

EMERGENCY PROCLAMATION NO. 2020- 7

A PROCLAMATION WAIVING CERTAIN PROCEDURES AND FORMALITIES PERTAINING TO THE NOTICE OF PUBLIC HEARINGS IN SECTION 9.06.04 OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED.

WHEREAS, on or about March 1, 2020, the Governor of the State of Florida issued Executive Order Number 20-51, declaring a Public Health Emergency in the State of Florida because of the threat of the Coronavirus Disease 2019 (COVID-19) to spread among humans, which may pose a threat to public health and safety and cause a threat to the entire State of Florida, including St. Johns County; and

WHEREAS, on or about March 9, 2020, the Governor of the State of Florida issued Executive Order Number 20-52, which, among other things, waived procedures and formalities otherwise required by law for political subdivisions in accordance with the provisions of Section 252.38, Florida Statutes; and

WHEREAS, on March 17, 2020, St. Johns County Emergency Proclamation No. 2020-1 declared a state of local emergency, pursuant to Chapter 252, Florida Statutes and St. Johns County Ordinance No. 2019-40, because of the severe threat that COVID-19 poses to St. Johns County, Florida; and

WHEREAS, on March 24, 2020 and March 31, 2020, pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Board of County Commissioners extended the state of local emergency for an additional seven (7) days; and

WHEREAS, COVID-19 has caused extensive concerns to the private citizens and public sectors in St. Johns County; and

WHEREAS, St. Johns County is exerting efforts to address emergency conditions and assist affected citizens and properties; and

WHEREAS, part of those efforts is to safely and expeditiously conduct the business of the County and to facilitate the conduct of economic activity and private business, the rights of applicants, and the rights of interested persons to be heard, while protecting the health, safety, and welfare of public officials, members of the public, the public sector, and private citizens; and

WHEREAS, Section 9.06.04 of the Land Development Code (LDC) provides additional notice criteria for land use items and applications, which are more stringent than the notices required by the state; and

WHEREAS, Section 9.06.04 of the LDC requires mailed notice to adjacent property owners within 15 business days of a hearing, a posting of a sign within 15 days of a hearing, and a publication in a newspaper of general circulation within 15 days of a hearing as additional noticing requirements imposed by the County; and

WHEREAS, St. Johns County, as well as members of private business and the general public, have raised concerns about the ability of St. Johns County to facilitate, or not impair, economic activity and the conduct of private business and public business, while protecting the health, safety, and welfare of public officials, members of the public, the public sector, and private citizens in light of COVID-19 and the Centers for Disease Control and Prevention (CDC) guidance regarding social distancing and avoiding gatherings of more than ten (10) people; and

WHEREAS, Executive Order Number 20-69 and St. Johns County Emergency Proclamation No. 2020-03 permit the County to hold a public hearing without a physical quorum being present and to use Communications Media Technology (CMT) in order to facilitate the right of the public to notice and an opportunity to be heard;

WHEREAS, on March 31, 2020, the Board of County Commissioners unanimously voted to continue land use items until a CMT proceeding may be held that allows public officials, applicants, and members of the public to meaningfully participate in a public hearing without technical issues that would prevent the opportunity to be heard; and

WHEREAS, the Executive Order Number 2020-52, Emergency Proclamation Nos. 2020-1, 2020-2, and 2020-4, and St. Johns County Ordinance No. 2019-40 authorize the waiver by St. Johns County of procedures and formalities required of the County by law or by County ordinance, policies, rules, or regulation pertaining to, among other things, the performance of public work and the taking of whatever prudent action is necessary to ensure the health safety, and welfare of the community; and

WHEREAS, noticing the land use items, or any land use items thereafter continued, to future dates of a CMT proceeding may require the waiver of certain formalities of notice imposed by the St. Johns County LDC; and

WHEREAS, during the pendency of the state of local emergency, the Board of County Commissioners determines that the forms of notice required in the LDC should be reasonable notice in lieu of the requirements of Section 9.06.04 of the LDC; and

WHEREAS, statutory and state noticing requirements for land use items and applications are not waived by this Proclamation; and

WHEREAS, reasonable notice of the forms of notice required by Section 9.06.04 provides the general public notice and an opportunity to be heard for quasi-judicial land use items that require the use of CMT proceedings for public participation in compliance with Chapter 286, Florida Statutes, and Article 1, Section 24 of the Florida Constitution.

WHEREAS, during the pendency of the state of local emergency, the waiver of certain procedures and formalities of Section 9.06.04 of the LDC furthers the public interest by allowing for the safe and expeditious conduct of the business of the County and the facilitation of economic activity and private business, while protecting public health, safety, and welfare and following CDC guidance regarding social distancing and gatherings.

NOW THEREFORE, in accordance with the emergency power vested in the County pursuant to Chapter 252, Florida Statutes, and St. Johns County Ordinance No. 99-51, it is hereby ordered:

1. The above recitals are hereby incorporated into the body of this Proclamation and adopted as findings of fact.
2. The definitions set forth in Article XII of the Land Development Code are hereby incorporated into this Proclamation.
3. The requirements of Sections 9.06.04.B, Mailed Notices, 9.06.04.C, Published Notice, and 9.06.04.D, Signs, of the LDC are hereby waived for the pendency of the state of local emergency.

4. Notice of hearings as required in Section 9.06.04 of the LDC shall instead be required to be noticed in a reasonable manner as determined by the County Administrator so long as that notice complies with any applicable, specific statutory requirement.

5. This Proclamation shall expire upon the expiration of St. Johns County Emergency Proclamation No. 2020-1, including any extension thereof.

6. This Proclamation shall be effective upon filing with the Clerk in accordance with Section 252.46, Florida Statutes.

DONE and ORDERED this 7th day of April, 2020.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By: *[Signature]*

Job S. Smith
Printed Name

ATTEST: Brandon Patty, Clerk

By: *Pam Halterman*
Deputy Clerk

