

Growth and Planning

in Ponte Vedra and St. Johns County

December 6, 2017
Ponte Vedra Coalition



I. Land Use and Zoning

- **Land Use**

- Variances and Waivers

- Tools

- Two significant documents define the County's policies on growth:
 - *The Comprehensive Plan*
 - *The Land Development Code/Ponte Vedra Zoning Ordinance/Zoning Map*
- St. Johns County's 2025 Comprehensive Plan and the Land Development Code designate properties in the County with both a land use and a zoning designation. In 'Ponte Vedra', the Ponte Vedra Zoning Ordinance also applies.

Presentation Overview

- I. Land Use and Zoning
- II. Variances and Waivers
- III. Tools: How to stay informed

I. Land Use and Zoning

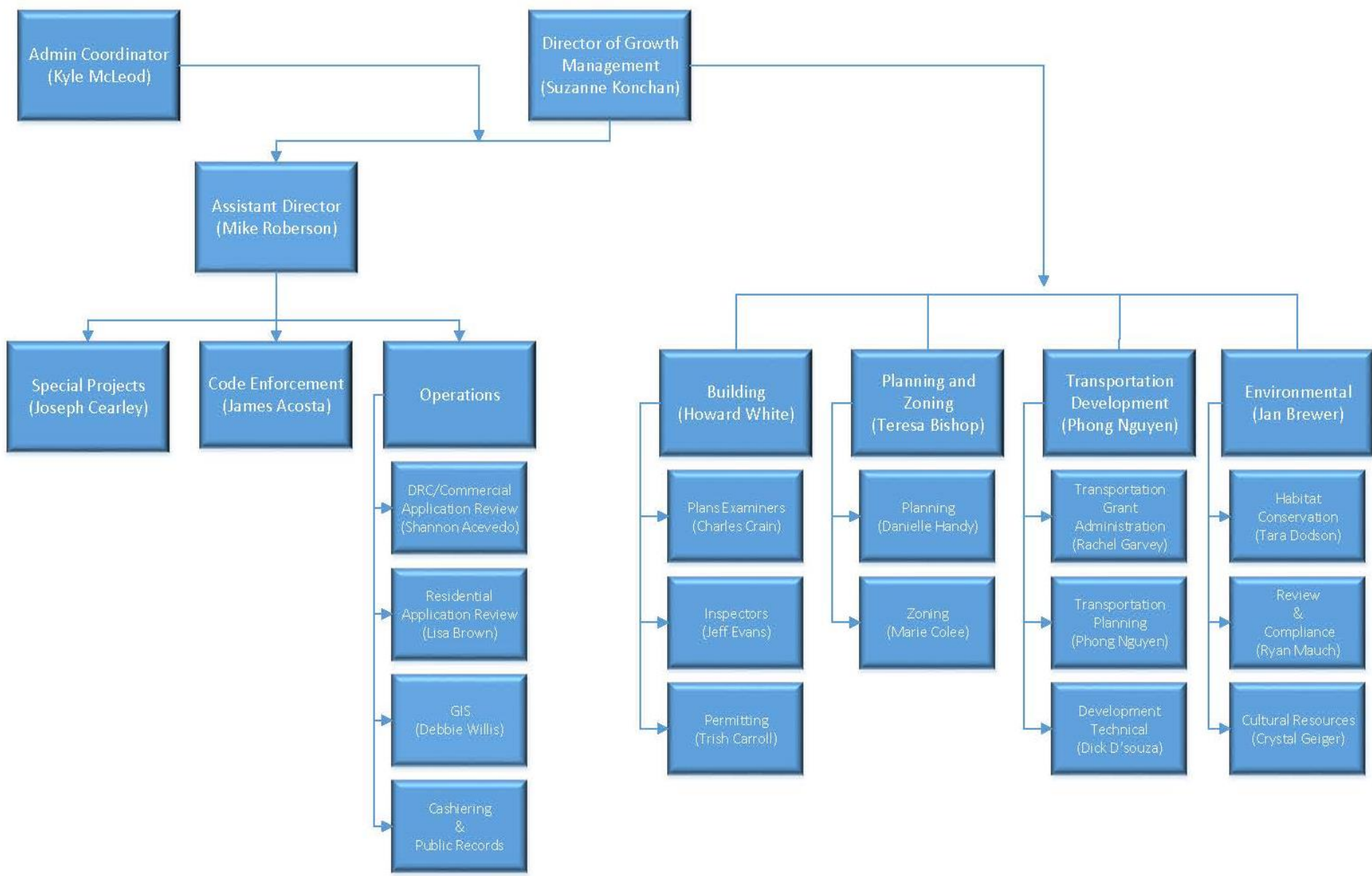


Overview

The county has many departments involved in various aspects of addressing growth and planning. The Growth Management Department is comprised of five main divisions:

- Planning and Zoning
- Building Services
- Transportation Development
- Environmental
- Code Enforcement

Other key departments we work with include Public Works, Fire Rescue, Parks, Housing and Attorneys Office.



