West right-of-way  
 116 | line of State Road A-1-A (as established in 1965);  
 117 | thence Southerly following the East edge of existing  
 118 | marsh land when said East edge is 150 feet or more  
 119 | West of the center line of State Road A-1-A (as  
 120 | established in 1965) and following a line parallel to  
 121 | and 150 feet West of the center line of State Road A-  
 122 | 1-A (as established in 1965) when the East edge of  
 123 | existing marsh land is nearer than 150 feet to the  
 124 | center line of State Road A-1-A (as established in  
 125 | 1965), to a point on the South line of Section 36,  
 126 | Township 4 South, Range 29 East, St. Johns County,  
 127 | Florida; thence Easterly along the South line of said  
 128 | Section 36, Township 4 South, Range 29 East to a point  
 129 | on the high water line of the Atlantic Ocean; thence  
 130 | Northerly along the meanders of the high water line of  
 131 | the Atlantic Ocean to a point on the North line of  
 132 | Section 15, Township 3 South, Range 29 East, St. Johns  
 133 | County, Florida and the Point of Beginning.

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

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

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

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

170        Section 8. Appointments to the Ponte Vedra Zoning and  
 171 Adjustment Board under section 7 shall be for 4-year terms,  
 172 unless a shorter term is required to enable the Board of County  
 173 Commissioners of St. Johns County to ensure that no more than  
 174 two scheduled terms expire in any given calendar year. No member  
 175 of the Ponte Vedra Zoning and Adjustment Board shall serve more  
 176 than two full consecutive terms. A member whose term has expired  
 177 shall be allowed to continue to serve until said member's  
 178 successor has been appointed and has commenced service on the  
 179 Ponte Vedra Zoning and Adjustment Board. Members shall serve at  
 180 the pleasure of the board of county commissioners.

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

185        Section 10. The Ponte Vedra Zoning and Adjustment Board  
 186 created pursuant to this act shall not be a local planning  
 187 agency or land development regulation commission as referenced  
 188 in chapter 163, Florida Statutes, with the powers and duties  
 189 thereof except that, notwithstanding any provision of chapter  
 190 163, Florida Statutes, the Ponte Vedra Zoning and Adjustment

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191 Board, in place of the St. Johns County Local Planning Agency,  
 192 shall have authority to make recommendations to the board of  
 193 county commissioners as to whether land development of any  
 194 parcel of land located wholly within the Ponte Vedra Zoning  
 195 District is consistent with the St. Johns County Comprehensive  
 196 Plan.

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

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

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

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



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

221        Section 12. All quasi-judicial hearings of the Ponte Vedra  
 222 Zoning and Adjustment Board shall be held in the county seat at  
 223 a location designated by the county administrator.

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

227        Section 14. The Ponte Vedra Zoning and Adjustment Board  
 228 shall hold regular monthly meetings and may hold other meetings  
 229 at such other times as the Ponte Vedra Zoning and Adjustment  
 230 Board may determine. The chairperson, or in his or her absence  
 231 the vice chairperson or acting chairperson, of the Ponte Vedra  
 232 Zoning and Adjustment Board may administer oaths and compel  
 233 attendance of witnesses and production of evidence by subpoenas  
 234 which may be served by the sheriff of the county. All meetings  
 235 of the Ponte Vedra Zoning and Adjustment Board shall be open to  
 236 the public. The Ponte Vedra Zoning and Adjustment Board shall  
 237 keep minutes of its proceedings.

238        Section 15. All appeals of all final actions by the Ponte  
 239 Vedra Zoning and Adjustment Board shall be heard by the Board of  
 240 County Commissioners of St. Johns County in a de novo hearing.  
 241 However, the record of the hearing of the same case before the  
 242 Ponte Vedra Zoning and Adjustment Board shall be accepted into  
 243 evidence on appeal subject to ruling by the board of county  
 244 commissioners on proper objection to particular portions  
 245 thereof. Such appeals shall only be heard if a substantially  
 246 affected party files a notice of appeal with both the Ponte

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247 Vedra Zoning and Adjustment Board and the board of county  
 248 commissioners within 30 days after the final action by the Ponte  
 249 Vedra Zoning and Adjustment Board on the matter that is to be  
 250 appealed.

251 Section 16. The concurring vote of a majority of the total  
 252 membership of the Ponte Vedra Zoning and Adjustment Board shall  
 253 be necessary to take any official action other than to continue  
 254 or adjourn a meeting or hearing, except as provided herein.

255 Section 17. Dissolution of the Ponte Vedra Zoning District  
 256 or dissolution, merger, absorption, or termination of the Ponte  
 257 Vedra Zoning and Adjustment Board may not be enacted except  
 258 through a specific act of the Legislature.

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

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

284        Section 20. The Board of County Commissioners of St. Johns  
 285 County is hereby authorized to appropriate and pay out of the  
 286 general fund of said county annually such sum as may be  
 287 necessary for the purpose of defraying the expenses of zoning  
 288 said district and administering the provisions of this act.

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

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

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