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 HB 801, Engrossed 1

2005 Legislature

1 A bill to be entitled
 2 An act relating to the Ponte Vedra Zoning District, St.
 3 Johns County; codifying, amending, reenacting, and
 4 repealing special acts relating to the district; providing
 5 boundaries; providing for continued merger of the Ponte
 6 Vedra Zoning Board and the Ponte Vedra Board of Adjustment
 7 into the Ponte Vedra Zoning and Adjustment Board appointed
 8 by the St. Johns County Board of County Commissioners from
 9 residents and electors of the district; providing for
 10 membership of the Ponte Vedra Zoning and Adjustment Board;
 11 providing for the powers, functions, and duties of the
 12 board; providing that the board in place of the local
 13 planning agency established pursuant to chapter 163, F.S.,
 14 shall have the authority to make recommendations to the
 15 board of county commissioners in certain circumstances
 16 within the district; providing a location for hearings of
 17 the board; providing for funding; providing for frequency
 18 and calling of meetings by the board; providing
 19 severability; repealing chapters 65-2171 and 95-527, Laws
 20 of Florida; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Pursuant to section 189.429(1), Florida
 25 Statutes, this act constitutes the codification of all special
 26 acts relating to the Ponte Vedra Zoning District. It is the
 27 intent of the Legislature in enacting this law to provide a
 28 single, comprehensive special act charter for the district,

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29 including all current legislative authority granted to the
 30 district by its prior legislative enactment and any additional
 31 authority granted by this act. It is further the intent of this
 32 act to preserve all district powers and authority as set forth
 33 herein.

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 35 are codified, reenacted, amended, and repealed as herein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

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

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

55 Section 2. Such regulations shall be made in accordance
 56 with the St. Johns County Comprehensive Plan and designed to

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

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

71
72 Commence at the intersection of the high water line of
73 the Atlantic Ocean with the North line of Section 15,
74 Township 3 South, Range 29 East, St. Johns County,
75 Florida, said North line of Section 15 being also the
76 Northerly boundary of St. Johns County, for the Point
77 of Beginning; thence Westerly along the North Line of
78 Section 15 to the Northwest corner of Section 15;
79 thence continue Westerly along the North Line of
80 Section 16, Township 3 South, Range 29 East to the
81 Northwest corner of Government Lot 1 of said Section
82 16; thence Southerly along the West line of Government
83 Lots 1, 8, 9 and 16 of Section 16 to a point on the
84 South line of said Section 16; thence continue

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85 Southerly along the West line of Government Lots 1, 7
86 and 8 of Section 21, Township 3 South, Range 29 East
87 to the Southwest corner of said Government Lot 8;
88 thence Easterly along the South line of said
89 Government Lot 8 to a point 500 feet West of the
90 Southeast corner of said Government Lot 8; thence
91 Southerly along a line parallel to and 500 feet West
92 of the East line of Government Lot 12, Section 21 to a
93 point on the South line of Section 21 ; thence
94 continue Southerly along a line parallel to and 500
95 feet West of the East line of Government Lot 1,
96 Section 28, Township 3 South, Range 29 East to a point
97 on the South line of said Government Lot 1; thence
98 Easterly along the South line of said Government Lot 1
99 to a point on the East line of Section 28, said line
100 being also the West line of Section 27; thence
101 Southerly along the West line of Government Lots 4 and
102 8, Section 27, Township 3 South, Range 29 East to the
103 Southwest corner of said Government Lot 8; thence
104 Easterly along the South line of Government Lots 8 and
105 7, Section 27 to a point on the West line of Section
106 43, Township 3 South, Range 29 East; thence Northerly
107 along the West line of said Section 43 to the
108 Northwest corner of Section 43; thence Easterly along
109 the North line of Section 43 to a point on the East
110 edge of existing marsh land, said point being
111 approximately 200 feet West of the West right-of-way
112 line of State Road A-1-A (as established in 1965);

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113 thence Southerly following the East edge of existing
 114 marsh land when said East edge is 150 feet or more
 115 West of the center line of State Road A-1-A (as
 116 established in 1965) and following a line parallel to
 117 and 150 feet West of the center line of State Road A-
 118 1-A (as established in 1965) when the East edge of
 119 existing marsh land is nearer than 150 feet to the
 120 center line of State Road A-1-A (as established in
 121 1965), to a point on the South line of Section 36,
 122 Township 4 South, Range 29 East, St. Johns County,
 123 Florida; thence Easterly along the South line of said
 124 Section 36, Township 4 South, Range 29 East to a point
 125 on the high water line of the Atlantic Ocean; thence
 126 Northerly along the meanders of the high water line of
 127 the Atlantic Ocean to a point on the North line of
 128 Section 15, Township 3 South, Range 29 East, St. Johns
 129 County, Florida and the Point of Beginning.

130
 131 Section 4. The Board of County Commissioners of St. Johns
 132 County shall provide for the manner in which such regulations
 133 shall be determined, established, and enforced, and from time to
 134 time amended, supplemented, or changed. However, no such
 135 regulation or restriction shall become effective until after a
 136 public hearing in relation thereto, at which parties in interest
 137 and citizens shall have an opportunity to be heard. At least 15
 138 days' notice of the time and place of such hearing shall be
 139 published in a paper of general circulation in St. Johns County.

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

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

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

166 Section 8. Appointments to the Ponte Vedra Zoning and
167 Adjustment Board under section 7 shall be for 4-year terms,

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

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

181 Section 10. The Ponte Vedra Zoning and Adjustment Board
 182 created pursuant to this act shall not be a local planning
 183 agency or land development regulation commission as referenced
 184 in chapter 163, Florida Statutes, with the powers and duties
 185 thereof except that, notwithstanding any provision of chapter
 186 163, Florida Statutes, the Ponte Vedra Zoning and Adjustment
 187 Board, in place of the St. Johns County Local Planning Agency,
 188 shall have authority to make recommendations to the board of
 189 county commissioners as to whether land development of any
 190 parcel of land located wholly within the Ponte Vedra Zoning
 191 District is consistent with the St. Johns County Comprehensive
 192 Plan.

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

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

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

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

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

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

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

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

234 Section 15. All appeals of all final actions by the Ponte
 235 Vedra Zoning and Adjustment Board shall be heard by the Board of
 236 County Commissioners of St. Johns County in a de novo hearing.
 237 However, the record of the hearing of the same case before the
 238 Ponte Vedra Zoning and Adjustment Board shall be accepted into
 239 evidence on appeal subject to ruling by the board of county
 240 commissioners on proper objection to particular portions
 241 thereof. Such appeals shall only be heard if a substantially
 242 affected party files a notice of appeal with both the Ponte
 243 Vedra Zoning and Adjustment Board and the board of county
 244 commissioners within 30 days after the final action by the Ponte
 245 Vedra Zoning and Adjustment Board on the matter that is to be
 246 appealed.

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

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251 Section 17. Dissolution of the Ponte Vedra Zoning District
252 or dissolution, merger, absorption, or termination of the Ponte
253 Vedra Zoning and Adjustment Board may not be enacted except
254 through a specific act of the Legislature.

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

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

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278 circumstances, such holding shall not affect the applicability
 279 thereof to any other person, property, or circumstances.

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

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

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

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