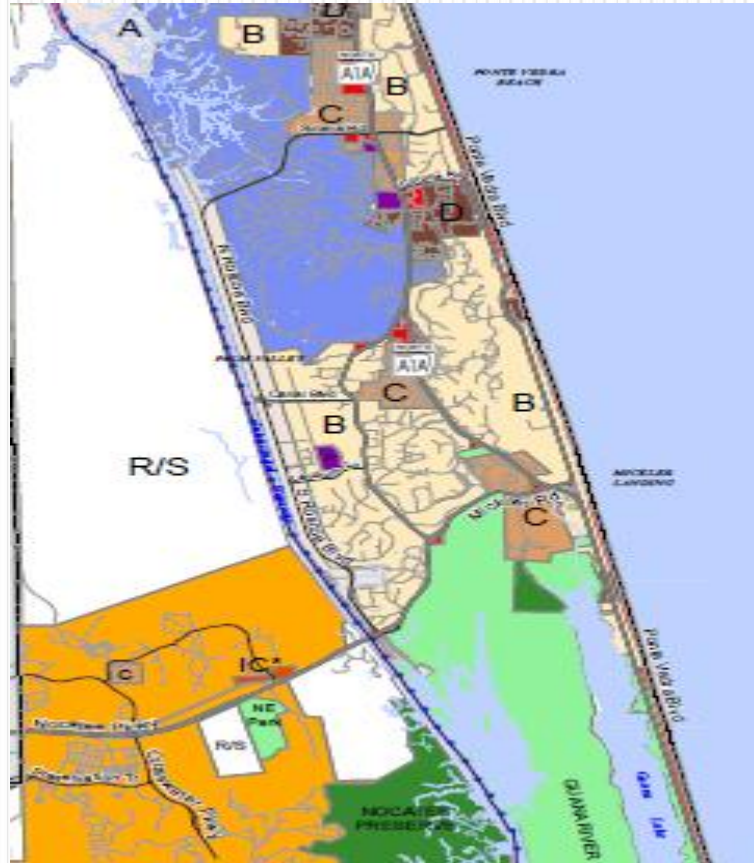
I. Land Use and Zoning

- Land Use
- Trends
- Tools

- The Comprehensive Plan has eight elements required by statute:
 - Land Use
 - Transportation
 - Infrastructure
 - Coastal Conservation
 - Housing
 - Recreation/Open Space
 - Capital Improvement
 - Intergovernmental Coordination
- The Comprehensive Plan also includes a series of maps, including the Future Land Use Map.

I. Land Use and Zoning

Future Land Use Map (FLUM)



Comprehensive Plan Amendments

- Land Use

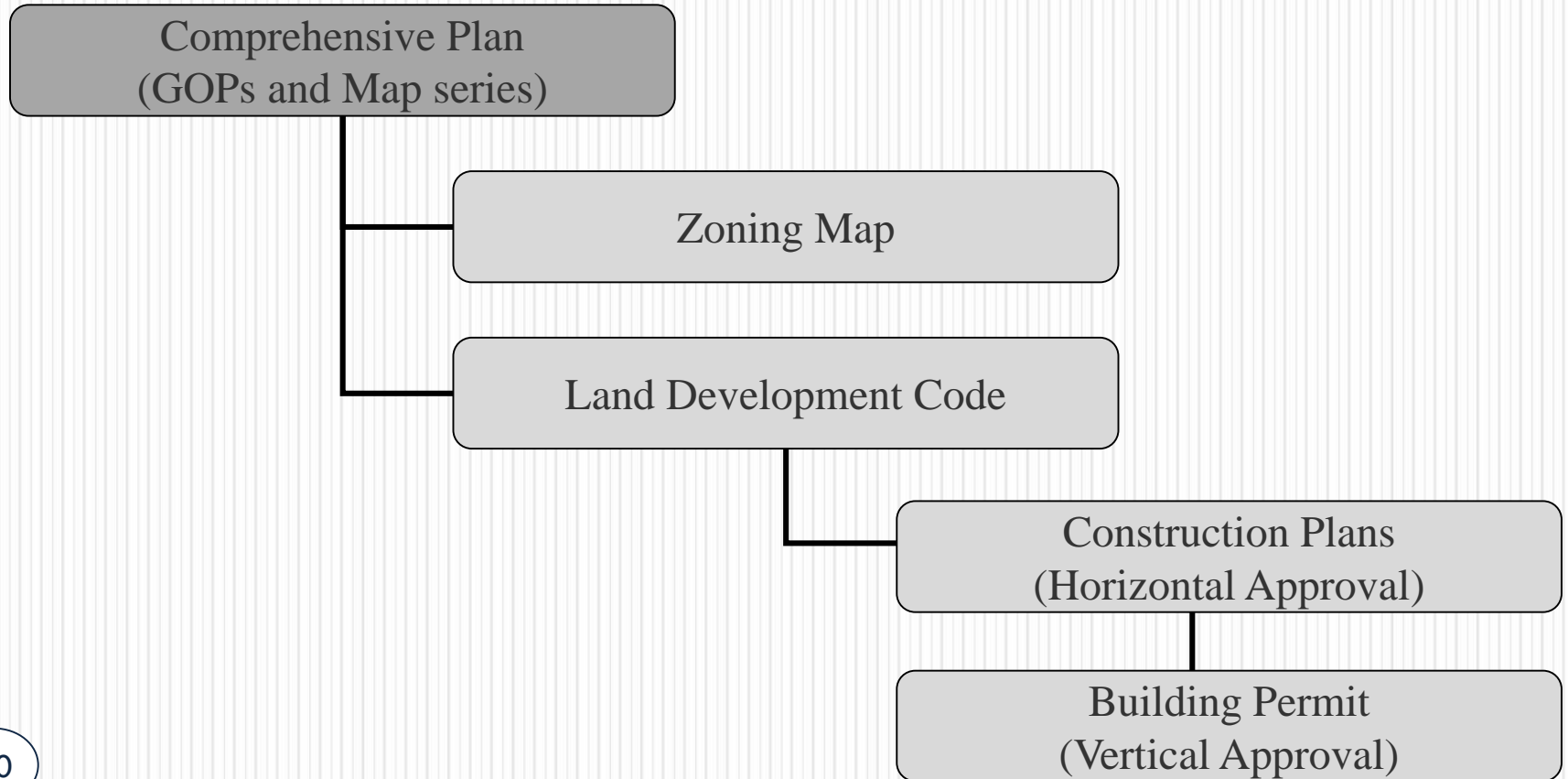
- Variances and Waivers

- Tools

Key criteria for considering FLUM amendments:

- Location near infrastructure, other development
- Type of development (Residential, Office, Commercial, Industrial)
- Neighborhood compatibility
- Fiscal impacts
- Adequate roads/schools/fire services/etc.
- Innovative design
- Existing inventory/timing

I. Land Use and Zoning



I. Land Use and Zoning

- **Land Use**

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- The Future Land Use Map assigns properties a land use designation. The Zoning Atlas assigns properties zoning designations.
- Incompatibilities between the assigned zoning and the Future Land Use Map designation occur because the zoning existed prior to the adoption of the Comprehensive Plan.
- In those cases, the Future Land Use Map is the legally controlling document and zoning designations cannot supersede or override the Comprehensive Plan.

I. Land Development Code

- **Land Use**

- Variances and Waivers

- Tools

- The Code has 12 Articles that address the use of land. Some provisions include:
 - Uses that are allowed in a zone district
 - Setbacks, height, building coverage
 - Drainage and stormwater standards
 - Tree and wetland regulations
 - Signs
 - Overlay districts
 - Concurrency

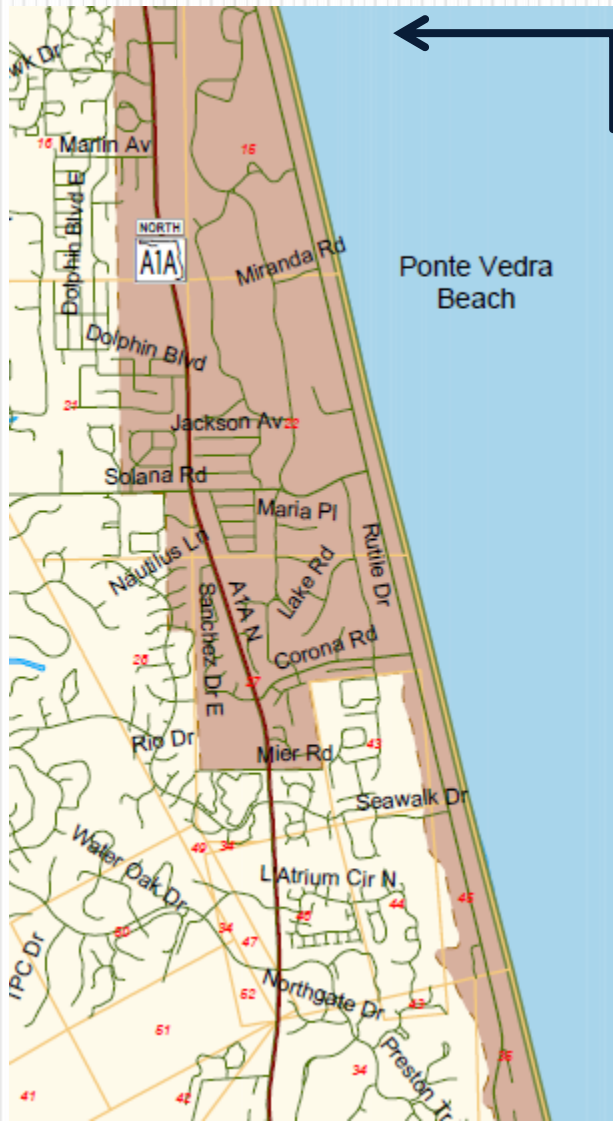
I. Land Development Code

- **Land Use**

- **Variances and Waivers**

- **Tools**

- The Ponte Vedra Zoning Ordinance applies only in the geographic area shown in brown on the next slide.
- In this area, the provisions of the Ponte Vedra Ordinance apply instead of the County's overall Land Development Code, except when the PVZO is silent.
- Rules for review of variances are slightly different in this area.



Duval Border

PONTE
VEDRA
ZONING
ORDINANCE
(AREA IN
BROWN)

Southern tip
of the Guana



St. Johns County

Atlantic
Ocean

Mickler
Landing

Guana River State Wildlife Management Area
Guana Lake

II. Variances and Waivers



II. Variances – Two Types

- Land Use
- **Variances and Waivers**
- Tools

Variances and Non-Zoning Variances

- Virtually every code standard may be subject to a *request* for an exception, except allowable uses.
- Depending on what code section is under consideration, the application type is either a Variance or a Non-Zoning Variance.
- The difference between a Variance and a Non-Zoning Variance is the standard of review, or said another way, the required ‘findings’ for approval.

VARIANCES (Both in the LDC and the Ponte Vedra Zoning Ordinance)

- Land Use
- Variances and Waivers
- Tools

Variance, Zoning: Variance is a relaxation of the terms of this Code where; i) such Variance will not be contrary to the public interest, and where; ii) by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or by reason of the Use or Development of property immediately adjoining the piece of property in question, iii) the literal enforcement of the requirements of this Code would cause undue hardship to carry out the spirit and purpose of this Code, and iv) the Variance would not be contrary to the spirit and purpose of this Code. In this context personal, family or financial difficulties, loss of prospective profits, neighboring violations, or hardships created by any act of the owner, are not considered hardships justifying a Variance.

II. Variances

- Land Use
- **Variances and Waivers**
- Tools

In the LDC **variances** are required for exceptions to standards such as:

- Lot area
- Height
- Lot width
- Setbacks
- Parking Standards
- Special Use Design Standards
- Buffer and Screening Standards

These require a hardship finding NOT caused by the applicant.

II. Non Zoning Variances (Both in the LDC and the Ponte Vedra Zoning Ordinance)

- Land Use
- Variances and Waivers
- Tools

The BCC shall not vary the requirements of any provision of this Code unless it makes a positive finding, **based on substantial evidence**, on each of the following:

1. There are **practical difficulties** in carrying out the strict letter...
2. The Variance request is **not based exclusively upon a desire to reduce the cost** of developing the site.
3. The proposed Variance will **not substantially increase congestion** on surrounding public streets, the **danger of fire, or other hazard** ...
4. The proposed Variance will **not substantially diminish property values** in, nor alter the essential character of, the area....
5. The effect of the proposed Variance is **in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.**

II. Non-Zoning Variances

- Land Use
- **Variances and Waivers**
- Tools

In the Land Development Code **Non-Zoning Variances** are required for any exception to standards not listed as a Variance, such as:

- Overlay Standards (Architectural, landscaping, buffer....)
- Landscaping, tree requirements, wetland buffers
- Access standards (e.g. number of homes via an easement)
- Signs

LDC Section 10.4 and Ponte Vedra Zoning Ordinance Section 12.J specify exactly which sections of each ordinance is subject to a variance. Exceptions to all other sections are non-zoning variances.

II. Ponte Vedra Zoning Variances and Non-Zoning Variances

- Land Use
- **Variances and Waivers**
- Tools

In the Ponte Vedra Zoning Ordinance **Variances** are required for all requirements of the Ordinance **except:**

- Upland buffers and setbacks
- Ponte Vedra Overlay Standards (ARC)
- Road standards and Easement standards
- Parking and loading standards.

***Reminder:** Variances require a hardship finding NOT caused by the applicant. Non Zoning Variances must basically show practical difficulty that does not diminish property values and is in 'harmony' with the intent of the Code.*

II. Variances

- Land Use
- **Variances and Waivers**
- Tools

- In all of the County (under the LDC) **Variances** are heard by the Planning and Zoning Agency, with the ability for an interested party to file an appeal to the Board of County Commissioners.
- In the area governed under the Ponte Vedra Zoning Ordinance **Variances** are heard by the Ponte Vedra Zoning and Adjustment Board, with the ability for an interested party to file an appeal to the Board of County Commissioners.

II. Non-Zoning Variances

- Land Use
- **Variances and Waivers**
- Tools

- In the County areas under the LDC, **Non-Zoning Variances** are heard by the Board of County Commissioners.
- In the area governed under the Ponte Vedra Zoning Ordinance **Non-Zoning Variances** are heard by the Ponte Vedra Zoning and Adjustment Board, with the ability for an interested party to file an appeal to the Board of County Commissioners.

II. Variances and Non-Zoning Variances

- Land Use
- **Variances and Waivers**
- Tools

- Both Variances and Non-Zoning Variances are Quasi-Judicial actions, which require disclosure of ex-parte communication.
- Finding for both types of applications finding must be based on evidence that rises to level of being Substantial Competent Evidence.
- Substantial evidence has been described as such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred....such relevant evidence as a reasonable mind would accept as adequate to support a conclusion.

II. Variances and Non-Zoning Variances

- Land Use
- **Variances and Waivers**
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Typically substantial competent evidence:

- is legally sound (sufficient and admissible evidence, although it doesn't have to comply with courtroom formality);
- is real (non-speculative, non-hypothetical) and based on facts (more than conjecture, unsupported generalized statements, surmise, mere probabilities, guesses, whims, or caprices);
- is reliable (credible, believable);
- is material (pertinent, relevant);
- tends to prove the points (facts, elements, standards) that must be proven (not just create a suspicion);
- establishes a reasonable, substantial justification (basis of fact); and
- a reasonable mind would accept it as enough (adequate) to support the argued for conclusion.

II. Variances and Non-Zoning Variances

- Land Use
- **Variances and Waivers**
- Tools

- Applicant bears the burden of demonstrating by competent substantial evidence that there exists a special condition or unique circumstance of the property.
- The Agency/Board may consider the quality (character convincing power, probative value or weight) of the evidence and testimony in the Staff report as well as by Staff, evidence and testimony produced by the applicant, and of the evidence and testimony produced by public comment.

II. Variances and Non-Zoning Variances

- Land Use
- **Variances and Waivers**
- Tools

- The Agency/Board may grant such relief to the extent only necessary to alleviate the hardship.
- If the evidence presented does not warrant the full relief requested, the Agency may grant only a portion of the relief.
- The Agency may attach additional reasonable conditions to further mitigate the effect of the requested relief along with corresponding findings.

II. Waivers

- Land Use
- **Variances and Waivers**
- Tools

In Planned Unit Developments, exceptions (variances) to any code standard is made via a waiver. If such a request is made the text must describe it as follows:

- A description of any requested waivers from the strict provisions of the Land Development Code to allow for innovative design techniques and alternative development patterns through the PUD zoning process. An explanation of the benefits arising from the application of flexible standards and criteria of this Code shall be provided to justify the need for such waivers.

II. Waivers

- Land Use
- **Variances and Waivers**
- Tools

- Waivers in PUDS tend to be to LDC development standards.
- There are a handful of PUD zoning standards in the Land Development Code, but most are customized for the site.
- Exceptions to parking, roads, wetland issues, etc. tend to be the most common.
- **The finding for variances and non-zoning variances DO NOT apply.**

II. Prominent Application Types in Northeast St. Johns County

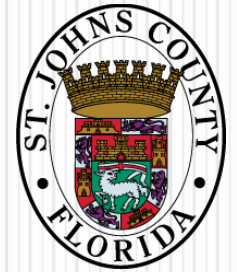
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- **Variances and Waivers**

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- New homes on the few remaining lots (which are typically the most constrained lots).
- Redevelopment of older homes.
- Smaller subdivisions (4-30 lots)
- DRI Modifications and companion PUD Modifications.

III. Tools





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FYIs

Vilano Beach and Porpoise Point Vehicular Access Closed for Sand Placement

Popular:

- Commissioners
- Agendas & Minutes
- Permit Status
- Utilities / Bill Pay
- GIS / iMap / Map Mart
- Building Services
- Employment
- Parks & Recreation
- Pet Center
- Public Records Requests

Featured:

- Land Development Code
- Development Tracker
- Economic Development
- Government Transparency
- School Zones
- SJCFL Most Viewed
- Boards & Committees
- Volunteer with SJC
- Road Construction / Closures Mapping



Development Tracker







Disclaimer Legend

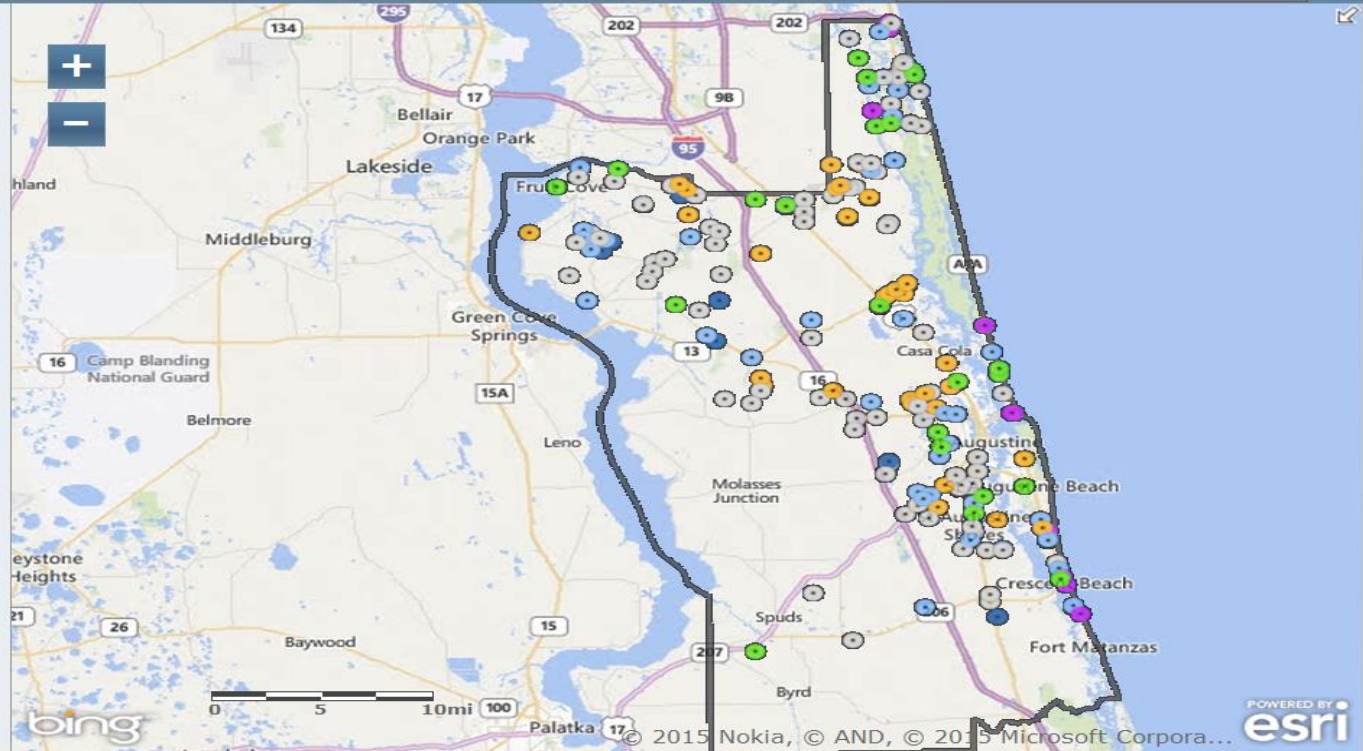
Print Layers Basemap Measure Share

Search

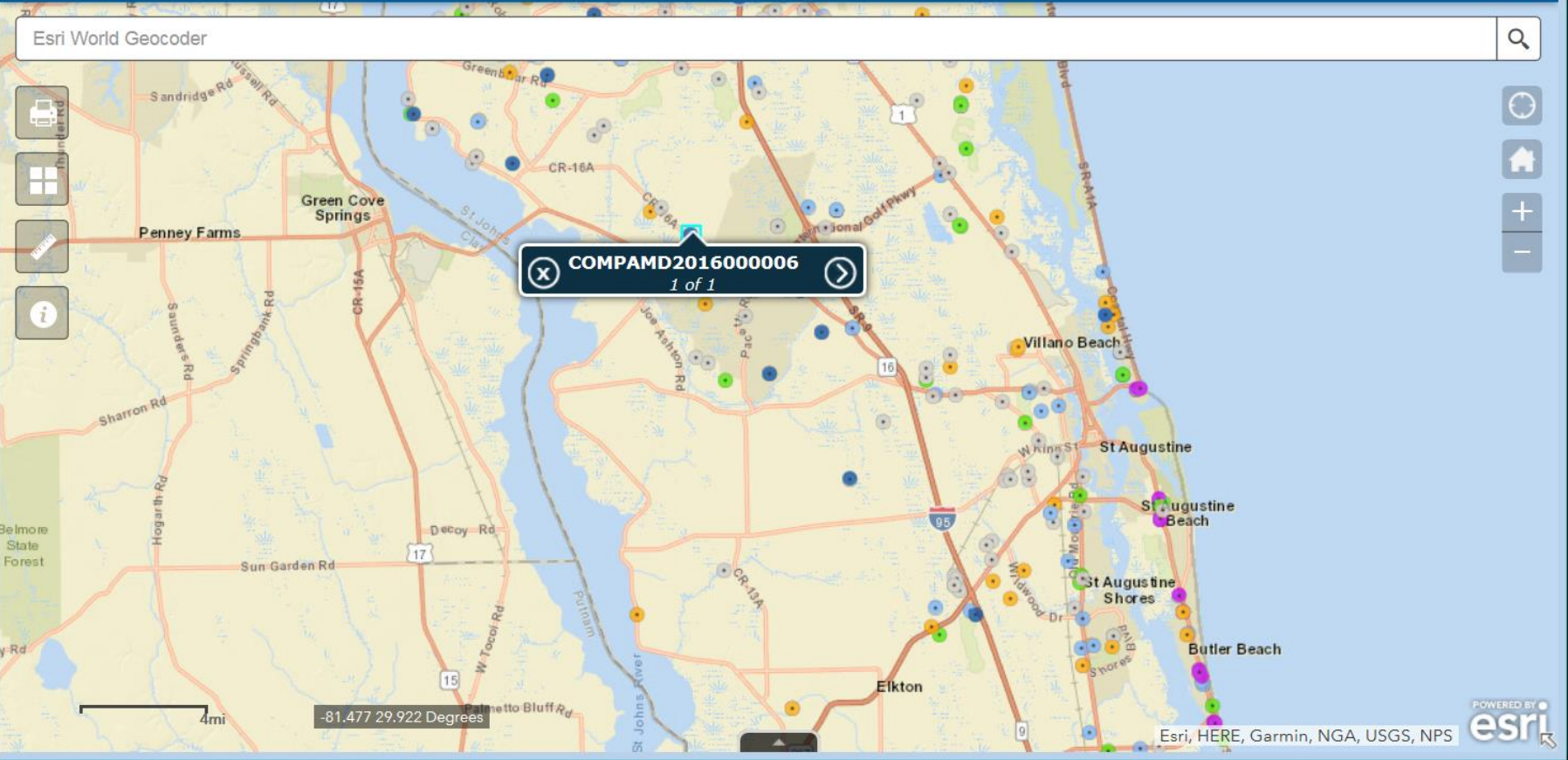
Developments

Project Locations

-  BCC Items
-  Comprehensive Plan Amendments; CPA(SS)
-  Non-Hearing Permits
-  Overlay Districts
-  PZA Items
-  Rezoning Applications



Development Tracker



1 of 1

COMPAMD201600006

Project Name	Minorcan Mill
Location	6700 County Road 16A
Description	Request for a Comprehensive Plan Amendment to amend 58.85 acres on the future land use map from Agricultural Intensive to Residential C, with a text amendment limiting the maximum number of single-family residential units to 150
Number of Lots	150
Non-Residential Sq Ft	
Meetings	BCC 6/6/2017 PZA 4/20/2017 PZA/PV 4/20/2017
Status Update	Under staff review
Commissioner District	2

...



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Growth Management



Announcements

Streamlined Permitting – We've improved the residential construction and home renovations permitting process to save time and money for applicants. Only the [Building Permit Application](#) that contains both a Clearance Sheet and a Building Permit Application is required now. Clearance sheet and building permit requests may be submitted simultaneously, or sequentially (clearance sheet then building permit). For more information, call (904) 209-0724.

Development Tracker Interactive Mapping – Track development in and around St. Johns County neighborhoods, including rezoning applications and special use permits. [Development Tracker](#)

Growth Management Department

The Growth Management Department facilitates well-designed, efficient, healthy, and safely built developments, while ensuring preservation of the natural and cultural environment. Responsibilities include long range planning, environmental planning and education, building permitting, and development review. In coordination with state and federal laws, the Department ensures compliance with all County codes and regulations including the Comprehensive Plan, the Florida Building Code, Ponte Vedra Zoning Ordinances, and the Land Development Code, as well as maintaining related public records.

Growth Management Divisions & Information

Building Services Division

The Building Services Division issues permits and inspects construction activity in St. Johns County to protect life, health and property. Get information on permitting, inspections, and contractor licensing.

- [Permit Status](#): Check the status of an application for a building permit, clearance sheet, or development.

Code Enforcement

Public Request Inquiry Data Exchange (PRIDE), Special Magistrate, political and advertising signs, junk and

Growth Management

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Related Links

- [Permit Status](#)
- [Growth Management Fees](#)
- [Neighborhood Bill of Rights](#)
- [Land Development Regulations](#)
- [Development Review Manual](#)
- [Standards & Details](#)
- [Flood Facts](#)
- [Impact Fees](#)
- [Solid Waste Fees](#)
- [Tower Consultant Fee](#)
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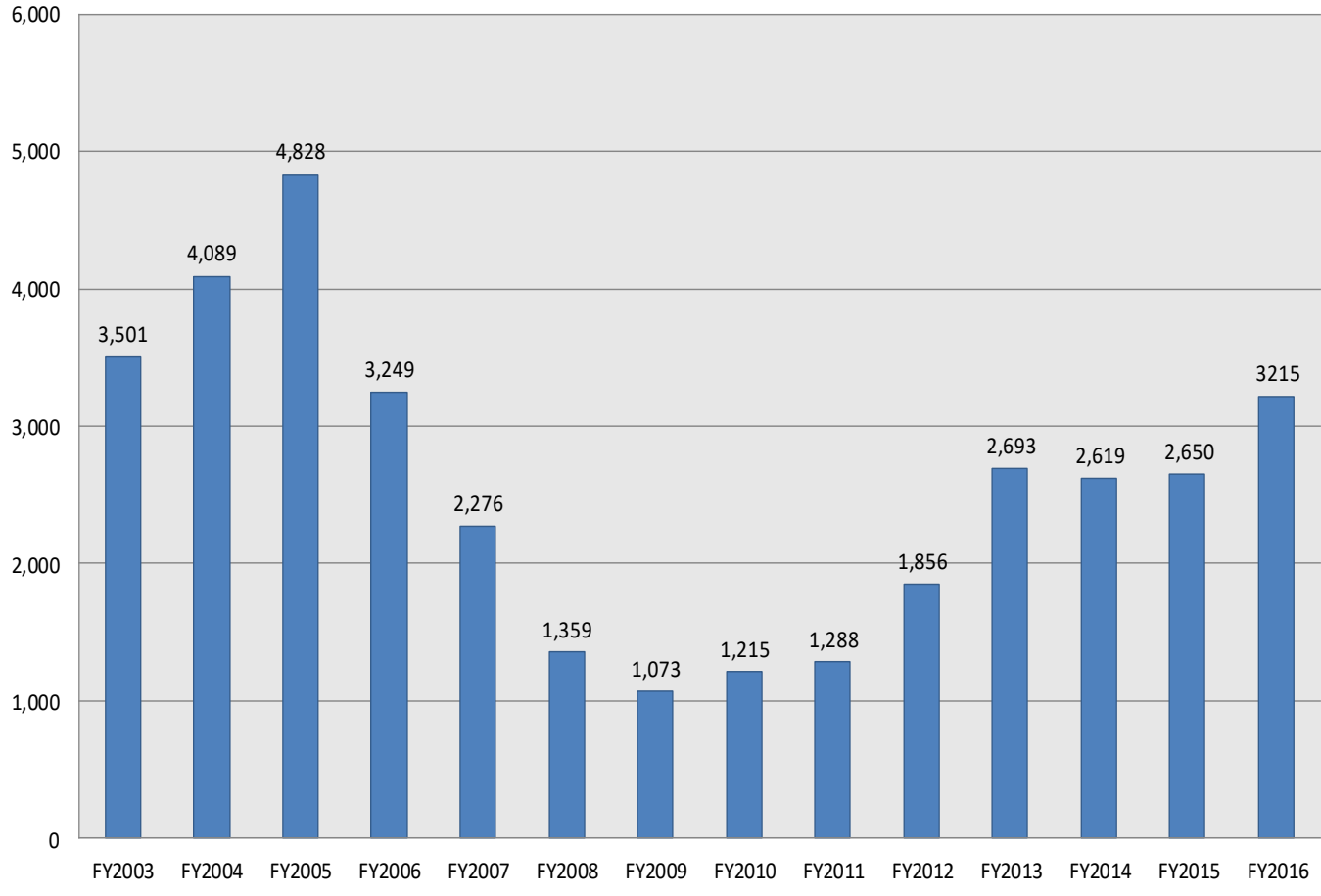
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Thank you, are there any
questions?



Single Family Permits



FY 2017: 3755



Calendar
Year 2017:
+/- 4050